

HB5196



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5196

Introduced 2/9/2024, by Rep. Brad Halbrook

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. Makes other technical changes. Effective immediately.

LRB103 38456 RLC 68592 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6 is repealed.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9 is repealed.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12 repealed.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 (15 ILCS 205/10 rep.)

17 Section 45. The Attorney General Act is amended by
18 repealing Section 10.

19 Section 50. The Illinois State Police Law of the Civil
20 Administrative Code of Illinois is amended by changing Section
21 2605-302 as follows:

22 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

23 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 55. 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 60. 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 65. 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 70. The State Finance Act is amended by repealing
17 Section 5.990 as added by Public Act 102-1104.

18 Section 75. The Community Partnership for Deflection and
19 Substance Use Disorder Treatment Act is amended by changing
20 Sections 1, 5, 10, 15, 20, 30, and 35 as follows:

21 (50 ILCS 71/1) (was 5 ILCS 820/1)

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

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

5 (50 ILCS 71/5) (was 5 ILCS 820/5)

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

1 deflection programs in Illinois that offer immediate pathways
2 to substance use treatment and other services as an
3 alternative to traditional case processing and involvement in
4 the criminal justice system, ~~and to unnecessary admission to~~
5 ~~emergency departments.~~

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

7 (50 ILCS 71/10) (was 5 ILCS 820/10)

8 Sec. 10. Definitions. In this Act:

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

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

22 ~~"Other first responder" means and includes emergency~~
23 ~~medical services providers that are public units of~~
24 ~~government, fire departments and districts, and officials and~~
25 ~~responders representing and employed by these entities.~~

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

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

23 (2) a self-referral deflection response initiated by
24 an individual by contacting a peace officer, law
25 enforcement agency,~~other first responder,~~ or local
26 government agency in the acknowledgment of their substance

1 use or disorder;

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

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

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

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

24 "Law enforcement agency" means a municipal police
25 department or county sheriff's office of this State, the
26 Illinois State Police, or other law enforcement agency whose

1 officers, by statute, are granted and authorized to exercise
2 powers similar to those conferred upon any peace officer
3 employed by a law enforcement agency of this State.

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

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

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

25 "Substance use disorder" means a pattern of use of alcohol
26 or other drugs leading to clinical or functional impairment,

1 in accordance with the definition in the Diagnostic and
2 Statistical Manual of Mental Disorders (DSM-5), or in any
3 subsequent editions.

4 "Treatment" means 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 who have
10 substance use disorders, persons with mental illness, or
11 families of those persons.

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

14 (50 ILCS 71/15) (was 5 ILCS 820/15)

15 Sec. 15. Authorization.

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

24 (b) The deflection program may involve a post-overdose
25 deflection response, a self-referral deflection response, a

1 pre-arrest diversion response, an active outreach deflection
2 response, an officer ~~or other first responder~~ prevention
3 deflection response, or an officer intervention deflection
4 response, or any combination of those.

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

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

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

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

23 (2) an agreement with the Illinois Criminal Justice
24 Information Authority to collect and evaluate relevant
25 statistical data related to the program, as established by
26 the Illinois Criminal Justice Information Authority in

1 paragraph (2) of subsection (a) of Section 25 of this Act.

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

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

9 (50 ILCS 71/20) (was 5 ILCS 820/20)

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

23 A deflection program organized and operating under this
24 Act may accept, receive, and disburse, in furtherance of its
25 duties and functions, any funds, grants, and services made

1 available by the State and its agencies, the federal
2 government and its agencies, units of local government, and
3 private or civic sources.

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

5 (50 ILCS 71/30) (was 5 ILCS 820/30)

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

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

14 (50 ILCS 71/35) (was 5 ILCS 820/35)

15 Sec. 35. Funding.

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

22 (Blank). ~~(a.1) Up to 10 percent of appropriated funds may~~
23 ~~be expended on activities related to knowledge dissemination,~~
24 ~~training, technical assistance, or other similar activities~~

1 ~~intended to increase practitioner and public awareness of~~
2 ~~deflection and/or to support its implementation. The Illinois~~
3 ~~Criminal Justice Information Authority may adopt guidelines~~
4 ~~and requirements to direct the distribution of funds for these~~
5 ~~activities.~~

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

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

26 (2) case management including case management provided

1 prior to assessment, diagnosis, and engagement in
2 treatment, as well as assistance navigating and gaining
3 access to various treatment modalities and support
4 services;

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

9 (4) transportation to a licensed treatment provider or
10 other program partner location;

11 (5) program evaluation activities;

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

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

20 (8) wraparound participant funds to be used to
21 incentivize participation and meet participant needs.
22 Eligible items include, but are not limited to, clothing,
23 transportation, application fees, emergency shelter,
24 utilities, toiletries, medical supplies, haircuts, and
25 snacks. Food and drink is allowed if it is necessary for
26 the program's success where it incentivizes participation

1 in case management or addresses an emergency need as a
2 bridge to self-sufficiency when other sources of emergency
3 food are not available.

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

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

15 (50 ILCS 71/21 rep.)

16 Section 80. The Community Partnership for Deflection and
17 Substance Use Disorder Treatment Act is amended by repealing
18 Section 21.

19 (50 ILCS 105/4.1 rep.)

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

22 Section 90. The Local Records Act is amended by changing
23 Section 3b as follows:

1 (50 ILCS 205/3b)

2 Sec. 3b. Arrest records and reports.

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

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

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

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

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

14 (5) (Blank).

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

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

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

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

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

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

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

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

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

25 (f) All information, including photographs, made available
26 under this Section is subject to the provisions of Section

1 2000 of the Consumer Fraud and Deceptive Business Practices
2 Act.

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

4 (50 ILCS 205/25 rep.)

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

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

9 (50 ILCS 705/6.2)

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

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

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

22 (2) the officer resigns during the course of an
23 investigation and after the officer has been served notice

1 that he or she is under investigation that is based on the
2 commission of a Class 2 or greater ~~any~~ felony ~~or sex~~
3 ~~offense~~.

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

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

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

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

22 (50 ILCS 705/10.17)

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

25 (a) The Illinois Law Enforcement Training Standards Board

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

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

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

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

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

11 (50 ILCS 705/10.6 rep.)

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

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

17 (50 ILCS 706/10-10)

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

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

22 "Board" means the Illinois Law Enforcement Training
23 Standards Board created by the Illinois Police Training Act.

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

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

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

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

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

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

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

26 "Law enforcement agency" means all State agencies with law

1 enforcement officers, county sheriff's offices, municipal,
2 special district, college, or unit of local government police
3 departments.

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

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

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

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

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

26 "Recording" means the process of capturing data or

1 information stored on a recording medium as required under
2 this Act.

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

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

9 (50 ILCS 706/10-15)

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

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

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

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

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

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

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

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

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

1 ~~Act.~~

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

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

7 (50 ILCS 706/10-20)

8 Sec. 10-20. Requirements.

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

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

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

25 (3) Cameras must be turned on at all times when the

1 officer is in uniform and is responding to calls for
2 service or engaged in any law enforcement-related
3 encounter or activity, that occurs while the officer is on
4 duty.

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

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

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

17 (4) Cameras must be turned off when:

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

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

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

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

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

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

23 (5) The officer must provide notice of recording to
24 any person if the person has a reasonable expectation of
25 privacy and proof of notice must be evident in the
26 recording. If exigent circumstances exist which prevent

1 the officer from providing notice, notice must be provided
2 as soon as practicable.

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

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

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

24 (b) is ordered to write a report in response
25 to or during the investigation of a misconduct
26 complaint against the officer.

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

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

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

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

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

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

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

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

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

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

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

25 (vi) the supervisor of the officer,
26 prosecutor, defendant, or court determines that

1 the encounter has evidentiary value in a criminal
2 prosecution; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Only recordings or portions of recordings responsive to
23 the request shall be available for inspection or reproduction.
24 Any recording disclosed under the Freedom of Information Act
25 shall be redacted to remove identification of any person that
26 appears on the recording and is not the officer, a subject of

1 the encounter, or directly involved in the encounter. Nothing
2 in this subsection (b) shall require the disclosure of any
3 recording or portion of any recording which would be exempt
4 from disclosure under the Freedom of Information Act.

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

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

11 (50 ILCS 706/10-25)

12 Sec. 10-25. Reporting.

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

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

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

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

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

1 (5) (blank); ~~and~~
2 (5.1) for each recording used in prosecutions of
3 conservation, criminal, or traffic offenses or municipal
4 ordinance violations:

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

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

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

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

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

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

17 (50 ILCS 707/10)

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

20 (a) The Law Enforcement Camera Grant Fund is created as a
21 special fund in the State treasury. From appropriations to the
22 Board from the Fund, the Board must make grants to units of
23 local government in Illinois and Illinois public universities
24 for the purpose of (1) purchasing in-car video cameras for use

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

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

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

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

17 (c) (Blank).

18 (d) (Blank).

19 (e) (Blank).

20 (f) (Blank).

21 (g) (Blank).

22 (h) (Blank).

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

24 Section 120. The Uniform Crime Reporting Act is amended by
25 changing Sections 5-10, 5-12, and 5-20 as follows:

1 (50 ILCS 709/5-10)

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

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

16 (50 ILCS 709/5-12)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (50 ILCS 725/6.1 new)

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

19 (50 ILCS 727/1-35 rep.)

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

22 Section 150. The Counties Code is amended by changing

1 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

2 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

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

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

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

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

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

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

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

25 For advertising property for sale, \$5.

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

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

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

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

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

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

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

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

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

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, \$10 and when aid is necessary, the sheriff shall
2 be allowed to tax in addition the actual costs thereof, and for
3 each mile of necessary travel, 50¢ each way.

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

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

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

12 For making certificate of redemption, \$3.

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

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

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

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

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

24 For conveying persons to the penitentiary, reformatories,
25 Illinois State Training School for Boys, Illinois State
26 Training School for Girls and Reception Centers, the following

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

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

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

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

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

25 In addition to the above fees there shall be allowed to the
26 sheriff a fee of \$600 for the sale of real estate which is made

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

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

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

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

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

1 activity.

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

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

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

18 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

24 Fees for Sheriff

25 For serving or attempting to serve any summons on each

1 defendant, \$35.

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

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

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

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

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

12 For summoning each juror, \$10.

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

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

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

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

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

26 For executing order of court to seize personal property,

1 \$25.

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

9 For advertising property for sale, \$20.

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

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

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

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

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

25 For taking special bail, \$5.

26 For returning each process, \$15.

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

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

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

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

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

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

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

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

19 For discharging such prisoners, \$3.

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

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

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

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

1 made by virtue of any judgment of a court:

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

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

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

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

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

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

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

22 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

23 Sec. 4-12001.1. Fees of sheriff in third class counties;
24 local governments and school districts. The officers herein
25 named, in counties of the third class, shall be entitled to

1 receive the fees herein specified from all units of local
2 government and school districts, for the services mentioned
3 and such other fees as may be provided by law for such other
4 services not herein designated.

5 Fees for Sheriff

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

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

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

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

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

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

18 For summoning each juror, \$4.

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

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

23 For serving or attempting to serve an order or judgment
24 for the possession of real estate in an action of ejectment or
25 in any other action, or for restitution in an eviction action,
26 without aid, \$9, and when aid is necessary, the sheriff shall

1 be allowed to tax in addition the actual costs thereof.

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

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

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

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

15 For advertising property for sale, \$3.

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

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

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

26 For making and filing certificate of redemption from a

1 court sale, \$4.50, and the fee for recording same shall be
2 advanced by the party making the redemption and taxed as
3 costs.

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

5 For taking special bail, \$2.

6 For returning each process, \$5.

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

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

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

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

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

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

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

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

25 For discharging such prisoners, \$1.

26 For conveying persons to the penitentiary, reformatories,

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

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

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

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

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

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

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

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

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

22 (55 ILCS 5/3-4014 rep.)

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

24 Section 155. The Counties Code is amended by repealing
25 Sections 3-4014 and 3-6041.

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

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

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

6 (65 ILCS 5/1-2-12.2 new)

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

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

13 (110 ILCS 12/15)

14 Sec. 15. Arrest reports.

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

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

21 (2) Information detailing any charges relating to the

1 arrest.

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

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

5 (5) (Blank).

6 (5.1) If the individual is incarcerated, the amount of
7 any bail or bond.

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

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

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

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

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

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

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

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

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

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

16 Section 175. The Illinois Insurance Code is amended by
17 changing Sections 143.19, 143.19.1, and 205 as follows:

18 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

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

- 1 a. Nonpayment of premium;
- 2 b. The policy was obtained through a material
3 misrepresentation;
- 4 c. Any insured violated any of the terms and
5 conditions of the policy;
- 6 d. The named insured failed to disclose fully his
7 motor vehicle crashes and moving traffic violations for
8 the preceding 36 months if called for in the application;
- 9 e. Any insured made a false or fraudulent claim or
10 knowingly aided or abetted another in the presentation of
11 such a claim;
- 12 f. The named insured or any other operator who either
13 resides in the same household or customarily operates an
14 automobile insured under such policy:
 - 15 1. has, within the 12 months prior to the notice of
16 cancellation, had his driver's license under
17 suspension or revocation;
 - 18 2. is or becomes subject to epilepsy or heart
19 attacks, and such individual does not produce a
20 certificate from a physician testifying to his
21 unqualified ability to operate a motor vehicle safely;
 - 22 3. has a crash record, conviction record (criminal
23 or traffic), physical, or mental condition which is
24 such that his operation of an automobile might
25 endanger the public safety;
 - 26 4. has, within the 36 months prior to the notice of

1 cancellation, been addicted to the use of narcotics or
2 other drugs; or

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

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

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

5 3. used in the business of transportation of
6 flammables or explosives;

7 4. an authorized emergency vehicle;

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

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

12 Nothing in this Section shall apply to nonrenewal.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23;
14 102-1104, eff. 1-1-23.)

15 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

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

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

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

24 c. The named insured failed to disclose fully his
25 motor vehicle crashes and moving traffic violations for

1 the preceding 36 months, if such information is called for
2 in the application; or

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

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

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

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

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

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

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

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

20 f. The insured automobile is:

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

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

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

3 4. An authorized emergency vehicle; or

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

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

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

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

12 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

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

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

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

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

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

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

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

- 1 (3) any necessary filing fees;
2 (4) the fees and mileage payable to witnesses;
3 (5) unsecured loans obtained by the receiver;

4 and

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

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

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

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

1 government under paragraph (f), then the claims for wages
2 shall have a priority of distribution immediately
3 following that of federal claims under paragraph (f) and
4 immediately preceding claims of general creditors under
5 paragraph (g).

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

1 funds and make one or more payments at future dates in
2 amounts that are not based upon mortality or morbidity
3 contingencies.

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

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

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

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

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

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

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

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

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

24 To the extent, if any, reserves or assets maintained in
25 the separate account are in excess of the amounts needed to
26 satisfy claims under the separate account contracts, the

1 excess shall be treated as part of the general assets of the
2 insurer's estate.

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

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

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

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

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

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

1 Section 180. The Illinois Gambling Act is amended by
2 changing Section 5.1 as follows:

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

4 Sec. 5.1. Disclosure of records.

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

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

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

1 or more must be provided.

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

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

25 (5) Whether an applicant or licensee has had any
26 license or certificate issued by a licensing authority in

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

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

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

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

1 interest in any contractual or service relationship with,
2 an applicant or licensee.

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

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

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

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

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

25 (1) The amount of the wagering tax and admission tax
26 paid daily to the State of Illinois by the holder of an

1 owner's license.

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

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

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

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

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

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

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

17 Section 185. The Sexual Assault Survivors Emergency
18 Treatment Act is amended by changing Section 7.5 as follows:

19 (410 ILCS 70/7.5)

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

23 (a) A hospital, approved pediatric health care facility,
24 health care professional, ambulance provider, laboratory, or

1 pharmacy furnishing medical forensic services, transportation,
2 follow-up healthcare, or medication to a sexual assault
3 survivor shall not:

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

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

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

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

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

22 (a-5) Notwithstanding any other provision of law,
23 including, but not limited to, subsection (a), a sexual
24 assault survivor who is not the subscriber or primary
25 policyholder of the sexual assault survivor's insurance policy
26 may opt out of billing the sexual assault survivor's private

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

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

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

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

24 (2) a statement that a sexual assault survivor who is
25 admitted to a hospital may be billed for inpatient
26 services provided by a hospital, health care professional,

1 laboratory, or pharmacy;

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

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

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

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

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

23 (d) Within 60 days after the effective date of this
24 amendatory Act of the 99th General Assembly, every health care
25 professional, except for those employed by a hospital or
26 hospital affiliate, as defined in the Hospital Licensing Act,

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

20 Within 60 days after the Department's approval of a
21 treatment plan, an approved pediatric health care facility and
22 any health care professional employed by an approved pediatric
23 health care facility must develop a billing protocol that
24 ensures that no survivor of sexual assault is sent a bill for
25 any medical forensic services and submit the billing protocol
26 to the Crime Victim Services Division of the Office of the

1 Attorney General for approval.

2 The billing protocol must include at a minimum:

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

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

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

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

14 (5) the termination of all collection activities if
15 the protocol is violated; and

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

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

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

26 If the Office of the Attorney General determines that

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

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

22 (e) This Section is effective on and after January 1,
23 2024.

24 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;
25 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff.
26 1-1-23.)

1 Section 190. The Illinois Vehicle Code is amended by
2 changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as
3 follows:

4 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

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

1 (2) Whenever any person is convicted of any offense
2 under this Code or similar offenses under a municipal
3 ordinance, other than regulations governing standing,
4 parking or weights of vehicles, and excepting the
5 following enumerated Sections of this Code: Sections
6 11-1406 (obstruction to driver's view or control), 11-1407
7 (improper opening of door into traffic), 11-1410 (coasting
8 on downgrade), 11-1411 (following fire apparatus),
9 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
10 vehicle which is in unsafe condition or improperly
11 equipped), 12-201(a) (daytime lights on motorcycles),
12 12-202 (clearance, identification and side marker lamps),
13 12-204 (lamp or flag on projecting load), 12-205 (failure
14 to display the safety lights required), 12-401
15 (restrictions as to tire equipment), 12-502 (mirrors),
16 12-503 (windshields must be unobstructed and equipped with
17 wipers), 12-601 (horns and warning devices), 12-602
18 (mufflers, prevention of noise or smoke), 12-603 (seat
19 safety belts), 12-702 (certain vehicles to carry flares or
20 other warning devices), 12-703 (vehicles for oiling roads
21 operated on highways), 12-710 (splash guards and
22 replacements), 13-101 (safety tests), 15-101 (size, weight
23 and load), 15-102 (width), 15-103 (height), 15-104 (name
24 and address on second division vehicles), 15-107 (length
25 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
26 (weights), 15-112 (weights), 15-301 (weights), 15-316

1 (weights), 15-318 (weights), and also excepting the
2 following enumerated Sections of the Chicago Municipal
3 Code: Sections 27-245 (following fire apparatus), 27-254
4 (obstruction of traffic), 27-258 (driving vehicle which is
5 in unsafe condition), 27-259 (coasting on downgrade),
6 27-264 (use of horns and signal devices), 27-265
7 (obstruction to driver's view or driver mechanism), 27-267
8 (dimming of headlights), 27-268 (unattended motor
9 vehicle), 27-272 (illegal funeral procession), 27-273
10 (funeral procession on boulevard), 27-275 (driving freight
11 hauling vehicles on boulevard), 27-276 (stopping and
12 standing of buses or taxicabs), 27-277 (cruising of public
13 passenger vehicles), 27-305 (parallel parking), 27-306
14 (diagonal parking), 27-307 (parking not to obstruct
15 traffic), 27-308 (stopping, standing or parking
16 regulated), 27-311 (parking regulations), 27-312 (parking
17 regulations), 27-313 (parking regulations), 27-314
18 (parking regulations), 27-315 (parking regulations),
19 27-316 (parking regulations), 27-317 (parking
20 regulations), 27-318 (parking regulations), 27-319
21 (parking regulations), 27-320 (parking regulations),
22 27-321 (parking regulations), 27-322 (parking
23 regulations), 27-324 (loading and unloading at an angle),
24 27-333 (wheel and axle loads), 27-334 (load restrictions
25 in the downtown district), 27-335 (load restrictions in
26 residential areas), 27-338 (width of vehicles), 27-339

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

15 The reporting requirements of this subsection shall
16 apply to all violations stated in paragraphs (1) and (2)
17 of this subsection when the individual has been
18 adjudicated under the Juvenile Court Act or the Juvenile
19 Court Act of 1987. Such reporting requirements shall also
20 apply to individuals adjudicated under the Juvenile Court
21 Act or the Juvenile Court Act of 1987 who have committed a
22 violation of Section 11-501 of this Code, or similar
23 provision of a local ordinance, or Section 9-3 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 relating to the offense of reckless homicide, or Section
26 5-7 of the Snowmobile Registration and Safety Act or

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

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

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

23 (4) A report of any disposition of court supervision
24 for a violation of Sections 6-303, 11-401, 11-501 or a
25 similar provision of a local ordinance, 11-503, 11-504,
26 and 11-506 of this Code, Section 5-7 of the Snowmobile

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

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

1 omission of duty and it shall be the duty of the several
2 State's Attorneys to enforce the requirements of this
3 Section.

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

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

20 (d) For the purpose of providing the Secretary of State
21 with records necessary to properly monitor and assess driver
22 performance and assist the courts in the proper disposition of
23 repeat traffic law offenders, the clerk of the court shall
24 forward to the Secretary of State, on a form prescribed by the
25 Secretary, records of a driver's participation in a driver
26 remedial or rehabilitative program which was required, through

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

1 commercial motor vehicle privileges and shall not be
2 privileged information.

3 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23;
4 102-1104, eff. 1-1-23.)

5 (625 ILCS 5/6-308)

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

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

21 (b) Whenever a person fails to appear in court, the court
22 may continue the case for a minimum of 30 days and the clerk of
23 the court shall send notice of the continued court date to the
24 person's last known address. If the person does not appear in
25 court on or before the continued court date or satisfy the

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

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

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

24 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

25 Sec. 6-500. Definitions of words and phrases.

1 Notwithstanding the definitions set forth elsewhere in this
2 Code, for purposes of the Uniform Commercial Driver's License
3 Act (UCDLA), the words and phrases listed below have the
4 meanings ascribed to them as follows:

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

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

9 (A) the number of grams of alcohol per 210 liters of
10 breath; or

11 (B) the number of grams of alcohol per 100 milliliters
12 of blood; or

13 (C) the number of grams of alcohol per 67 milliliters
14 of urine.

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

19 (3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.3) CDLIS driver record. "CDLIS driver record" means the
23 electronic record of the individual CDL driver's status and
24 history stored by the State-of-Record as part of the
25 Commercial Driver's License Information System, or CDLIS,
26 established under 49 U.S.C. 31309.

1 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
2 record" or "CDLIS MVR" means a report generated from the CDLIS
3 driver record meeting the requirements for access to CDLIS
4 information and provided by states to users authorized in 49
5 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
6 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

7 (5.7) Commercial driver's license downgrade. "Commercial
8 driver's license downgrade" or "CDL downgrade" means either:

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

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

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

22 (D) a state removes the CDL privilege from the driver
23 license.

24 (6) Commercial Motor Vehicle.

25 (A) "Commercial motor vehicle" or "CMV" means a motor
26 vehicle or combination of motor vehicles used in commerce,

1 except those referred to in subdivision (B), designed to
2 transport passengers or property if the motor vehicle:

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

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

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

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

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

20 (i) recreational vehicles, when operated primarily
21 for personal use;

22 (ii) vehicles owned by or operated under the
23 direction of the United States Department of Defense
24 or the United States Coast Guard only when operated by
25 non-civilian personnel. This includes any operator on
26 active military duty; members of the Reserves;

1 National Guard; personnel on part-time training; and
2 National Guard military technicians (civilians who are
3 required to wear military uniforms and are subject to
4 the Code of Military Justice); or

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

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

21 (8) Conviction. "Conviction" means an unvacated
22 adjudication of guilt or a determination that a person has
23 violated or failed to comply with the law in a court of
24 original jurisdiction or by an authorized administrative
25 tribunal; an unvacated forfeiture of bail or collateral
26 deposited to secure the person's appearance in court; a plea

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

16 (8.5) Day. "Day" means calendar day.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

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

26 (13.5) Driver applicant. "Driver applicant" means an

1 individual who applies to a state or other jurisdiction to
2 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
3 a CLP.

4 (13.6) Drug and alcohol clearinghouse. "Drug and alcohol
5 clearinghouse" means a database system established by the
6 Federal Motor Carrier Safety Administration that permits the
7 access and retrieval of a drug and alcohol testing violation
8 or violations precluding an applicant or employee from
9 occupying safety-sensitive positions involving the operation
10 of a commercial motor vehicle.

11 (13.8) Electronic device. "Electronic device" includes,
12 but is not limited to, a cellular telephone, personal digital
13 assistant, pager, computer, or any other device used to input,
14 write, send, receive, or read text.

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

21 (15) Employer. "Employer" means a person (including the
22 United States, a State or a local authority) who owns or leases
23 a commercial motor vehicle or assigns employees to operate
24 such a vehicle. A person who is self-employed as a commercial
25 motor vehicle driver must comply with the requirements of this
26 UCCLA.

1 (15.1) Endorsement. "Endorsement" means an authorization
2 to an individual's CLP or CDL required to permit the
3 individual to operate certain types of commercial motor
4 vehicles.

5 (15.2) Entry-level driver training. "Entry-level driver
6 training" means the training an entry-level driver receives
7 from an entity listed on the Federal Motor Carrier Safety
8 Administration's Training Provider Registry prior to: (i)
9 taking the CDL skills test required to receive the Class A or
10 Class B CDL for the first time; (ii) taking the CDL skills test
11 required to upgrade to a Class A or Class B CDL; or (iii)
12 taking the CDL skills test required to obtain a passenger or
13 school bus endorsement for the first time or the CDL knowledge
14 test required to obtain a hazardous materials endorsement for
15 the first time.

16 (15.3) Excepted interstate. "Excepted interstate" means a
17 person who operates or expects to operate in interstate
18 commerce, but engages exclusively in transportation or
19 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
20 or 398.3 from all or part of the qualification requirements of
21 49 C.F.R. Part 391 and is not required to obtain a medical
22 examiner's certificate by 49 C.F.R. 391.45.

23 (15.5) Excepted intrastate. "Excepted intrastate" means a
24 person who operates in intrastate commerce but engages
25 exclusively in transportation or operations excepted from all
26 or parts of the state driver qualification requirements.

1 (16) (Blank).

2 (16.5) Fatality. "Fatality" means the death of a person as
3 a result of a motor vehicle crash.

4 (16.7) Foreign commercial driver. "Foreign commercial
5 driver" means a person licensed to operate a commercial motor
6 vehicle by an authority outside the United States, or a
7 citizen of a foreign country who operates a commercial motor
8 vehicle in the United States.

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

12 (18) (Blank).

13 (19) (Blank).

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

19 (20.5) Imminent Hazard. "Imminent hazard" means the
20 existence of any condition of a vehicle, employee, or
21 commercial motor vehicle operations that substantially
22 increases the likelihood of serious injury or death if not
23 discontinued immediately; or a condition relating to hazardous
24 material that presents a substantial likelihood that death,
25 serious illness, severe personal injury, or a substantial
26 endangerment to health, property, or the environment may occur

1 before the reasonably foreseeable completion date of a formal
2 proceeding begun to lessen the risk of that death, illness,
3 injury or endangerment.

4 (20.6) Issuance. "Issuance" means initial issuance,
5 transfer, renewal, or upgrade of a CLP or CDL and
6 non-domiciled CLP or CDL.

7 (20.7) Issue. "Issue" means initial issuance, transfer,
8 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
9 non-domiciled CDL.

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

13 (21.01) Manual transmission. "Manual transmission" means a
14 transmission utilizing a driver-operated clutch that is
15 activated by a pedal or lever and a gear-shift mechanism
16 operated either by hand or foot including those known as a
17 stick shift, stick, straight drive, or standard transmission.
18 All other transmissions, whether semi-automatic or automatic,
19 shall be considered automatic for the purposes of the
20 standardized restriction code.

21 (21.1) Medical examiner. "Medical examiner" means an
22 individual certified by the Federal Motor Carrier Safety
23 Administration and listed on the National Registry of
24 Certified Medical Examiners in accordance with Federal Motor
25 Carrier Safety Regulations, 49 CFR 390.101 et seq.

26 (21.2) Medical examiner's certificate. "Medical examiner's

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

10 (21.5) Medical variance. "Medical variance" means a driver
11 has received one of the following from the Federal Motor
12 Carrier Safety Administration which allows the driver to be
13 issued a medical certificate: (1) an exemption letter
14 permitting operation of a commercial motor vehicle pursuant to
15 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
16 skill performance evaluation (SPE) certificate permitting
17 operation of a commercial motor vehicle pursuant to 49 C.F.R.
18 391.49.

19 (21.7) Mobile telephone. "Mobile telephone" means a mobile
20 communication device that falls under or uses any commercial
21 mobile radio service, as defined in regulations of the Federal
22 Communications Commission, 47 CFR 20.3. It does not include
23 two-way or citizens band radio services.

24 (22) Motor Vehicle. "Motor vehicle" means every vehicle
25 which is self-propelled, and every vehicle which is propelled
26 by electric power obtained from over head trolley wires but

1 not operated upon rails, except vehicles moved solely by human
2 power and motorized wheel chairs.

3 (22.2) Motor vehicle record. "Motor vehicle record" means
4 a report of the driving status and history of a driver
5 generated from the driver record provided to users, such as
6 drivers or employers, and is subject to the provisions of the
7 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
9 combination of motor vehicles not defined by the term
10 "commercial motor vehicle" or "CMV" in this Section.

11 (22.7) Non-excepted interstate. "Non-excepted interstate"
12 means a person who operates or expects to operate in
13 interstate commerce, is subject to and meets the qualification
14 requirements under 49 C.F.R. Part 391, and is required to
15 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

16 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
17 means a person who operates only in intrastate commerce and is
18 subject to State driver qualification requirements.

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

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

26 (ii) to an individual domiciled in another state

1 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
2 of the Federal Motor Carrier Safety Administration.

3 (24) (Blank).

4 (25) (Blank).

5 (25.5) Railroad-Highway Grade Crossing Violation.

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

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

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

12 (25.7) School Bus. "School bus" means a commercial motor
13 vehicle used to transport pre-primary, primary, or secondary
14 school students from home to school, from school to home, or to
15 and from school-sponsored events. "School bus" does not
16 include a bus used as a common carrier.

17 (26) Serious Traffic Violation. "Serious traffic
18 violation" means:

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

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

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

26 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control
2 (other than parking violations) arising in connection
3 with a fatal traffic crash; or

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

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

9 (vi) a violation relating to improper or erratic
10 traffic lane changes; or

11 (vii) a violation relating to following another
12 vehicle too closely; or

13 (viii) a violation relating to texting while
14 driving; or

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

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

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

25 (28) (Blank).

26 (29) (Blank).

1 (30) (Blank).

2 (31) (Blank).

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

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

13 (2) Texting does not include:

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

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

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

26 (32.3) Third party skills test examiner. "Third party

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

4 (32.5) Third party tester. "Third party tester" means a
5 person (including, but not limited to, another state, a motor
6 carrier, a private driver training facility or other private
7 institution, or a department, agency, or instrumentality of a
8 local government) authorized by the State to employ skills
9 test examiners to administer the CDL skills tests specified in
10 49 C.F.R. Part 383, subparts G and H.

11 (32.7) United States. "United States" means the 50 states
12 and the District of Columbia.

13 (33) Use a hand-held mobile telephone. "Use a hand-held
14 mobile telephone" means:

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

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

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

25 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23;
26 103-179, eff. 6-30-23.)

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

2 Sec. 6-601. Penalties.

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

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

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

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

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

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

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

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

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

21 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

22 Sec. 16-103. Arrest outside county where violation
23 committed.

24 Whenever a defendant is arrested upon a warrant charging a
25 violation of this Act in a county other than that in which such

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

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

20 Section 195. The Illinois Vehicle Code is amended by
21 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
22 11-208.9, and 11-1201.1 as follows:

23 (625 ILCS 5/6-209.1)

24 Sec. 6-209.1. Restoration of driving privileges;

1 revocation; suspension; cancellation.

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

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

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

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

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

20 (5) the person receiving a disposition of court
21 supervision for a violation of subsection (a), (d), or (e)
22 of Section 6-20 of the Liquor Control Act of 1934 or a
23 similar provision of a local ordinance, if the person
24 presents a certified copy of a court order that includes a
25 finding that the person was not an occupant of a motor
26 vehicle at the time of the violation;

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

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

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

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

21 ~~(b) As soon as practicable and no later than July 1, 2021,~~
22 ~~the Secretary shall rescind the suspension, cancellation, or~~
23 ~~prohibition of renewal of a person's driver's license that has~~
24 ~~been suspended, canceled, or whose renewal has been prohibited~~
25 ~~before the effective date of this amendatory Act of the 101st~~
26 ~~General Assembly due to the person having failed to pay any~~

1 ~~fine or penalty for traffic violations, automated traffic law~~
2 ~~enforcement system violations as defined in Sections 11-208.6,~~
3 ~~and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle~~
4 ~~fees.~~

5 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
6 102-558, eff. 8-20-21.)

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

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

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

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

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

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

24 (2) A parking, standing, compliance, automated speed
25 enforcement system, or automated traffic law violation
26 notice that shall specify or include the date, time, and

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

1 availability of a hearing in which the violation may be
2 contested on its merits. The violation notice shall
3 specify the time and manner in which a hearing may be had.

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

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

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

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

1 whenever the radar is turned on. Technicians must be alert
2 for any unusual or suspect readings, and if unusual or
3 suspect readings of a radar unit persist, that unit shall
4 immediately be removed from service and not returned to
5 service until it has been checked by a qualified
6 technician and determined to be functioning properly.
7 Documentation of the annual calibration results, including
8 the equipment tested, test date, technician performing the
9 test, and test results, shall be maintained and available
10 for use in the determination of an automated speed
11 enforcement system violation and issuance of a citation.
12 The technician performing the calibration and testing of
13 the automated speed enforcement equipment shall be trained
14 and certified in the use of equipment for speed
15 enforcement purposes. Training on the speed enforcement
16 equipment may be conducted by law enforcement, civilian,
17 or manufacturer's personnel and if applicable may be
18 equivalent to the equipment use and operations training
19 included in the Speed Measuring Device Operator Program
20 developed by the National Highway Traffic Safety
21 Administration (NHTSA). The vendor or technician who
22 performs the work shall keep accurate records on each
23 piece of equipment the technician calibrates and tests. As
24 used in this paragraph, "fully trained reviewing
25 technician" means a person who has received at least 40
26 hours of supervised training in subjects which shall

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

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

20 (5) Service of additional notices, sent by first class
21 United States mail, postage prepaid, to the address of the
22 registered owner of the cited vehicle as recorded with the
23 Secretary of State or, if any notice to that address is
24 returned as undeliverable, to the last known address
25 recorded in a United States Post Office approved database,
26 or, under Section 11-1306 or subsection (p) of Section

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

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

1 and manner in which the hearing may be had. The notice
2 of violation shall also state that failure to complete
3 a required traffic education program, to pay the
4 indicated fine and any applicable penalty, or to
5 appear at a hearing on the merits in the time and
6 manner specified, will result in a final determination
7 of violation liability for the cited violation in the
8 amount of the fine or penalty indicated, and that,
9 upon the occurrence of a final determination of
10 violation liability for the failure, and the
11 exhaustion of, or failure to exhaust, available
12 administrative or judicial procedures for review, any
13 incomplete traffic education program or any unpaid
14 fine or penalty, or both, will constitute a debt due
15 and owing the municipality or county.

16 (ii) A notice of final determination of parking,
17 standing, compliance, automated speed enforcement
18 system, or automated traffic law violation liability.
19 This notice shall be sent following a final
20 determination of parking, standing, compliance,
21 automated speed enforcement system, or automated
22 traffic law violation liability and the conclusion of
23 judicial review procedures taken under this Section.
24 The notice shall state that the incomplete traffic
25 education program or the unpaid fine or penalty, or
26 both, is a debt due and owing the municipality or

1 county. The notice shall contain warnings that failure
2 to complete any required traffic education program or
3 to pay any fine or penalty due and owing the
4 municipality or county, or both, within the time
5 specified may result in the municipality's or county's
6 filing of a petition in the Circuit Court to have the
7 incomplete traffic education program or unpaid fine or
8 penalty, or both, rendered a judgment as provided by
9 this Section, or, where applicable, may result in
10 suspension of the person's driver's license for
11 failure to complete a traffic education program or to
12 pay fines or penalties, or both, for 5 or more
13 automated traffic law violations under Section
14 11-208.6 or 11-208.9 or automated speed enforcement
15 system violations under Section 11-208.8.

16 (6) A notice of impending driver's license suspension.
17 This notice shall be sent to the person liable for failure
18 to complete a required traffic education program or to pay
19 any fine or penalty that remains due and owing, or both, on
20 5 or more unpaid automated speed enforcement system or
21 automated traffic law violations. The notice shall state
22 that failure to complete a required traffic education
23 program or to pay the fine or penalty owing, or both,
24 within 45 days of the notice's date will result in the
25 municipality or county notifying the Secretary of State
26 that the person is eligible for initiation of suspension

1 proceedings under Section 6-306.5-1 ~~6-306.5~~ of this Code.
2 The notice shall also state that the person may obtain a
3 photostatic copy of an original ticket imposing a fine or
4 penalty by sending a self-addressed, stamped envelope to
5 the municipality or county along with a request for the
6 photostatic copy. The notice of impending driver's license
7 suspension shall be sent by first class United States
8 mail, postage prepaid, to the address recorded with the
9 Secretary of State or, if any notice to that address is
10 returned as undeliverable, to the last known address
11 recorded in a United States Post Office approved database.

12 (7) Final determinations of violation liability. A
13 final determination of violation liability shall occur
14 following failure to complete the required traffic
15 education program or to pay the fine or penalty, or both,
16 after a hearing officer's determination of violation
17 liability and the exhaustion of or failure to exhaust any
18 administrative review procedures provided by ordinance.
19 Where a person fails to appear at a hearing to contest the
20 alleged violation in the time and manner specified in a
21 prior mailed notice, the hearing officer's determination
22 of violation liability shall become final: (A) upon denial
23 of a timely petition to set aside that determination, or
24 (B) upon expiration of the period for filing the petition
25 without a filing having been made.

26 (8) A petition to set aside a determination of

1 parking, standing, compliance, automated speed enforcement
2 system, or automated traffic law violation liability that
3 may be filed by a person owing an unpaid fine or penalty. A
4 petition to set aside a determination of liability may
5 also be filed by a person required to complete a traffic
6 education program. The petition shall be filed with and
7 ruled upon by the traffic compliance administrator in the
8 manner and within the time specified by ordinance. The
9 grounds for the petition may be limited to: (A) the person
10 not having been the owner or lessee of the cited vehicle on
11 the date the violation notice was issued, (B) the person
12 having already completed the required traffic education
13 program or paid the fine or penalty, or both, for the
14 violation in question, and (C) excusable failure to appear
15 at or request a new date for a hearing. With regard to
16 municipalities or counties with a population of 1 million
17 or more, it shall be grounds for dismissal of a parking
18 violation if the state registration number or vehicle
19 make, only if specified in the violation notice, is
20 incorrect. After the determination of parking, standing,
21 compliance, automated speed enforcement system, or
22 automated traffic law violation liability has been set
23 aside upon a showing of just cause, the registered owner
24 shall be provided with a hearing on the merits for that
25 violation.

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality or
2 county may contest the merits of the alleged violation
3 without attending a hearing.

4 (10) A schedule of civil fines for violations of
5 vehicular standing, parking, compliance, automated speed
6 enforcement system, or automated traffic law regulations
7 enacted by ordinance pursuant to this Section, and a
8 schedule of penalties for late payment of the fines or
9 failure to complete required traffic education programs,
10 provided, however, that the total amount of the fine and
11 penalty for any one violation shall not exceed \$250,
12 except as provided in subsection (c) of Section 11-1301.3
13 of this Code.

14 (11) Other provisions as are necessary and proper to
15 carry into effect the powers granted and purposes stated
16 in this Section.

17 (b-5) An automated speed enforcement system or automated
18 traffic law ordinance adopted under this Section by a
19 municipality or county shall require that the determination to
20 issue a citation be vested solely with the municipality or
21 county and that such authority may not be delegated to any
22 vendor retained by the municipality or county. Any contract or
23 agreement violating such a provision in the ordinance is null
24 and void.

25 (c) Any municipality or county establishing vehicular
26 standing, parking, compliance, automated speed enforcement

1 system, or automated traffic law regulations under this
2 Section may also provide by ordinance for a program of vehicle
3 immobilization for the purpose of facilitating enforcement of
4 those regulations. The program of vehicle immobilization shall
5 provide for immobilizing any eligible vehicle upon the public
6 way by presence of a restraint in a manner to prevent operation
7 of the vehicle. Any ordinance establishing a program of
8 vehicle immobilization under this Section shall provide:

9 (1) Criteria for the designation of vehicles eligible
10 for immobilization. A vehicle shall be eligible for
11 immobilization when the registered owner of the vehicle
12 has accumulated the number of incomplete traffic education
13 programs or unpaid final determinations of parking,
14 standing, compliance, automated speed enforcement system,
15 or automated traffic law violation liability, or both, as
16 determined by ordinance.

17 (2) A notice of impending vehicle immobilization and a
18 right to a hearing to challenge the validity of the notice
19 by disproving liability for the incomplete traffic
20 education programs or unpaid final determinations of
21 parking, standing, compliance, automated speed enforcement
22 system, or automated traffic law violation liability, or
23 both, listed on the notice.

24 (3) The right to a prompt hearing after a vehicle has
25 been immobilized or subsequently towed without the
26 completion of the required traffic education program or

1 payment of the outstanding fines and penalties on parking,
2 standing, compliance, automated speed enforcement system,
3 or automated traffic law violations, or both, for which
4 final determinations have been issued. An order issued
5 after the hearing is a final administrative decision
6 within the meaning of Section 3-101 of the Code of Civil
7 Procedure.

8 (4) A post immobilization and post-towing notice
9 advising the registered owner of the vehicle of the right
10 to a hearing to challenge the validity of the impoundment.

11 (d) Judicial review of final determinations of parking,
12 standing, compliance, automated speed enforcement system, or
13 automated traffic law violations and final administrative
14 decisions issued after hearings regarding vehicle
15 immobilization and impoundment made under this Section shall
16 be subject to the provisions of the Administrative Review Law.

17 (e) Any fine, penalty, incomplete traffic education
18 program, or part of any fine or any penalty remaining unpaid
19 after the exhaustion of, or the failure to exhaust,
20 administrative remedies created under this Section and the
21 conclusion of any judicial review procedures shall be a debt
22 due and owing the municipality or county and, as such, may be
23 collected in accordance with applicable law. Completion of any
24 required traffic education program and payment in full of any
25 fine or penalty resulting from a standing, parking,
26 compliance, automated speed enforcement system, or automated

1 traffic law violation shall constitute a final disposition of
2 that violation.

3 (f) After the expiration of the period within which
4 judicial review may be sought for a final determination of
5 parking, standing, compliance, automated speed enforcement
6 system, or automated traffic law violation, the municipality
7 or county may commence a proceeding in the Circuit Court for
8 purposes of obtaining a judgment on the final determination of
9 violation. Nothing in this Section shall prevent a
10 municipality or county from consolidating multiple final
11 determinations of parking, standing, compliance, automated
12 speed enforcement system, or automated traffic law violations
13 against a person in a proceeding. Upon commencement of the
14 action, the municipality or county shall file a certified copy
15 or record of the final determination of parking, standing,
16 compliance, automated speed enforcement system, or automated
17 traffic law violation, which shall be accompanied by a
18 certification that recites facts sufficient to show that the
19 final determination of violation was issued in accordance with
20 this Section and the applicable municipal or county ordinance.
21 Service of the summons and a copy of the petition may be by any
22 method provided by Section 2-203 of the Code of Civil
23 Procedure or by certified mail, return receipt requested,
24 provided that the total amount of fines and penalties for
25 final determinations of parking, standing, compliance,
26 automated speed enforcement system, or automated traffic law

1 violations does not exceed \$2500. If the court is satisfied
2 that the final determination of parking, standing, compliance,
3 automated speed enforcement system, or automated traffic law
4 violation was entered in accordance with the requirements of
5 this Section and the applicable municipal or county ordinance,
6 and that the registered owner or the lessee, as the case may
7 be, had an opportunity for an administrative hearing and for
8 judicial review as provided in this Section, the court shall
9 render judgment in favor of the municipality or county and
10 against the registered owner or the lessee for the amount
11 indicated in the final determination of parking, standing,
12 compliance, automated speed enforcement system, or automated
13 traffic law violation, plus costs. The judgment shall have the
14 same effect and may be enforced in the same manner as other
15 judgments for the recovery of money.

16 (g) The fee for participating in a traffic education
17 program under this Section shall not exceed \$25.

18 A low-income individual required to complete a traffic
19 education program under this Section who provides proof of
20 eligibility for the federal earned income tax credit under
21 Section 32 of the Internal Revenue Code or the Illinois earned
22 income tax credit under Section 212 of the Illinois Income Tax
23 Act shall not be required to pay any fee for participating in a
24 required traffic education program.

25 (h) Notwithstanding any other provision of law to the
26 contrary, a person shall not be liable for violations, fees,

1 fines, or penalties under this Section during the period in
2 which the motor vehicle was stolen or hijacked, as indicated
3 in a report to the appropriate law enforcement agency filed in
4 a timely manner.

5 (Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23;
6 103-364, eff. 7-28-23.)

7 (625 ILCS 5/11-208.6)

8 Sec. 11-208.6. Automated traffic law enforcement system.

9 (a) As used in this Section, "automated traffic law
10 enforcement system" means a device with one or more motor
11 vehicle sensors working in conjunction with a red light signal
12 to produce recorded images of motor vehicles entering an
13 intersection against a red signal indication in violation of
14 Section 11-306 of this Code or a similar provision of a local
15 ordinance.

16 An automated traffic law enforcement system is a system,
17 in a municipality or county operated by a governmental agency,
18 that produces a recorded image of a motor vehicle's violation
19 of a provision of this Code or a local ordinance and is
20 designed to obtain a clear recorded image of the vehicle and
21 the vehicle's license plate. The recorded image must also
22 display the time, date, and location of the violation.

23 (b) As used in this Section, "recorded images" means
24 images recorded by an automated traffic law enforcement system
25 on:

- 1 (1) 2 or more photographs;
- 2 (2) 2 or more microphotographs;
- 3 (3) 2 or more electronic images; or
- 4 (4) a video recording showing the motor vehicle and,
5 on at least one image or portion of the recording, clearly
6 identifying the registration plate or digital registration
7 plate number of the motor vehicle.

8 (b-5) A municipality or county that produces a recorded
9 image of a motor vehicle's violation of a provision of this
10 Code or a local ordinance must make the recorded images of a
11 violation accessible to the alleged violator by providing the
12 alleged violator with a website address, accessible through
13 the Internet.

14 (c) Except as provided under Section 11-208.8 of this
15 Code, a county or municipality, including a home rule county
16 or municipality, may not use an automated traffic law
17 enforcement system to provide recorded images of a motor
18 vehicle for the purpose of recording its speed. Except as
19 provided under Section 11-208.8 of this Code, the regulation
20 of the use of automated traffic law enforcement systems to
21 record vehicle speeds is an exclusive power and function of
22 the State. This subsection (c) is a denial and limitation of
23 home rule powers and functions under subsection (h) of Section
24 6 of Article VII of the Illinois Constitution.

25 (c-5) A county or municipality, including a home rule
26 county or municipality, may not use an automated traffic law

1 enforcement system to issue violations in instances where the
2 motor vehicle comes to a complete stop and does not enter the
3 intersection, as defined by Section 1-132 of this Code, during
4 the cycle of the red signal indication unless one or more
5 pedestrians or bicyclists are present, even if the motor
6 vehicle stops at a point past a stop line or crosswalk where a
7 driver is required to stop, as specified in subsection (c) of
8 Section 11-306 of this Code or a similar provision of a local
9 ordinance.

10 (c-6) A county, or a municipality with less than 2,000,000
11 inhabitants, including a home rule county or municipality, may
12 not use an automated traffic law enforcement system to issue
13 violations in instances where a motorcyclist enters an
14 intersection against a red signal indication when the red
15 signal fails to change to a green signal within a reasonable
16 period of time not less than 120 seconds because of a signal
17 malfunction or because the signal has failed to detect the
18 arrival of the motorcycle due to the motorcycle's size or
19 weight.

20 (d) For each violation of a provision of this Code or a
21 local ordinance recorded by an automatic traffic law
22 enforcement system, the county or municipality having
23 jurisdiction shall issue a written notice of the violation to
24 the registered owner of the vehicle as the alleged violator.
25 The notice shall be delivered to the registered owner of the
26 vehicle, by mail, within 30 days after the Secretary of State

1 notifies the municipality or county of the identity of the
2 owner of the vehicle, but in no event later than 90 days after
3 the violation.

4 The notice shall include:

5 (1) the name and address of the registered owner of
6 the vehicle;

7 (2) the registration number of the motor vehicle
8 involved in the violation;

9 (3) the violation charged;

10 (4) the location where the violation occurred;

11 (5) the date and time of the violation;

12 (6) a copy of the recorded images;

13 (7) the amount of the civil penalty imposed and the
14 requirements of any traffic education program imposed and
15 the date by which the civil penalty should be paid and the
16 traffic education program should be completed;

17 (8) a statement that recorded images are evidence of a
18 violation of a red light signal;

19 (9) a warning that failure to pay the civil penalty,
20 to complete a required traffic education program, or to
21 contest liability in a timely manner is an admission of
22 liability and may result in a suspension of the driving
23 privileges of the registered owner of the vehicle;

24 (10) a statement that the person may elect to proceed
25 by:

26 (A) paying the fine, completing a required traffic

1 education program, or both; or

2 (B) challenging the charge in court, by mail, or
3 by administrative hearing; and

4 (11) a website address, accessible through the
5 Internet, where the person may view the recorded images of
6 the violation.

7 (e) (Blank).

8 (e-1) If a person charged with a traffic violation, as a
9 result of an automated traffic law enforcement system, does
10 not pay the fine or complete a required traffic education
11 program, or both, or successfully contest the civil penalty
12 resulting from that violation, the Secretary of State shall
13 suspend the driving privileges of the registered owner of the
14 vehicle under Section 6-306.5-1 of this Code for failing to
15 complete a required traffic education program or to pay any
16 fine or penalty due and owing, or both, as a result of a
17 combination of 5 violations of the automated traffic law
18 enforcement system or the automated speed enforcement system
19 under Section 11-208.8 of this Code.

20 (f) Based on inspection of recorded images produced by an
21 automated traffic law enforcement system, a notice alleging
22 that the violation occurred shall be evidence of the facts
23 contained in the notice and admissible in any proceeding
24 alleging a violation under this Section.

25 (g) Recorded images made by an automatic traffic law
26 enforcement system are confidential and shall be made

1 available only to the alleged violator and governmental and
2 law enforcement agencies for purposes of adjudicating a
3 violation of this Section, for statistical purposes, or for
4 other governmental purposes. Any recorded image evidencing a
5 violation of this Section, however, may be admissible in any
6 proceeding resulting from the issuance of the citation.

7 (h) The court or hearing officer may consider in defense
8 of a violation:

9 (1) that the motor vehicle or registration plates or
10 digital registration plates of the motor vehicle were
11 stolen before the violation occurred and not under the
12 control of or in the possession of the owner or lessee at
13 the time of the violation;

14 (1.5) that the motor vehicle was hijacked before the
15 violation occurred and not under the control of or in the
16 possession of the owner or lessee at the time of the
17 violation;

18 (2) that the driver of the vehicle passed through the
19 intersection when the light was red either (i) in order to
20 yield the right-of-way to an emergency vehicle or (ii) as
21 part of a funeral procession; and

22 (3) any other evidence or issues provided by municipal
23 or county ordinance.

24 (i) To demonstrate that the motor vehicle was hijacked or
25 the motor vehicle or registration plates or digital
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner or
2 lessee at the time of the violation, the owner or lessee must
3 submit proof that a report concerning the motor vehicle or
4 registration plates was filed with a law enforcement agency in
5 a timely manner.

6 (j) Unless the driver of the motor vehicle received a
7 Uniform Traffic Citation from a police officer at the time of
8 the violation, the motor vehicle owner is subject to a civil
9 penalty not exceeding \$100 or the completion of a traffic
10 education program, or both, plus an additional penalty of not
11 more than \$100 for failure to pay the original penalty or to
12 complete a required traffic education program, or both, in a
13 timely manner, if the motor vehicle is recorded by an
14 automated traffic law enforcement system. A violation for
15 which a civil penalty is imposed under this Section is not a
16 violation of a traffic regulation governing the movement of
17 vehicles and may not be recorded on the driving record of the
18 owner of the vehicle.

19 (j-3) A registered owner who is a holder of a valid
20 commercial driver's license is not required to complete a
21 traffic education program.

22 (j-5) For purposes of the required traffic education
23 program only, a registered owner may submit an affidavit to
24 the court or hearing officer swearing that at the time of the
25 alleged violation, the vehicle was in the custody and control
26 of another person. The affidavit must identify the person in

1 custody and control of the vehicle, including the person's
2 name and current address. The person in custody and control of
3 the vehicle at the time of the violation is required to
4 complete the required traffic education program. If the person
5 in custody and control of the vehicle at the time of the
6 violation completes the required traffic education program,
7 the registered owner of the vehicle is not required to
8 complete a traffic education program.

9 (k) An intersection equipped with an automated traffic law
10 enforcement system must be posted with a sign visible to
11 approaching traffic indicating that the intersection is being
12 monitored by an automated traffic law enforcement system and
13 informing drivers whether, following a stop, a right turn at
14 the intersection is permitted or prohibited.

15 (k-3) A municipality or county that has one or more
16 intersections equipped with an automated traffic law
17 enforcement system must provide notice to drivers by posting
18 the locations of automated traffic law systems on the
19 municipality or county website.

20 (k-5) An intersection equipped with an automated traffic
21 law enforcement system must have a yellow change interval that
22 conforms with the Illinois Manual on Uniform Traffic Control
23 Devices (IMUTCD) published by the Illinois Department of
24 Transportation. Beginning 6 months before it installs an
25 automated traffic law enforcement system at an intersection, a
26 county or municipality may not change the yellow change

1 interval at that intersection.

2 (k-7) A municipality or county operating an automated
3 traffic law enforcement system shall conduct a statistical
4 analysis to assess the safety impact of each automated traffic
5 law enforcement system at an intersection following
6 installation of the system and every 2 years thereafter. Each
7 statistical analysis shall be based upon the best available
8 crash, traffic, and other data, and shall cover a period of
9 time before and after installation of the system sufficient to
10 provide a statistically valid comparison of safety impact.
11 Each statistical analysis shall be consistent with
12 professional judgment and acceptable industry practice. Each
13 statistical analysis also shall be consistent with the data
14 required for valid comparisons of before and after conditions
15 and shall be conducted within a reasonable period following
16 the installation of the automated traffic law enforcement
17 system. Each statistical analysis required by this subsection
18 (k-7) shall be made available to the public and shall be
19 published on the website of the municipality or county. If a
20 statistical analysis ~~36-month~~ indicates that there has been an
21 increase in the rate of crashes at the approach to the
22 intersection monitored by the system, the municipality or
23 county shall undertake additional studies to determine the
24 cause and severity of the crashes, and may take any action that
25 it determines is necessary or appropriate to reduce the number
26 or severity of the crashes at that intersection.

1 (k-8) Any municipality or county operating an automated
2 traffic law enforcement system before July 28, 2023 (the
3 effective date of Public Act 103-364) ~~this amendatory Act of~~
4 ~~the 103rd General Assembly~~ shall conduct a statistical
5 analysis to assess the safety impact of each automated traffic
6 law enforcement system at an intersection by no later than one
7 year after July 28, 2023 (the effective date of Public Act
8 103-364 ~~this amendatory Act of the 103rd General Assembly~~ and
9 every 2 years thereafter. The statistical analyses shall be
10 based upon the best available crash, traffic, and other data,
11 and shall cover a period of time before and after installation
12 of the system sufficient to provide a statistically valid
13 comparison of safety impact. The statistical analyses shall be
14 consistent with professional judgment and acceptable industry
15 practice. The statistical analyses also shall be consistent
16 with the data required for valid comparisons of before and
17 after conditions. The statistical analyses required by this
18 subsection shall be made available to the public and shall be
19 published on the website of the municipality or county. If the
20 statistical analysis for any period following installation of
21 the system indicates that there has been an increase in the
22 rate of accidents at the approach to the intersection
23 monitored by the system, the municipality or county shall
24 undertake additional studies to determine the cause and
25 severity of the accidents, and may take any action that it
26 determines is necessary or appropriate to reduce the number or

1 severity of the accidents at that intersection.

2 (1) The compensation paid for an automated traffic law
3 enforcement system must be based on the value of the equipment
4 or the services provided and may not be based on the number of
5 traffic citations issued or the revenue generated by the
6 system.

7 (1-1) No member of the General Assembly and no officer or
8 employee of a municipality or county shall knowingly accept
9 employment or receive compensation or fees for services from a
10 vendor that provides automated traffic law enforcement system
11 equipment or services to municipalities or counties. No former
12 member of the General Assembly shall, within a period of 2
13 years immediately after the termination of service as a member
14 of the General Assembly, knowingly accept employment or
15 receive compensation or fees for services from a vendor that
16 provides automated traffic law enforcement system equipment or
17 services to municipalities or counties. No former officer or
18 employee of a municipality or county shall, within a period of
19 2 years immediately after the termination of municipal or
20 county employment, knowingly accept employment or receive
21 compensation or fees for services from a vendor that provides
22 automated traffic law enforcement system equipment or services
23 to municipalities or counties.

24 (m) This Section applies only to the counties of Cook,
25 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
26 to municipalities located within those counties.

1 (n) The fee for participating in a traffic education
2 program under this Section shall not exceed \$25.

3 A low-income individual required to complete a traffic
4 education program under this Section who provides proof of
5 eligibility for the federal earned income tax credit under
6 Section 32 of the Internal Revenue Code or the Illinois earned
7 income tax credit under Section 212 of the Illinois Income Tax
8 Act shall not be required to pay any fee for participating in a
9 required traffic education program.

10 (o) (Blank).

11 (o-1) A municipality or county shall make a certified
12 report to the Secretary of State pursuant to Section 6-306.5-1
13 of this Code whenever a registered owner of a vehicle has
14 failed to pay any fine or penalty due and owing as a result of
15 a combination of 5 offenses for automated traffic law or speed
16 enforcement system violations.

17 (p) No person who is the lessor of a motor vehicle pursuant
18 to a written lease agreement shall be liable for an automated
19 speed or traffic law enforcement system violation involving
20 such motor vehicle during the period of the lease; provided
21 that upon the request of the appropriate authority received
22 within 120 days after the violation occurred, the lessor
23 provides within 60 days after such receipt the name and
24 address of the lessee. The driver's license number of a lessee
25 may be subsequently individually requested by the appropriate
26 authority if needed for enforcement of this Section.

1 Upon the provision of information by the lessor pursuant
2 to this subsection, the county or municipality may issue the
3 violation to the lessee of the vehicle in the same manner as it
4 would issue a violation to a registered owner of a vehicle
5 pursuant to this Section, and the lessee may be held liable for
6 the violation.

7 (q) If a county or municipality selects a new vendor for
8 its automated traffic law enforcement system and must, as a
9 consequence, apply for a permit, approval, or other
10 authorization from the Department for reinstallation of one or
11 more malfunctioning components of that system and if, at the
12 time of the application for the permit, approval, or other
13 authorization, the new vendor operates an automated traffic
14 law enforcement system for any other county or municipality in
15 the State, then the Department shall approve or deny the
16 county or municipality's application for the permit, approval,
17 or other authorization within 90 days after its receipt.

18 (r) The Department may revoke any permit, approval, or
19 other authorization granted to a county or municipality for
20 the placement, installation, or operation of an automated
21 traffic law enforcement system if any official or employee who
22 serves that county or municipality is charged with bribery,
23 official misconduct, or a similar crime related to the
24 placement, installation, or operation of the automated traffic
25 law enforcement system in the county or municipality.

26 The Department shall adopt any rules necessary to

1 implement and administer this subsection. The rules adopted by
2 the Department shall describe the revocation process, shall
3 ensure that notice of the revocation is provided, and shall
4 provide an opportunity to appeal the revocation. Any county or
5 municipality that has a permit, approval, or other
6 authorization revoked under this subsection may not reapply
7 for such a permit, approval, or other authorization for a
8 period of one ± year after the revocation.

9 (s) If an automated traffic law enforcement system is
10 removed or rendered inoperable due to construction, then the
11 Department shall authorize the reinstallation or use of the
12 automated traffic law enforcement system within 30 days after
13 the construction is complete.

14 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
15 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; revised
16 9-19-23.)

17 (625 ILCS 5/11-208.8)

18 Sec. 11-208.8. Automated speed enforcement systems in
19 safety zones.

20 (a) As used in this Section:

21 "Automated speed enforcement system" means a photographic
22 device, radar device, laser device, or other electrical or
23 mechanical device or devices installed or utilized in a safety
24 zone and designed to record the speed of a vehicle and obtain a
25 clear photograph or other recorded image of the vehicle and

1 the vehicle's registration plate or digital registration plate
2 while the driver is violating Article VI of Chapter 11 of this
3 Code or a similar provision of a local ordinance.

4 An automated speed enforcement system is a system, located
5 in a safety zone which is under the jurisdiction of a
6 municipality, that produces a recorded image of a motor
7 vehicle's violation of a provision of this Code or a local
8 ordinance and is designed to obtain a clear recorded image of
9 the vehicle and the vehicle's license plate. The recorded
10 image must also display the time, date, and location of the
11 violation.

12 "Owner" means the person or entity to whom the vehicle is
13 registered.

14 "Recorded image" means images recorded by an automated
15 speed enforcement system on:

- 16 (1) 2 or more photographs;
17 (2) 2 or more microphotographs;
18 (3) 2 or more electronic images; or
19 (4) a video recording showing the motor vehicle and,
20 on at least one image or portion of the recording, clearly
21 identifying the registration plate or digital registration
22 plate number of the motor vehicle.

23 "Safety zone" means an area that is within one-eighth of a
24 mile from the nearest property line of any public or private
25 elementary or secondary school, or from the nearest property
26 line of any facility, area, or land owned by a school district

1 that is used for educational purposes approved by the Illinois
2 State Board of Education, not including school district
3 headquarters or administrative buildings. A safety zone also
4 includes an area that is within one-eighth of a mile from the
5 nearest property line of any facility, area, or land owned by a
6 park district used for recreational purposes. However, if any
7 portion of a roadway is within either one-eighth mile radius,
8 the safety zone also shall include the roadway extended to the
9 furthest portion of the next furthest intersection. The term
10 "safety zone" does not include any portion of the roadway
11 known as Lake Shore Drive or any controlled access highway
12 with 8 or more lanes of traffic.

13 (a-5) The automated speed enforcement system shall be
14 operational and violations shall be recorded only at the
15 following times:

16 (i) if the safety zone is based upon the property line
17 of any facility, area, or land owned by a school district,
18 only on school days and no earlier than 6 a.m. and no later
19 than 8:30 p.m. if the school day is during the period of
20 Monday through Thursday, or 9 p.m. if the school day is a
21 Friday; and

22 (ii) if the safety zone is based upon the property
23 line of any facility, area, or land owned by a park
24 district, no earlier than one hour prior to the time that
25 the facility, area, or land is open to the public or other
26 patrons, and no later than one hour after the facility,

1 area, or land is closed to the public or other patrons.

2 (b) A municipality that produces a recorded image of a
3 motor vehicle's violation of a provision of this Code or a
4 local ordinance must make the recorded images of a violation
5 accessible to the alleged violator by providing the alleged
6 violator with a website address, accessible through the
7 Internet.

8 (c) Notwithstanding any penalties for any other violations
9 of this Code, the owner of a motor vehicle used in a traffic
10 violation recorded by an automated speed enforcement system
11 shall be subject to the following penalties:

12 (1) if the recorded speed is no less than 6 miles per
13 hour and no more than 10 miles per hour over the legal
14 speed limit, a civil penalty not exceeding \$50, plus an
15 additional penalty of not more than \$50 for failure to pay
16 the original penalty in a timely manner; or

17 (2) if the recorded speed is more than 10 miles per
18 hour over the legal speed limit, a civil penalty not
19 exceeding \$100, plus an additional penalty of not more
20 than \$100 for failure to pay the original penalty in a
21 timely manner.

22 A penalty may not be imposed under this Section if the
23 driver of the motor vehicle received a Uniform Traffic
24 Citation from a police officer for a speeding violation
25 occurring within one-eighth of a mile and 15 minutes of the
26 violation that was recorded by the system. A violation for

1 which a civil penalty is imposed under this Section is not a
2 violation of a traffic regulation governing the movement of
3 vehicles and may not be recorded on the driving record of the
4 owner of the vehicle. A law enforcement officer is not
5 required to be present or to witness the violation. No penalty
6 may be imposed under this Section if the recorded speed of a
7 vehicle is 5 miles per hour or less over the legal speed limit.
8 The municipality may send, in the same manner that notices are
9 sent under this Section, a speed violation warning notice
10 where the violation involves a speed of 5 miles per hour or
11 less above the legal speed limit.

12 (d) The net proceeds that a municipality receives from
13 civil penalties imposed under an automated speed enforcement
14 system, after deducting all non-personnel and personnel costs
15 associated with the operation and maintenance of such system,
16 shall be expended or obligated by the municipality for the
17 following purposes:

18 (i) public safety initiatives to ensure safe passage
19 around schools, and to provide police protection and
20 surveillance around schools and parks, including but not
21 limited to: (1) personnel costs; and (2) non-personnel
22 costs such as construction and maintenance of public
23 safety infrastructure and equipment;

24 (ii) initiatives to improve pedestrian and traffic
25 safety;

26 (iii) construction and maintenance of infrastructure

1 within the municipality, including but not limited to
2 roads and bridges; and

3 (iv) after school programs.

4 (e) For each violation of a provision of this Code or a
5 local ordinance recorded by an automated speed enforcement
6 system, the municipality having jurisdiction shall issue a
7 written notice of the violation to the registered owner of the
8 vehicle as the alleged violator. The notice shall be delivered
9 to the registered owner of the vehicle, by mail, within 30 days
10 after the Secretary of State notifies the municipality of the
11 identity of the owner of the vehicle, but in no event later
12 than 90 days after the violation.

13 (f) The notice required under subsection (e) of this
14 Section shall include:

15 (1) the name and address of the registered owner of
16 the vehicle;

17 (2) the registration number of the motor vehicle
18 involved in the violation;

19 (3) the violation charged;

20 (4) the date, time, and location where the violation
21 occurred;

22 (5) a copy of the recorded image or images;

23 (6) the amount of the civil penalty imposed and the
24 date by which the civil penalty should be paid;

25 (7) a statement that recorded images are evidence of a
26 violation of a speed restriction;

1 (8) a warning that failure to pay the civil penalty or
2 to contest liability in a timely manner is an admission of
3 liability and may result in a suspension of the driving
4 privileges of the registered owner of the vehicle;

5 (9) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or
9 by administrative hearing; and

10 (10) a website address, accessible through the
11 Internet, where the person may view the recorded images of
12 the violation.

13 (g) (Blank).

14 (g-1) If a person charged with a traffic violation, as a
15 result of an automated speed enforcement system, does not pay
16 the fine or successfully contest the civil penalty resulting
17 from that violation, the Secretary of State shall suspend the
18 driving privileges of the registered owner of the vehicle
19 under Section 6-306.5-1 of this Code for failing to pay any
20 fine or penalty due and owing, or both, as a result of a
21 combination of 5 violations of the automated speed enforcement
22 system or the automated traffic law under Section 11-208.6 of
23 this Code.

24 (h) Based on inspection of recorded images produced by an
25 automated speed enforcement system, a notice alleging that the
26 violation occurred shall be evidence of the facts contained in

1 the notice and admissible in any proceeding alleging a
2 violation under this Section.

3 (i) Recorded images made by an automated speed enforcement
4 system are confidential and shall be made available only to
5 the alleged violator and governmental and law enforcement
6 agencies for purposes of adjudicating a violation of this
7 Section, for statistical purposes, or for other governmental
8 purposes. Any recorded image evidencing a violation of this
9 Section, however, may be admissible in any proceeding
10 resulting from the issuance of the citation.

11 (j) The court or hearing officer may consider in defense
12 of a violation:

13 (1) that the motor vehicle or registration plates or
14 digital registration plates of the motor vehicle were
15 stolen before the violation occurred and not under the
16 control or in the possession of the owner or lessee at the
17 time of the violation;

18 (1.5) that the motor vehicle was hijacked before the
19 violation occurred and not under the control of or in the
20 possession of the owner or lessee at the time of the
21 violation;

22 (2) that the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer for a
24 speeding violation occurring within one-eighth of a mile
25 and 15 minutes of the violation that was recorded by the
26 system; and

1 (3) any other evidence or issues provided by municipal
2 ordinance.

3 (k) To demonstrate that the motor vehicle was hijacked or
4 the motor vehicle or registration plates or digital
5 registration plates were stolen before the violation occurred
6 and were not under the control or possession of the owner or
7 lessee at the time of the violation, the owner or lessee must
8 submit proof that a report concerning the motor vehicle or
9 registration plates was filed with a law enforcement agency in
10 a timely manner.

11 (l) A roadway equipped with an automated speed enforcement
12 system shall be posted with a sign conforming to the national
13 Manual on Uniform Traffic Control Devices that is visible to
14 approaching traffic stating that vehicle speeds are being
15 photo-enforced and indicating the speed limit. The
16 municipality shall install such additional signage as it
17 determines is necessary to give reasonable notice to drivers
18 as to where automated speed enforcement systems are installed.

19 (m) A roadway where a new automated speed enforcement
20 system is installed shall be posted with signs providing 30
21 days notice of the use of a new automated speed enforcement
22 system prior to the issuance of any citations through the
23 automated speed enforcement system.

24 (n) The compensation paid for an automated speed
25 enforcement system must be based on the value of the equipment
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the
2 system.

3 (n-1) No member of the General Assembly and no officer or
4 employee of a municipality or county shall knowingly accept
5 employment or receive compensation or fees for services from a
6 vendor that provides automated speed enforcement system
7 equipment or services to municipalities or counties. No former
8 member of the General Assembly shall, within a period of 2
9 years immediately after the termination of service as a member
10 of the General Assembly, knowingly accept employment or
11 receive compensation or fees for services from a vendor that
12 provides automated speed enforcement system equipment or
13 services to municipalities or counties. No former officer or
14 employee of a municipality or county shall, within a period of
15 2 years immediately after the termination of municipal or
16 county employment, knowingly accept employment or receive
17 compensation or fees for services from a vendor that provides
18 automated speed enforcement system equipment or services to
19 municipalities or counties.

20 (o) (Blank).

21 (o-1) A municipality shall make a certified report to the
22 Secretary of State pursuant to Section 6-306.5-1 of this Code
23 whenever a registered owner of a vehicle has failed to pay any
24 fine or penalty due and owing as a result of a combination of 5
25 offenses for automated speed or traffic law enforcement system
26 violations.

1 (p) No person who is the lessor of a motor vehicle pursuant
2 to a written lease agreement shall be liable for an automated
3 speed or traffic law enforcement system violation involving
4 such motor vehicle during the period of the lease; provided
5 that upon the request of the appropriate authority received
6 within 120 days after the violation occurred, the lessor
7 provides within 60 days after such receipt the name and
8 address of the lessee. The driver's ~~drivers~~ license number of
9 a lessee may be subsequently individually requested by the
10 appropriate authority if needed for enforcement of this
11 Section.

12 Upon the provision of information by the lessor pursuant
13 to this subsection, the municipality may issue the violation
14 to the lessee of the vehicle in the same manner as it would
15 issue a violation to a registered owner of a vehicle pursuant
16 to this Section, and the lessee may be held liable for the
17 violation.

18 (q) A municipality using an automated speed enforcement
19 system must provide notice to drivers by publishing the
20 locations of all safety zones where system equipment is
21 installed on the website of the municipality.

22 (r) A municipality operating an automated speed
23 enforcement system shall conduct a statistical analysis to
24 assess the safety impact of the system following installation
25 of the system and every 2 years thereafter. A municipality
26 operating an automated speed enforcement system before the

1 effective date of this amendatory Act of the 103rd General
2 Assembly shall conduct a statistical analysis to assess the
3 safety impact of the system by no later than one year after the
4 effective date of this amendatory Act of the 103rd General
5 Assembly and every 2 years thereafter. Each statistical
6 analysis shall be based upon the best available crash,
7 traffic, and other data, and shall cover a period of time
8 before and after installation of the system sufficient to
9 provide a statistically valid comparison of safety impact.
10 Each statistical analysis shall be consistent with
11 professional judgment and acceptable industry practice. Each
12 statistical analysis also shall be consistent with the data
13 required for valid comparisons of before and after conditions
14 and shall be conducted within a reasonable period following
15 the installation of the automated traffic law enforcement
16 system. Each statistical analysis required by this subsection
17 shall be made available to the public and shall be published on
18 the website of the municipality.

19 (s) This Section applies only to municipalities with a
20 population of 1,000,000 or more inhabitants.

21 (t) If a county or municipality selects a new vendor for
22 its automated speed enforcement system and must, as a
23 consequence, apply for a permit, approval, or other
24 authorization from the Department for reinstallation of one or
25 more malfunctioning components of that system and if, at the
26 time of the application for the permit, approval, or other

1 authorization, the new vendor operates an automated speed
2 enforcement system for any other county or municipality in the
3 State, then the Department shall approve or deny the county or
4 municipality's application for the permit, approval, or other
5 authorization within 90 days after its receipt.

6 (u) The Department may revoke any permit, approval, or
7 other authorization granted to a county or municipality for
8 the placement, installation, or operation of an automated
9 speed enforcement system if any official or employee who
10 serves that county or municipality is charged with bribery,
11 official misconduct, or a similar crime related to the
12 placement, installation, or operation of the automated speed
13 enforcement system in the county or municipality.

14 The Department shall adopt any rules necessary to
15 implement and administer this subsection. The rules adopted by
16 the Department shall describe the revocation process, shall
17 ensure that notice of the revocation is provided, and shall
18 provide an opportunity to appeal the revocation. Any county or
19 municipality that has a permit, approval, or other
20 authorization revoked under this subsection may not reapply
21 for such a permit, approval, or other authorization for a
22 period of 1 year after the revocation.

23 (Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

24 (625 ILCS 5/11-208.9)

25 Sec. 11-208.9. Automated traffic law enforcement system;

1 approaching, overtaking, and passing a school bus.

2 (a) As used in this Section, "automated traffic law
3 enforcement system" means a device with one or more motor
4 vehicle sensors working in conjunction with the visual signals
5 on a school bus, as specified in Sections 12-803 and 12-805 of
6 this Code, to produce recorded images of motor vehicles that
7 fail to stop before meeting or overtaking, from either
8 direction, any school bus stopped at any location for the
9 purpose of receiving or discharging pupils in violation of
10 Section 11-1414 of this Code or a similar provision of a local
11 ordinance.

12 An automated traffic law enforcement system is a system,
13 in a municipality or county operated by a governmental agency,
14 that produces a recorded image of a motor vehicle's violation
15 of a provision of this Code or a local ordinance and is
16 designed to obtain a clear recorded image of the vehicle and
17 the vehicle's license plate. The recorded image must also
18 display the time, date, and location of the violation.

19 (b) As used in this Section, "recorded images" means
20 images recorded by an automated traffic law enforcement system
21 on:

22 (1) 2 or more photographs;

23 (2) 2 or more microphotographs;

24 (3) 2 or more electronic images; or

25 (4) a video recording showing the motor vehicle and,
26 on at least one image or portion of the recording, clearly

1 identifying the registration plate or digital registration
2 plate number of the motor vehicle.

3 (c) A municipality or county that produces a recorded
4 image of a motor vehicle's violation of a provision of this
5 Code or a local ordinance must make the recorded images of a
6 violation accessible to the alleged violator by providing the
7 alleged violator with a website address, accessible through
8 the Internet.

9 (d) For each violation of a provision of this Code or a
10 local ordinance recorded by an automated traffic law
11 enforcement system, the county or municipality having
12 jurisdiction shall issue a written notice of the violation to
13 the registered owner of the vehicle as the alleged violator.
14 The notice shall be delivered to the registered owner of the
15 vehicle, by mail, within 30 days after the Secretary of State
16 notifies the municipality or county of the identity of the
17 owner of the vehicle, but in no event later than 90 days after
18 the violation.

19 (e) The notice required under subsection (d) shall
20 include:

21 (1) the name and address of the registered owner of
22 the vehicle;

23 (2) the registration number of the motor vehicle
24 involved in the violation;

25 (3) the violation charged;

26 (4) the location where the violation occurred;

- 1 (5) the date and time of the violation;
- 2 (6) a copy of the recorded images;
- 3 (7) the amount of the civil penalty imposed and the
4 date by which the civil penalty should be paid;
- 5 (8) a statement that recorded images are evidence of a
6 violation of overtaking or passing a school bus stopped
7 for the purpose of receiving or discharging pupils;
- 8 (9) a warning that failure to pay the civil penalty or
9 to contest liability in a timely manner is an admission of
10 liability and may result in a suspension of the driving
11 privileges of the registered owner of the vehicle;
- 12 (10) a statement that the person may elect to proceed
13 by:
- 14 (A) paying the fine; or
- 15 (B) challenging the charge in court, by mail, or
16 by administrative hearing; and
- 17 (11) a website address, accessible through the
18 Internet, where the person may view the recorded images of
19 the violation.
- 20 (f) (Blank).
- 21 (f-1) If a person charged with a traffic violation, as a
22 result of an automated traffic law enforcement system under
23 this Section, does not pay the fine or successfully contest
24 the civil penalty resulting from that violation, the Secretary
25 of State shall suspend the driving privileges of the
26 registered owner of the vehicle under Section 6-306.5-1 of

1 this Code for failing to pay any fine or penalty due and owing
2 as a result of a combination of 5 violations of the automated
3 traffic law enforcement system or the automated speed
4 enforcement system under Section 11-208.8 of this Code.

5 (g) Based on inspection of recorded images produced by an
6 automated traffic law enforcement system, a notice alleging
7 that the violation occurred shall be evidence of the facts
8 contained in the notice and admissible in any proceeding
9 alleging a violation under this Section.

10 (h) Recorded images made by an automated traffic law
11 enforcement system are confidential and shall be made
12 available only to the alleged violator and governmental and
13 law enforcement agencies for purposes of adjudicating a
14 violation of this Section, for statistical purposes, or for
15 other governmental purposes. Any recorded image evidencing a
16 violation of this Section, however, may be admissible in any
17 proceeding resulting from the issuance of the citation.

18 (i) The court or hearing officer may consider in defense
19 of a violation:

20 (1) that the motor vehicle or registration plates or
21 digital registration plates of the motor vehicle were
22 stolen before the violation occurred and not under the
23 control of or in the possession of the owner or lessee at
24 the time of the violation;

25 (1.5) that the motor vehicle was hijacked before the
26 violation occurred and not under the control of or in the

1 possession of the owner or lessee at the time of the
2 violation;

3 (2) that the driver of the motor vehicle received a
4 Uniform Traffic Citation from a police officer for a
5 violation of Section 11-1414 of this Code within
6 one-eighth of a mile and 15 minutes of the violation that
7 was recorded by the system;

8 (3) that the visual signals required by Sections
9 12-803 and 12-805 of this Code were damaged, not
10 activated, not present in violation of Sections 12-803 and
11 12-805, or inoperable; and

12 (4) any other evidence or issues provided by municipal
13 or county ordinance.

14 (j) To demonstrate that the motor vehicle was hijacked or
15 the motor vehicle or registration plates or digital
16 registration plates were stolen before the violation occurred
17 and were not under the control or possession of the owner or
18 lessee at the time of the violation, the owner or lessee must
19 submit proof that a report concerning the motor vehicle or
20 registration plates was filed with a law enforcement agency in
21 a timely manner.

22 (k) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$150 for a first time violation or \$500
26 for a second or subsequent violation, plus an additional

1 penalty of not more than \$100 for failure to pay the original
2 penalty in a timely manner, if the motor vehicle is recorded by
3 an automated traffic law enforcement system. A violation for
4 which a civil penalty is imposed under this Section is not a
5 violation of a traffic regulation governing the movement of
6 vehicles and may not be recorded on the driving record of the
7 owner of the vehicle, but may be recorded by the municipality
8 or county for the purpose of determining if a person is subject
9 to the higher fine for a second or subsequent offense.

10 (l) A school bus equipped with an automated traffic law
11 enforcement system must be posted with a sign indicating that
12 the school bus is being monitored by an automated traffic law
13 enforcement system.

14 (m) A municipality or county that has one or more school
15 buses equipped with an automated traffic law enforcement
16 system must provide notice to drivers by posting a list of
17 school districts using school buses equipped with an automated
18 traffic law enforcement system on the municipality or county
19 website. School districts that have one or more school buses
20 equipped with an automated traffic law enforcement system must
21 provide notice to drivers by posting that information on their
22 websites.

23 (n) A municipality or county operating an automated
24 traffic law enforcement system shall conduct a statistical
25 analysis to assess the safety impact in each school district
26 using school buses equipped with an automated traffic law

1 enforcement system following installation of the system and
2 every 2 years thereafter. A municipality or county operating
3 an automated speed enforcement system before the effective
4 date of this amendatory Act of the 103rd General Assembly
5 shall conduct a statistical analysis to assess the safety
6 impact of the system by no later than one year after the
7 effective date of this amendatory Act of the 103rd General
8 Assembly and every 2 years thereafter. Each statistical
9 analysis shall be based upon the best available crash,
10 traffic, and other data, and shall cover a period of time
11 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 shall be made available to the public and shall be published on
21 the website of the municipality or county. If a statistical
22 analysis indicates that there has been an increase in the rate
23 of crashes at the approach to school buses monitored by the
24 system, the municipality or county shall undertake additional
25 studies to determine the cause and severity of the crashes,
26 and may take any action that it determines is necessary or

1 appropriate to reduce the number or severity of the crashes
2 involving school buses equipped with an automated traffic law
3 enforcement system.

4 (o) 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 (o-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 (p) No person who is the lessor of a motor vehicle pursuant

1 to a written lease agreement shall be liable for an automated
2 speed or traffic law enforcement system violation involving
3 such motor vehicle during the period of the lease; provided
4 that upon the request of the appropriate authority received
5 within 120 days after the violation occurred, the lessor
6 provides within 60 days after such receipt the name and
7 address of the lessee. The driver's license number of a lessee
8 may be subsequently individually requested by the appropriate
9 authority if needed for enforcement of this Section.

10 Upon the provision of information by the lessor pursuant
11 to this subsection, the county or municipality may issue the
12 violation to the lessee of the vehicle in the same manner as it
13 would issue a violation to a registered owner of a vehicle
14 pursuant to this Section, and the lessee may be held liable for
15 the violation.

16 (q) (Blank).

17 (q-1) A municipality or county shall make a certified
18 report to the Secretary of State pursuant to Section 6-306.5-1
19 of this Code whenever a registered owner of a vehicle has
20 failed to pay any fine or penalty due and owing as a result of
21 a combination of 5 offenses for automated traffic law or speed
22 enforcement system violations.

23 (r) After a municipality or county enacts an ordinance
24 providing for automated traffic law enforcement systems under
25 this Section, each school district within that municipality or
26 county's jurisdiction may implement an automated traffic law

1 enforcement system under this Section. The elected school
2 board for that district must approve the implementation of an
3 automated traffic law enforcement system. The school district
4 shall be responsible for entering into a contract, approved by
5 the elected school board of that district, with vendors for
6 the installation, maintenance, and operation of the automated
7 traffic law enforcement system. The school district must enter
8 into an intergovernmental agreement, approved by the elected
9 school board of that district, with the municipality or county
10 with jurisdiction over that school district for the
11 administration of the automated traffic law enforcement
12 system. The proceeds from a school district's automated
13 traffic law enforcement system's fines shall be divided
14 equally between the school district and the municipality or
15 county administering the automated traffic law enforcement
16 system.

17 (s) If a county or municipality changes the vendor it uses
18 for its automated traffic law enforcement system and must, as
19 a consequence, apply for a permit, approval, or other
20 authorization from the Department for reinstallation of one or
21 more malfunctioning components of that system and if, at the
22 time of the application, the new vendor operates an automated
23 traffic law enforcement system for any other county or
24 municipality in the State, then the Department shall approve
25 or deny the county or municipality's application for that
26 permit, approval, or other authorization within 90 days after

1 its receipt.

2 (t) The Department may revoke any permit, approval, or
3 other authorization granted to a county or municipality for
4 the placement, installation, or operation of an automated
5 traffic law enforcement system if any official or employee who
6 serves that county or municipality is charged with bribery,
7 official misconduct, or a similar crime related to the
8 placement, installation, or operation of the automated traffic
9 law enforcement system in the county or municipality.

10 The Department shall adopt any rules necessary to
11 implement and administer this subsection. The rules adopted by
12 the Department shall describe the revocation process, shall
13 ensure that notice of the revocation is provided, and shall
14 provide an opportunity to appeal the revocation. Any county or
15 municipality that has a permit, approval, or other
16 authorization revoked under this subsection may not reapply
17 for such a permit, approval, or other authorization for a
18 period of 1 year after the revocation.

19 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;
20 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

21 (625 ILCS 5/11-1201.1)

22 Sec. 11-1201.1. Automated railroad crossing enforcement
23 system.

24 (a) For the purposes of this Section, an automated
25 railroad grade crossing enforcement system is a system in a

1 municipality or county operated by a governmental agency that
2 produces a recorded image of a motor vehicle's violation of a
3 provision of this Code or local ordinance and is designed to
4 obtain a clear recorded image of the vehicle and vehicle's
5 license plate. The recorded image must also display the time,
6 date, and location of the violation.

7 As used in this Section, "recorded images" means images
8 recorded by an automated railroad grade crossing enforcement
9 system on:

- 10 (1) 2 or more photographs;
- 11 (2) 2 or more microphotographs;
- 12 (3) 2 or more electronic images; or
- 13 (4) a video recording showing the motor vehicle and,
14 on at least one image or portion of the recording, clearly
15 identifying the registration plate or digital registration
16 plate number of the motor vehicle.

17 (b) The Illinois Commerce Commission may, in cooperation
18 with a local law enforcement agency, establish in any county
19 or municipality an automated railroad grade crossing
20 enforcement system at any railroad grade crossing equipped
21 with a crossing gate designated by local authorities. Local
22 authorities desiring the establishment of an automated
23 railroad crossing enforcement system must initiate the process
24 by enacting a local ordinance requesting the creation of such
25 a system. After the ordinance has been enacted, and before any
26 additional steps toward the establishment of the system are

1 undertaken, the local authorities and the Commission must
2 agree to a plan for obtaining, from any combination of
3 federal, State, and local funding sources, the moneys required
4 for the purchase and installation of any necessary equipment.

5 (b-1) (Blank).

6 (c) For each violation of Section 11-1201 of this Code or a
7 local ordinance recorded by an automated railroad grade
8 crossing enforcement system, the county or municipality having
9 jurisdiction shall issue a written notice of the violation to
10 the registered owner of the vehicle as the alleged violator.
11 The notice shall be delivered to the registered owner of the
12 vehicle, by mail, no later than 90 days after the violation.

13 The notice shall include:

14 (1) the name and address of the registered owner of
15 the vehicle;

16 (2) the registration number of the motor vehicle
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

20 (5) the date and time of the violation;

21 (6) a copy of the recorded images;

22 (7) the amount of the civil penalty imposed and the
23 date by which the civil penalty should be paid;

24 (8) a statement that recorded images are evidence of a
25 violation of a railroad grade crossing;

26 (9) a warning that failure to pay the civil penalty or

1 to contest liability in a timely manner is an admission of
2 liability and may result in a suspension of the driving
3 privileges of the registered owner of the vehicle; and

4 (10) a statement that the person may elect to proceed
5 by:

6 (A) paying the fine; or

7 (B) challenging the charge in court, by mail, or
8 by administrative hearing.

9 (d) (Blank).

10 (d-1) (Blank).

11 (d-2) (Blank).

12 (d-3) If a person charged with a traffic violation, as a
13 result of an automated railroad grade crossing enforcement
14 system, does not pay or successfully contest the civil penalty
15 resulting from that violation, the Secretary of State shall
16 suspend the driving privileges of the registered owner of the
17 vehicle under Section 6-306.5-1 of this Code for failing to
18 pay any fine or penalty due and owing as a result of 5
19 violations of the automated railroad grade crossing
20 enforcement system.

21 (e) Based on inspection of recorded images produced by an
22 automated railroad grade crossing enforcement system, a notice
23 alleging that the violation occurred shall be evidence of the
24 facts contained in the notice and admissible in any proceeding
25 alleging a violation under this Section.

26 (e-1) Recorded images made by an automated railroad grade

1 crossing enforcement system are confidential and shall be made
2 available only to the alleged violator and governmental and
3 law enforcement agencies for purposes of adjudicating a
4 violation of this Section, for statistical purposes, or for
5 other governmental purposes. Any recorded image evidencing a
6 violation of this Section, however, may be admissible in any
7 proceeding resulting from the issuance of the citation.

8 (e-2) The court or hearing officer may consider the
9 following in the defense of a violation:

10 (1) that the motor vehicle or registration plates or
11 digital registration plates of the motor vehicle were
12 stolen before the violation occurred and not under the
13 control of or in the possession of the owner or lessee at
14 the time of the violation;

15 (1.5) that the motor vehicle was hijacked before the
16 violation occurred and not under the control of or in the
17 possession of the owner or lessee at the time of the
18 violation;

19 (2) that the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time
21 of the violation for the same offense;

22 (3) any other evidence or issues provided by municipal
23 or county ordinance.

24 (e-3) To demonstrate that the motor vehicle was hijacked
25 or the motor vehicle or registration plates or digital
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner or
2 lessee at the time of the violation, the owner or lessee must
3 submit proof that a report concerning the motor vehicle or
4 registration plates was filed with a law enforcement agency in
5 a timely manner.

6 (f) Rail crossings equipped with an automatic railroad
7 grade crossing enforcement system shall be posted with a sign
8 visible to approaching traffic stating that the railroad grade
9 crossing is being monitored, that citations will be issued,
10 and the amount of the fine for violation.

11 (g) The compensation paid for an automated railroad grade
12 crossing enforcement system must be based on the value of the
13 equipment or the services provided and may not be based on the
14 number of citations issued or the revenue generated by the
15 system.

16 (h) (Blank).

17 (i) If any part or parts of this Section are held by a
18 court of competent jurisdiction to be unconstitutional, the
19 unconstitutionality shall not affect the validity of the
20 remaining parts of this Section. The General Assembly hereby
21 declares that it would have passed the remaining parts of this
22 Section if it had known that the other part or parts of this
23 Section would be declared unconstitutional.

24 (j) Penalty. A civil fine of \$250 shall be imposed for a
25 first violation of this Section, and a civil fine of \$500 shall
26 be imposed for a second or subsequent violation of this

1 Section.

2 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
3 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

4 Section 200. The Illinois Vehicle Code is amended by
5 changing Sections 6-303, 6-306.5-1, and 6-306.9 and by adding
6 Sections 4-214.2 and 6-306.5-1 as follows:

7 (625 ILCS 5/4-214.2 new)

8 Sec. 4-214.2. Failure to pay fines, charges, and costs on
9 an abandoned vehicle.

10 (a) Whenever any resident of this State fails to pay any
11 fine, charge, or cost imposed for a violation of Section 4-201
12 of this Code, or a similar provision of a local ordinance, the
13 clerk shall notify the Secretary of State, on a report
14 prescribed by the Secretary, and the Secretary shall prohibit
15 the renewal, reissue, or reinstatement of the resident's
16 driving privileges until the fine, charge, or cost has been
17 paid in full. The clerk shall provide notice to the owner, at
18 the owner's last known address as shown on the court's
19 records, stating that the action will be effective on the 46th
20 day following the date of the above notice if payment is not
21 received in full by the court of venue.

22 (b) Following receipt of the report from the clerk, the
23 Secretary of State shall make the proper notation to the
24 owner's file to prohibit the renewal, reissue, or

1 reinstatement of the owner's driving privileges. Except as
2 provided in subsection (d) of this Section, the notation shall
3 not be removed from the owner's record until the owner
4 satisfies the outstanding fine, charge, or cost and an
5 appropriate notice on a form prescribed by the Secretary is
6 received by the Secretary from the court of venue, stating
7 that the fine, charge, or cost has been paid in full. Upon
8 payment in full of a fine, charge, or court cost which has
9 previously been reported under this Section as unpaid, the
10 clerk of the court shall present the owner with a signed
11 receipt containing the seal of the court indicating that the
12 fine, charge, or cost has been paid in full, and shall forward
13 immediately to the Secretary of State a notice stating that
14 the fine, charge, or cost has been paid in full.

15 (c) Notwithstanding the receipt of a report from the clerk
16 as prescribed in subsection (a), nothing in this Section is
17 intended to place any responsibility upon the Secretary of
18 State to provide independent notice to the owner of any
19 potential action to disallow the renewal, reissue, or
20 reinstatement of the owner's driving privileges.

21 (d) The Secretary of State shall renew, reissue, or
22 reinstate an owner's driving privileges which were previously
23 refused under this Section upon presentation of an original
24 receipt which is signed by the clerk of the court and contains
25 the seal of the court indicating that the fine, charge, or cost
26 has been paid in full. The Secretary of State shall retain the

1 receipt for his or her records.

2 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

3 Sec. 6-303. Driving while driver's license, permit, or
4 privilege to operate a motor vehicle is suspended or revoked.

5 (a) Except as otherwise provided in subsection (a-5) or
6 (a-7), any person who drives or is in actual physical control
7 of a motor vehicle on any highway of this State at a time when
8 such person's driver's license, permit, or privilege to do so
9 or the privilege to obtain a driver's license or permit is
10 revoked or suspended as provided by this Code or the law of
11 another state, except as may be specifically allowed by a
12 judicial driving permit issued prior to January 1, 2009,
13 monitoring device driving permit, family financial
14 responsibility driving permit, probationary license to drive,
15 or a restricted driving permit issued pursuant to this Code or
16 under the law of another state, shall be guilty of a Class A
17 misdemeanor.

18 (a-3) A second or subsequent violation of subsection (a)
19 of this Section is a Class 4 felony if committed by a person
20 whose driving or operation of a motor vehicle is the proximate
21 cause of a motor vehicle crash that causes personal injury or
22 death to another. For purposes of this subsection, a personal
23 injury includes any Type A injury as indicated on the traffic
24 crash report completed by a law enforcement officer that
25 requires immediate professional attention in either a doctor's

1 office or a medical facility. A Type A injury includes severe
2 bleeding wounds, distorted extremities, and injuries that
3 require the injured party to be carried from the scene.

4 (a-5) Any person who violates this Section as provided in
5 subsection (a) while his or her driver's license, permit, or
6 privilege is revoked because of a violation of Section 9-3 of
7 the Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide, or a violation
9 of subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of this Code, relating to the offense of
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof when the violation was a proximate cause
14 of a death, or a similar provision of a law of another state,
15 is guilty of a Class 4 felony. The person shall be required to
16 undergo a professional evaluation, as provided in Section
17 11-501 of this Code, to determine if an alcohol, drug, or
18 intoxicating compound problem exists and the extent of the
19 problem, and to undergo the imposition of treatment as
20 appropriate.

21 (a-7) Any person who violates this Section as provided in
22 subsection (a) while his or her driver's license or privilege
23 to drive is suspended under Section 6-306.5-1 ~~6-306.5~~ or 7-702
24 of this Code shall receive a Uniform Traffic Citation from the
25 law enforcement officer. A person who receives 3 or more
26 Uniform Traffic Citations under this subsection (a-7) without

1 paying any fees associated with the citations shall be guilty
2 of a Class A misdemeanor.

3 (a-10) A person's driver's license, permit, or privilege
4 to obtain a driver's license or permit may be subject to
5 multiple revocations, multiple suspensions, or any combination
6 of both simultaneously. No revocation or suspension shall
7 serve to negate, invalidate, cancel, postpone, or in any way
8 lessen the effect of any other revocation or suspension
9 entered prior or subsequent to any other revocation or
10 suspension.

11 (b) (Blank).

12 (b-1) Except for a person under subsection (a-7) of this
13 Section, upon receiving a report of the conviction of any
14 violation indicating a person was operating a motor vehicle
15 during the time when the person's driver's license, permit, or
16 privilege was suspended by the Secretary of State or the
17 driver's licensing administrator of another state, except as
18 specifically allowed by a probationary license, judicial
19 driving permit, restricted driving permit, or monitoring
20 device driving permit, the Secretary shall extend the
21 suspension for the same period of time as the originally
22 imposed suspension unless the suspension has already expired,
23 in which case the Secretary shall be authorized to suspend the
24 person's driving privileges for the same period of time as the
25 originally imposed suspension.

26 (b-2) Except as provided in subsection (b-6) or (a-7),

1 upon receiving a report of the conviction of any violation
2 indicating a person was operating a motor vehicle when the
3 person's driver's license, permit, or privilege was revoked by
4 the Secretary of State or the driver's license administrator
5 of any other state, except as specifically allowed by a
6 restricted driving permit issued pursuant to this Code or the
7 law of another state, the Secretary shall not issue a driver's
8 license for an additional period of one year from the date of
9 such conviction indicating such person was operating a vehicle
10 during such period of revocation.

11 (b-3) (Blank).

12 (b-4) When the Secretary of State receives a report of a
13 conviction of any violation indicating a person was operating
14 a motor vehicle that was not equipped with an ignition
15 interlock device during a time when the person was prohibited
16 from operating a motor vehicle not equipped with such a
17 device, the Secretary shall not issue a driver's license to
18 that person for an additional period of one year from the date
19 of the conviction.

20 (b-5) Any person convicted of violating this Section shall
21 serve a minimum term of imprisonment of 30 consecutive days or
22 300 hours of community service when the person's driving
23 privilege was revoked or suspended as a result of a violation
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, relating to the offense of reckless homicide, or
26 a violation of subparagraph (F) of paragraph (1) of subsection

1 (d) of Section 11-501 of this Code, relating to the offense of
2 aggravated driving under the influence of alcohol, other drug
3 or drugs, or intoxicating compound or compounds, or any
4 combination thereof when the violation was a proximate cause
5 of a death, or a similar provision of a law of another state.
6 The court may give credit toward the fulfillment of community
7 service hours for participation in activities and treatment as
8 determined by court services.

9 (b-6) Upon receiving a report of a first conviction of
10 operating a motor vehicle while the person's driver's license,
11 permit, or privilege was revoked where the revocation was for
12 a violation of Section 9-3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 relating to the offense of reckless
14 homicide, or a violation of subparagraph (F) of paragraph (1)
15 of subsection (d) of Section 11-501 of this Code, relating to
16 the offense of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof when the violation was a
19 proximate cause of a death, or a similar out-of-state offense,
20 the Secretary shall not issue a driver's license for an
21 additional period of 3 years from the date of such conviction.

22 (c) Except as provided in subsections (c-3) and (c-4), any
23 person convicted of violating this Section shall serve a
24 minimum term of imprisonment of 10 consecutive days or 30 days
25 of community service when the person's driving privilege was
26 revoked or suspended as a result of:

1 (1) a violation of Section 11-501 of this Code or a
2 similar provision of a local ordinance relating to the
3 offense of operating or being in physical control of a
4 vehicle while under the influence of alcohol, any other
5 drug or any combination thereof; or

6 (2) a violation of paragraph (b) of Section 11-401 of
7 this Code or a similar provision of a local ordinance
8 relating to the offense of leaving the scene of a motor
9 vehicle crash involving personal injury or death; or

10 (3) a statutory summary suspension or revocation under
11 Section 11-501.1 of this Code.

12 Such sentence of imprisonment or community service shall
13 not be subject to suspension in order to reduce such sentence.

14 (c-1) Except as provided in subsections (a-7), (c-5), and
15 (d), any person convicted of a second violation of this
16 Section shall be ordered by the court to serve a minimum of 100
17 hours of community service. The court may give credit toward
18 the fulfillment of community service hours for participation
19 in activities and treatment as determined by court services.

20 (c-2) In addition to other penalties imposed under this
21 Section, the court may impose on any person convicted a fourth
22 time of violating this Section any of the following:

23 (1) Seizure of the license plates of the person's
24 vehicle.

25 (2) Immobilization of the person's vehicle for a
26 period of time to be determined by the court.

1 (c-3) Any person convicted of a violation of this Section
2 during a period of summary suspension imposed pursuant to
3 Section 11-501.1 when the person was eligible for a monitoring
4 device driving permit shall be guilty of a Class 4 felony and
5 shall serve a minimum term of imprisonment of 30 days.

6 (c-4) Any person who has been issued a monitoring device
7 driving permit or a restricted driving permit which requires
8 the person to operate only motor vehicles equipped with an
9 ignition interlock device and who is convicted of a violation
10 of this Section as a result of operating or being in actual
11 physical control of a motor vehicle not equipped with an
12 ignition interlock device at the time of the offense shall be
13 guilty of a Class 4 felony and shall serve a minimum term of
14 imprisonment of 30 days.

15 (c-5) Any person convicted of a second violation of this
16 Section is guilty of a Class 2 felony, is not eligible for
17 probation or conditional discharge, and shall serve a
18 mandatory term of imprisonment, if:

19 (1) the current violation occurred when the person's
20 driver's license was suspended or revoked for a violation
21 of Section 9-3 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, relating to the offense of reckless
23 homicide, or a violation of subparagraph (F) of paragraph
24 (1) of subsection (d) of Section 11-501 of this Code,
25 relating to the offense of aggravated driving under the
26 influence of alcohol, other drug or drugs, or intoxicating

1 compound or compounds, or any combination thereof when the
2 violation was a proximate cause of a death, or a similar
3 out-of-state offense; and

4 (2) the prior conviction under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 9-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 relating to the
8 offense of reckless homicide, or a violation of
9 subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of this Code, relating to the offense of
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof when the violation was a proximate
14 cause of a death, or a similar out-of-state offense, or
15 was suspended or revoked for a violation of Section 11-401
16 or 11-501 of this Code, a similar out-of-state offense, a
17 similar provision of a local ordinance, or a statutory
18 summary suspension or revocation under Section 11-501.1 of
19 this Code.

20 (d) Any person convicted of a second violation of this
21 Section shall be guilty of a Class 4 felony and shall serve a
22 minimum term of imprisonment of 30 days or 300 hours of
23 community service, as determined by the court, if:

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 11-401 or 11-501 of this Code, a similar

1 out-of-state offense, a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code; and

4 (2) the prior conviction under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of
7 this Code, a similar out-of-state offense, a similar
8 provision of a local ordinance, or a statutory summary
9 suspension or revocation under Section 11-501.1 of this
10 Code, or for a violation of Section 9-3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, relating to the
12 offense of reckless homicide, or a violation of
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of this Code, relating to the offense of
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof when the violation was a proximate
18 cause of a death, or a similar out-of-state offense.

19 The court may give credit toward the fulfillment of
20 community service hours for participation in activities and
21 treatment as determined by court services.

22 (d-1) Except as provided in subsections (a-7), (d-2),
23 (d-2.5), and (d-3), any person convicted of a third or
24 subsequent violation of this Section shall serve a minimum
25 term of imprisonment of 30 days or 300 hours of community
26 service, as determined by the court. The court may give credit

1 toward the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services.

4 (d-2) Any person convicted of a third violation of this
5 Section is guilty of a Class 4 felony and must serve a minimum
6 term of imprisonment of 30 days, if:

7 (1) the current violation occurred when the person's
8 driver's license was suspended or revoked for a violation
9 of Section 11-401 or 11-501 of this Code, or a similar
10 out-of-state offense, or a similar provision of a local
11 ordinance, or a statutory summary suspension or revocation
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred
14 while the person's driver's license was suspended or
15 revoked for a violation of Section 11-401 or 11-501 of
16 this Code, a similar out-of-state offense, a similar
17 provision of a local ordinance, or a statutory summary
18 suspension or revocation under Section 11-501.1 of this
19 Code, or for a violation of Section 9-3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012, relating to the
21 offense of reckless homicide, or a violation of
22 subparagraph (F) of paragraph (1) of subsection (d) of
23 Section 11-501 of this Code, relating to the offense of
24 aggravated driving under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof when the violation was a proximate

1 cause of a death, or a similar out-of-state offense.

2 (d-2.5) Any person convicted of a third violation of this
3 Section is guilty of a Class 1 felony, is not eligible for
4 probation or conditional discharge, and must serve a mandatory
5 term of imprisonment, if:

6 (1) the current violation occurred while the person's
7 driver's license was suspended or revoked for a violation
8 of Section 9-3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, relating to the offense of reckless
10 homicide, or a violation of subparagraph (F) of paragraph
11 (1) of subsection (d) of Section 11-501 of this Code,
12 relating to the offense of aggravated driving under the
13 influence of alcohol, other drug or drugs, or intoxicating
14 compound or compounds, or any combination thereof when the
15 violation was a proximate cause of a death, or a similar
16 out-of-state offense. The person's driving privileges
17 shall be revoked for the remainder of the person's life;
18 and

19 (2) the prior convictions under this Section occurred
20 while the person's driver's license was suspended or
21 revoked 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, or
4 was suspended or revoked for a violation of Section 11-401
5 or 11-501 of this Code, a similar out-of-state offense, a
6 similar provision of a local ordinance, or a statutory
7 summary suspension or revocation under Section 11-501.1 of
8 this Code.

9 (d-3) Any person convicted of a fourth, fifth, sixth,
10 seventh, eighth, or ninth violation of this Section is guilty
11 of a Class 4 felony and must serve a minimum term of
12 imprisonment of 180 days, if:

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked for a violation
15 of Section 11-401 or 11-501 of this Code, a similar
16 out-of-state offense, a similar provision of a local
17 ordinance, or a statutory summary suspension or revocation
18 under Section 11-501.1 of this Code; and

19 (2) the prior convictions under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 11-401 or 11-501 of
22 this Code, a similar out-of-state offense, a similar
23 provision of a local ordinance, or a statutory summary
24 suspension or revocation under Section 11-501.1 of this
25 Code, or for a violation of Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, relating to the

1 offense of reckless homicide, or a violation of
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of this Code, relating to the offense of
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof when the violation was a proximate
7 cause of a death, or a similar out-of-state offense.

8 (d-3.5) Any person convicted of a fourth or subsequent
9 violation of this Section is guilty of a Class 1 felony, is not
10 eligible for probation or conditional discharge, must serve a
11 mandatory term of imprisonment, and is eligible for an
12 extended term, if:

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked for a violation
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, relating to the offense of reckless
17 homicide, or a violation of subparagraph (F) of paragraph
18 (1) of subsection (d) of Section 11-501 of this Code,
19 relating to the offense of aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof when the
22 violation was a proximate cause of a death, or a similar
23 out-of-state offense; 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 9-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, relating to the
2 offense of reckless homicide, or a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of this Code, relating to the offense of
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof when the violation was a proximate
8 cause of a death, or a similar out-of-state offense, or
9 was suspended or revoked for a violation of Section 11-401
10 or 11-501 of this Code, a similar out-of-state offense, a
11 similar provision of a local ordinance, or a statutory
12 summary suspension or revocation under Section 11-501.1 of
13 this Code.

14 (d-4) Any person convicted of a tenth, eleventh, twelfth,
15 thirteenth, or fourteenth violation of this Section is guilty
16 of a Class 3 felony, and is not eligible for probation or
17 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 suspension
3 or revocation under Section 11-501.1 of this Code, or for
4 a violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a violation of subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of this
8 Code, relating to the offense of aggravated driving under
9 the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination
11 thereof when the violation was a proximate cause of a
12 death, or a similar out-of-state offense.

13 (d-5) Any person convicted of a fifteenth or subsequent
14 violation of this Section is guilty of a Class 2 felony, and is
15 not eligible for probation or conditional discharge, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked for a violation
18 of Section 11-401 or 11-501 of this Code, or a similar
19 out-of-state offense, or a similar provision of a local
20 ordinance, or a statutory summary suspension or revocation
21 under Section 11-501.1 of this Code; and

22 (2) the prior convictions under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 11-401 or 11-501 of
25 this Code, a similar out-of-state offense, a similar
26 provision of a local ordinance, or a statutory summary

1 suspension or revocation under Section 11-501.1 of this
2 Code, or for a violation of Section 9-3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, relating to the
4 offense of reckless homicide, or a violation of
5 subparagraph (F) of paragraph (1) of subsection (d) of
6 Section 11-501 of this Code, relating to the offense of
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof when the violation was a proximate
10 cause of a death, or a similar out-of-state offense.

11 (e) Any person in violation of this Section who is also in
12 violation of Section 7-601 of this Code relating to mandatory
13 insurance requirements, in addition to other penalties imposed
14 under this Section, shall have his or her motor vehicle
15 immediately impounded by the arresting law enforcement
16 officer. The motor vehicle may be released to any licensed
17 driver upon a showing of proof of insurance for the vehicle
18 that was impounded and the notarized written consent for the
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified
21 copy of the driving abstract of the defendant shall be
22 admitted as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's
26 driving privilege was revoked or suspended as a result of:

1 (1) a violation of Section 11-501 of this Code, a
2 similar provision of a local ordinance, or a similar
3 provision of a law of another state;

4 (2) a violation of paragraph (b) of Section 11-401 of
5 this Code, a similar provision of a local ordinance, or a
6 similar provision of a law of another state;

7 (3) a statutory summary suspension or revocation under
8 Section 11-501.1 of this Code or a similar provision of a
9 law of another state; or

10 (4) a violation of Section 9-3 of the Criminal Code of
11 1961 or the Criminal Code of 2012 relating to the offense
12 of reckless homicide, or a violation of subparagraph (F)
13 of paragraph (1) of subsection (d) of Section 11-501 of
14 this Code, relating to the offense of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof when the violation was a proximate cause of a
18 death, or a similar provision of a law of another state.

19 (Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

20 (625 ILCS 5/6-306.5-1 new)

21 Sec. 6-306.5-1. Failure to pay fine or penalty for
22 standing, parking, compliance, automated speed enforcement
23 system, or automated traffic law violations; suspension of
24 driving privileges.

25 (a) Upon receipt of a certified report, as prescribed by

1 subsection (c) of this Section, from any municipality or
2 county stating that the owner of a registered vehicle has
3 failed to pay any fine or penalty due and owing as a result of
4 5 offenses for automated speed enforcement system violations
5 or automated traffic violations as defined in Sections
6 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
7 thereof, or is more than 14 days in default of a payment plan
8 pursuant to which a suspension had been terminated under
9 subsection (c) of this Section, the Secretary of State shall
10 suspend the driving privileges of such person in accordance
11 with the procedures set forth in this Section. The Secretary
12 shall also suspend the driving privileges of an owner of a
13 registered vehicle upon receipt of a certified report, as
14 prescribed by subsection (f) of this Section, from any
15 municipality or county stating that such person has failed to
16 satisfy any fines or penalties imposed by final judgments for
17 5 or more automated speed enforcement system or automated
18 traffic law violations, or combination thereof, after
19 exhaustion of judicial review procedures.

20 (b) Following receipt of the certified report of the
21 municipality or county as specified in this Section, the
22 Secretary of State shall notify the person whose name appears
23 on the certified report that the person's driver's license
24 will be suspended at the end of a specified period of time
25 unless the Secretary of State is presented with a notice from
26 the municipality or county certifying that the fine or penalty

1 due and owing the municipality or county has been paid or that
2 inclusion of that person's name on the certified report was in
3 error. The Secretary's notice shall state in substance the
4 information contained in the municipality's or county's
5 certified report to the Secretary, and shall be effective as
6 specified by subsection (c) of Section 6-211 of this Code.

7 (c) The report of the appropriate municipal or county
8 official notifying the Secretary of State of unpaid fines or
9 penalties pursuant to this Section shall be certified and
10 shall contain the following:

11 (1) The name, last known address as recorded with the
12 Secretary of State, as provided by the lessor of the cited
13 vehicle at the time of lease, or as recorded in a United
14 States Post Office approved database if any notice sent
15 under Section 11-208.3 of this Code is returned as
16 undeliverable, and driver's license number of the person
17 who failed to pay the fine or penalty or who has defaulted
18 in a payment plan and the registration number of any
19 vehicle known to be registered to such person in this
20 State.

21 (2) The name of the municipality or county making the
22 report pursuant to this Section.

23 (3) A statement that the municipality or county sent a
24 notice of impending driver's license suspension as
25 prescribed by ordinance enacted pursuant to Section
26 11-208.3 of this Code or a notice of default in a payment

1 plan, to the person named in the report at the address
2 recorded with the Secretary of State or at the last
3 address known to the lessor of the cited vehicle at the
4 time of lease or, if any notice sent under Section
5 11-208.3 of this Code is returned as undeliverable, at the
6 last known address recorded in a United States Post Office
7 approved database; the date on which such notice was sent;
8 and the address to which such notice was sent. In a
9 municipality or county with a population of 1,000,000 or
10 more, the report shall also include a statement that the
11 alleged violator's State vehicle registration number and
12 vehicle make, if specified on the automated speed
13 enforcement system violation or automated traffic law
14 violation notice, are correct as they appear on the
15 citations.

16 (4) A unique identifying reference number for each
17 request of suspension sent whenever a person has failed to
18 pay the fine or penalty or has defaulted on a payment plan.

19 (d) Any municipality or county making a certified report
20 to the Secretary of State pursuant to this Section shall
21 notify the Secretary of State, in a form prescribed by the
22 Secretary, whenever a person named in the certified report has
23 paid the previously reported fine or penalty, whenever a
24 person named in the certified report has entered into a
25 payment plan pursuant to which the municipality or county has
26 agreed to terminate the suspension, or whenever the

1 municipality or county determines that the original report was
2 in error. A certified copy of such notification shall also be
3 given upon request and at no additional charge to the person
4 named therein. Upon receipt of the municipality's or county's
5 notification or presentation of a certified copy of such
6 notification, the Secretary of State shall terminate the
7 suspension.

8 (e) Any municipality or county making a certified report
9 to the Secretary of State pursuant to this Section shall also
10 by ordinance establish procedures for persons to challenge the
11 accuracy of the certified report. The ordinance shall also
12 state the grounds for such a challenge, which may be limited to
13 (1) the person not having been the owner or lessee of the
14 vehicle or vehicles receiving a combination of 5 or more
15 automated speed enforcement system or automated traffic law
16 violations on the date or dates such notices were issued; and
17 (2) the person having already paid the fine or penalty for the
18 combination of 5 or more automated speed enforcement system or
19 automated traffic law violations indicated on the certified
20 report.

21 (f) Any municipality or county, other than a municipality
22 or county establishing automated speed enforcement system
23 regulations under Section 11-208.8, or automated traffic law
24 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
25 may also cause a suspension of a person's driver's license
26 pursuant to this Section. Such municipality or county may

1 invoke this sanction by making a certified report to the
2 Secretary of State upon a person's failure to satisfy any fine
3 or penalty imposed by final judgment for a combination of 5 or
4 more automated speed enforcement system or automated traffic
5 law violations after exhaustion of judicial review procedures,
6 but only if:

7 (1) the municipality or county complies with the
8 provisions of this Section in all respects except in
9 regard to enacting an ordinance pursuant to Section
10 11-208.3;

11 (2) the municipality or county has sent a notice of
12 impending driver's license suspension as prescribed by an
13 ordinance enacted pursuant to subsection (g) of this
14 Section; and

15 (3) in municipalities or counties with a population of
16 1,000,000 or more, the municipality or county has verified
17 that the alleged violator's State vehicle registration
18 number and vehicle make are correct as they appear on the
19 citations.

20 (g) Any municipality or county, other than a municipality
21 or county establishing automated speed enforcement system
22 regulations under Section 11-208.8, or automated traffic law
23 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
24 may provide by ordinance for the sending of a notice of
25 impending driver's license suspension to the person who has
26 failed to satisfy any fine or penalty imposed by final

1 judgment for a combination of 5 or more automated speed
2 enforcement system or automated traffic law violations after
3 exhaustion of judicial review procedures. An ordinance so
4 providing shall specify that the notice sent to the person
5 liable for any fine or penalty shall state that failure to pay
6 the fine or penalty owing within 45 days of the notice's date
7 will result in the municipality or county notifying the
8 Secretary of State that the person's driver's license is
9 eligible for suspension pursuant to this Section. The notice
10 of impending driver's license suspension shall be sent by
11 first class United States mail, postage prepaid, to the
12 address recorded with the Secretary of State or at the last
13 address known to the lessor of the cited vehicle at the time of
14 lease or, if any notice sent under Section 11-208.3 of this
15 Code is returned as undeliverable, to the last known address
16 recorded in a United States Post Office approved database.

17 (h) An administrative hearing to contest an impending
18 suspension or a suspension made pursuant to this Section may
19 be had upon filing a written request with the Secretary of
20 State. The filing fee for this hearing shall be \$20, to be paid
21 at the time the request is made. A municipality or county which
22 files a certified report with the Secretary of State pursuant
23 to this Section shall reimburse the Secretary for all
24 reasonable costs incurred by the Secretary as a result of the
25 filing of the report, including, but not limited to, the costs
26 of providing the notice required pursuant to subsection (b)

1 and the costs incurred by the Secretary in any hearing
2 conducted with respect to the report pursuant to this
3 subsection and any appeal from such a hearing.

4 (i) The provisions of this Section shall apply on and
5 after January 1, 1988.

6 (j) For purposes of this Section, the term "compliance
7 violation" is defined as in Section 11-208.3.

8 (625 ILCS 5/6-306.9 new)

9 Sec. 6-306.9. Failure to pay traffic fines, penalties, or
10 court costs.

11 (a) Whenever any resident of this State fails to pay any
12 traffic fine, penalty, or cost imposed for a violation of this
13 Code, or similar provision of local ordinance, the clerk may
14 notify the Secretary of State, on a report prescribed by the
15 Secretary, and the Secretary shall prohibit the renewal,
16 reissue or reinstatement of such resident's driving privileges
17 until such fine, penalty, or cost has been paid in full. The
18 clerk shall provide notice to the driver, at the driver's last
19 known address as shown on the court's records, stating that
20 such action will be effective on the 46th day following the
21 date of the above notice if payment is not received in full by
22 the court of venue.

23 (a-1) Whenever any resident of this State who has made a
24 partial payment on any traffic fine, penalty, or cost that was
25 imposed under a conviction entered on or after January 1, 2005

1 (the effective date of Public Act 93-788), for a violation of
2 this Code or a similar provision of a local ordinance, fails to
3 pay the remainder of the outstanding fine, penalty, or cost
4 within the time limit set by the court, the clerk may notify
5 the Secretary of State, on a report prescribed by the
6 Secretary, and the Secretary shall prohibit the renewal,
7 reissue, or reinstatement of the resident's driving privileges
8 until the fine, penalty, or cost has been paid in full. The
9 clerk shall provide notice to the driver, at the driver's last
10 known address as shown on the court's records, stating that
11 the action will be effective on the 46th day following the date
12 of the notice if payment is not received in full by the court
13 of venue.

14 (b) Except as provided in subsection (b-1), following
15 receipt of the report from the clerk, the Secretary of State
16 shall make the proper notation to the driver's file to
17 prohibit the renewal, reissue or reinstatement of such
18 driver's driving privileges. Except as provided in paragraph
19 (2) of subsection (d) of this Section, such notation shall not
20 be removed from the driver's record until the driver satisfies
21 the outstanding fine, penalty, or cost and an appropriate
22 notice on a form prescribed by the Secretary is received by the
23 Secretary from the court of venue, stating that such fine,
24 penalty, or cost has been paid in full. Upon payment in full of
25 a traffic fine, penalty, or court cost which has previously
26 been reported under this Section as unpaid, the clerk of the

1 court shall present the driver with a signed receipt
2 containing the seal of the court indicating that such fine,
3 penalty, or cost has been paid in full, and shall forward
4 forthwith to the Secretary of State a notice stating that the
5 fine, penalty, or cost has been paid in full.

6 (b-1) In a county with a population of 3,000,000 or more,
7 following receipt of the report from the clerk, the Secretary
8 of State shall make the proper notation to the driver's file to
9 prohibit the renewal, reissue or reinstatement of such
10 driver's driving privileges. Such notation shall not be
11 removed from the driver's record until the driver satisfies
12 the outstanding fine, penalty, or cost and an appropriate
13 notice on a form prescribed by the Secretary is received by the
14 Secretary directly from the court of venue, stating that such
15 fine, penalty, or cost has been paid in full. Upon payment in
16 full of a traffic fine, penalty, or court cost which has
17 previously been reported under this Section as unpaid, the
18 clerk of the court shall forward forthwith directly to the
19 Secretary of State a notice stating that the fine, penalty, or
20 cost has been paid in full and shall provide the driver with a
21 signed receipt containing the seal of the court, indicating
22 that the fine, penalty, and cost have been paid in full. The
23 receipt may not be used by the driver to clear the driver's
24 record.

25 (c) The provisions of this Section shall be limited to a
26 single action per arrest and as a post conviction measure

1 only. Fines, penalty, or costs to be collected subsequent to
2 orders of court supervision, or other available court
3 diversions are not applicable to this Section.

4 (d) (1) Notwithstanding the receipt of a report from the
5 clerk as prescribed in subsections (a) and (e), nothing in
6 this Section is intended to place any responsibility upon the
7 Secretary of State to provide independent notice to the driver
8 of any potential action to disallow the renewal, reissue or
9 reinstatement of such driver's driving privileges.

10 (2) Except as provided in subsection (b-1), the Secretary
11 of State shall renew, reissue or reinstate a driver's driving
12 privileges which were previously refused pursuant to this
13 Section upon presentation of an original receipt which is
14 signed by the clerk of the court and contains the seal of the
15 court indicating that the fine, penalty, or cost has been paid
16 in full. The Secretary of State shall retain such receipt for
17 his records.

18 (e) Upon receipt of notification from another state that
19 is a member of the Nonresident Violator Compact of 1977,
20 stating a resident of this State failed to pay a traffic fine,
21 penalty, or cost imposed for a violation that occurs in
22 another state, the Secretary shall make the proper notation to
23 the driver's license file to prohibit the renewal, reissue, or
24 reinstatement of the resident's driving privileges until the
25 fine, penalty, or cost has been paid in full. The Secretary of
26 State shall renew, reissue, or reinstate the driver's driving

1 privileges that were previously refused under this Section
2 upon receipt of notification from the other state that
3 indicates that the fine, penalty, or cost has been paid in
4 full. The Secretary of State shall retain the out-of-state
5 receipt for his or her records.

6 Section 205. The Snowmobile Registration and Safety Act is
7 amended by changing Section 5-7 as follows:

8 (625 ILCS 40/5-7)

9 Sec. 5-7. Operating a snowmobile while under the influence
10 of alcohol or other drug or drugs, intoxicating compound or
11 compounds, or a combination of them; criminal penalties;
12 suspension of operating privileges.

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

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

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

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

24 3.1. The person is under the influence of any

1 intoxicating compound or combination of intoxicating
2 compounds to a degree that renders the person incapable of
3 safely operating a snowmobile;

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

8 4.3. The person who is not a CDL holder has a
9 tetrahydrocannabinol concentration in the person's whole
10 blood or other bodily substance at which driving a motor
11 vehicle is prohibited under subdivision (7) of subsection
12 (a) of Section 11-501 of the Illinois Vehicle Code;

13 4.5. The person who is a CDL holder has any amount of a
14 drug, substance, or compound in the person's breath,
15 blood, other bodily substance, or urine resulting from the
16 unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act; or

18 5. There is any amount of a drug, substance, or
19 compound in that person's breath, blood, other bodily
20 substance, or urine resulting from the unlawful use or
21 consumption of a controlled substance listed in the
22 Illinois Controlled Substances Act, methamphetamine as
23 listed in the Methamphetamine Control and Community
24 Protection Act, or intoxicating compound listed in the use
25 of Intoxicating Compounds Act.

26 (b) The fact that a person charged with violating this

1 Section is or has been legally entitled to use alcohol, other
2 drug or drugs, any intoxicating compound or compounds, or any
3 combination of them does not constitute a defense against a
4 charge of violating this Section.

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

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

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

15 (1) a forfeiture of bail or collateral deposited to
16 secure a defendant's appearance in court when forfeiture
17 has not been vacated ~~an unvacated revocation of pretrial~~
18 ~~release~~; or

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

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

22 1. The person has a previous conviction under this
23 Section;

24 2. The offense results in personal injury where a
25 person other than the operator suffers great bodily harm
26 or permanent disability or disfigurement, when the

1 violation was a proximate cause of the injuries. A person
2 guilty of a Class 4 felony under this paragraph 2, if
3 sentenced to a term of imprisonment, shall be sentenced to
4 not less than one year nor more than 12 years; or

5 3. The offense occurred during a period in which the
6 person's privileges to operate a snowmobile are revoked or
7 suspended, and the revocation or suspension was for a
8 violation of this Section or was imposed under Section
9 5-7.1.

10 (e) Every person convicted of violating this Section is
11 guilty of a Class 2 felony if the offense results in the death
12 of a person. A person guilty of a Class 2 felony under this
13 subsection (e), if sentenced to a term of imprisonment, shall
14 be sentenced to a term of not less than 3 years and not more
15 than 14 years.

16 (e-1) Every person convicted of violating this Section or
17 a similar provision of a local ordinance who had a child under
18 the age of 16 on board the snowmobile at the time of offense
19 shall be subject to a mandatory minimum fine of \$500 and shall
20 be subject to a mandatory minimum of 5 days of community
21 service in a program benefiting children. The assignment under
22 this subsection shall not be subject to suspension nor shall
23 the person be eligible for probation in order to reduce the
24 assignment.

25 (e-2) Every person found guilty of violating this Section,
26 whose operation of a snowmobile while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the
3 expense of an emergency response as provided in subsection (i)
4 of Section 11-501.01 of the Illinois Vehicle Code.

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

22 (f) In addition to any criminal penalties imposed, the
23 Department of Natural Resources shall suspend the snowmobile
24 operation privileges of a person convicted or found guilty of
25 a misdemeanor under this Section for a period of one year,
26 except that first-time offenders are exempt from this

1 mandatory one-year suspension.

2 (g) In addition to any criminal penalties imposed, the
3 Department of Natural Resources shall suspend for a period of
4 5 years the snowmobile operation privileges of any person
5 convicted or found guilty of a felony under this Section.

6 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
7 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

8 Section 210. The Clerks of Courts Act is amended by
9 changing Section 27.3b as follows:

10 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

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

1 cash deposit of bail bond fees.

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

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

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

4 Section 215. The Attorney Act is amended by changing
5 Section 9 as follows:

6 (705 ILCS 205/9) (from Ch. 13, par. 9)

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

19 (Source: R.S. 1874, p. 169; P.A. 101-652, eff. 1-1-23.)

20 Section 220. The Juvenile Court Act of 1987 is amended by
21 changing Sections 1-7, 1-8, and 5-150 as follows:

22 (705 ILCS 405/1-7)

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

3 (A) All juvenile law enforcement records which have not
4 been expunged are confidential and may never be disclosed to
5 the general public or otherwise made widely available.
6 Juvenile law enforcement records may be obtained only under
7 this Section and Section 1-8 and Part 9 of Article V of this
8 Act, when their use is needed for good cause and with an order
9 from the juvenile court, as required by those not authorized
10 to retain them. Inspection, copying, and disclosure of
11 juvenile law enforcement records maintained by law enforcement
12 agencies or records of municipal ordinance violations
13 maintained by any State, local, or municipal agency that
14 relate to a minor who has been investigated, arrested, or
15 taken into custody before the minor's 18th birthday shall be
16 restricted to the following:

17 (0.05) The minor who is the subject of the juvenile
18 law enforcement record, the minor's parents, guardian, and
19 counsel.

20 (0.10) Judges of the circuit court and members of the
21 staff of the court designated by the judge.

22 (0.15) An administrative adjudication hearing officer
23 or members of the staff designated to assist in the
24 administrative adjudication process.

25 (1) Any local, State, or federal law enforcement
26 officers or designated law enforcement staff of any

1 jurisdiction or agency when necessary for the discharge of
2 their official duties during the investigation or
3 prosecution of a crime or relating to a minor who has been
4 adjudicated delinquent and there has been a previous
5 finding that the act which constitutes the previous
6 offense was committed in furtherance of criminal
7 activities by a criminal street gang, or, when necessary
8 for the discharge of its official duties in connection
9 with a particular investigation of the conduct of a law
10 enforcement officer, an independent agency or its staff
11 created by ordinance and charged by a unit of local
12 government with the duty of investigating the conduct of
13 law enforcement officers. For purposes of this Section,
14 "criminal street gang" has the meaning ascribed to it in
15 Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (2) Prosecutors, public defenders, probation officers,
18 social workers, or other individuals assigned by the court
19 to conduct a pre-adjudication or pre-disposition
20 investigation, and individuals responsible for supervising
21 or providing temporary or permanent care and custody for
22 minors under the order of the juvenile court, when
23 essential to performing their responsibilities.

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

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805;

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and the
5 minor is the subject of a proceeding to determine the
6 amount of bail ~~conditions of pretrial release~~;

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

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

15 (4) Adult and Juvenile Prisoner Review Board.

16 (5) Authorized military personnel.

17 (5.5) Employees of the federal government authorized
18 by law.

19 (6) Persons engaged in bona fide research, with the
20 permission of the Presiding Judge and the chief executive
21 of the respective law enforcement agency; provided that
22 publication of such research results in no disclosure of a
23 minor's identity and protects the confidentiality of the
24 minor's record.

25 (7) Department of Children and Family Services child
26 protection investigators acting in their official

1 capacity.

2 (8) The appropriate school official only if the agency
3 or officer believes that there is an imminent threat of
4 physical harm to students, school personnel, or others.

5 (A) Inspection and copying shall be limited to
6 juvenile law enforcement records transmitted to the
7 appropriate school official or officials whom the
8 school has determined to have a legitimate educational
9 or safety interest by a local law enforcement agency
10 under a reciprocal reporting system established and
11 maintained between the school district and the local
12 law enforcement agency under Section 10-20.14 of the
13 School Code concerning a minor enrolled in a school
14 within the school district who has been arrested or
15 taken into custody for any of the following offenses:

16 (i) any violation of Article 24 of the
17 Criminal Code of 1961 or the Criminal Code of
18 2012;

19 (ii) a violation of the Illinois Controlled
20 Substances Act;

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

22 (iv) a forcible felony as defined in Section
23 2-8 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

25 (v) a violation of the Methamphetamine Control
26 and Community Protection Act;

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

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

4 (viii) a violation of Section 12-1, 12-2,
5 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
6 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012.

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

1 service providers, drug and alcohol prevention or
2 treatment programs, and other interventions as deemed
3 appropriate for the student.

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

1 actual or suspected criminal activity.

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

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

26 (11) Persons managing and designated to participate in

1 a court diversion program as designated in subsection (6)
2 of Section 5-105.

3 (12) The Public Access Counselor of the Office of the
4 Attorney General, when reviewing juvenile law enforcement
5 records under its powers and duties under the Freedom of
6 Information Act.

7 (13) Collection agencies, contracted or otherwise
8 engaged by a governmental entity, to collect any debts due
9 and owing to the governmental entity.

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

19 (2) Law enforcement officers or other persons or agencies
20 shall transmit to the Illinois State Police copies of
21 fingerprints and descriptions of all minors who have been
22 arrested or taken into custody before their 18th birthday for
23 the offense of unlawful use of weapons under Article 24 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
25 or Class 1 felony, a forcible felony as defined in Section 2-8
26 of the Criminal Code of 1961 or the Criminal Code of 2012, or a

1 Class 2 or greater felony under the Cannabis Control Act, the
2 Illinois Controlled Substances Act, the Methamphetamine
3 Control and Community Protection Act, or Chapter 4 of the
4 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
5 Identification Act. Information reported to the Department
6 pursuant to this Section may be maintained with records that
7 the Department files pursuant to Section 2.1 of the Criminal
8 Identification Act. Nothing in this Act prohibits a law
9 enforcement agency from fingerprinting a minor taken into
10 custody or arrested before the minor's 18th birthday for an
11 offense other than those listed in this paragraph (2).

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

21 (1) In cases where the law enforcement, or independent
22 agency, records concern a pending juvenile court case, the
23 party seeking to inspect the records shall provide actual
24 notice to the attorney or guardian ad litem of the minor
25 whose records are sought.

26 (2) In cases where the records concern a juvenile

1 court case that is no longer pending, the party seeking to
2 inspect the records shall provide actual notice to the
3 minor or the minor's parent or legal guardian, and the
4 matter shall be referred to the chief judge presiding over
5 matters pursuant to this Act.

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

17 (D) Nothing contained in subsection (C) of this Section
18 shall prohibit the inspection or disclosure to victims and
19 witnesses of photographs contained in the records of law
20 enforcement agencies when the inspection and disclosure is
21 conducted in the presence of a law enforcement officer for the
22 purpose of the identification or apprehension of any person
23 subject to the provisions of this Act or for the investigation
24 or prosecution of any crime.

25 (E) Law enforcement officers, and personnel of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, may not disclose the identity of
3 any minor in releasing information to the general public as to
4 the arrest, investigation or disposition of any case involving
5 a minor.

6 (F) Nothing contained in this Section shall prohibit law
7 enforcement agencies from communicating with each other by
8 letter, memorandum, teletype, or intelligence alert bulletin
9 or other means the identity or other relevant information
10 pertaining to a person under 18 years of age if there are
11 reasonable grounds to believe that the person poses a real and
12 present danger to the safety of the public or law enforcement
13 officers. The information provided under this subsection (F)
14 shall remain confidential and shall not be publicly disclosed,
15 except as otherwise allowed by law.

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

25 (G-5) Information identifying victims and alleged victims
26 of sex offenses shall not be disclosed or open to the public

1 under any circumstances. Nothing in this Section shall
2 prohibit the victim or alleged victim of any sex offense from
3 voluntarily disclosing this identity.

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

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

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

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

19 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;
20 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

21 (705 ILCS 405/1-8)

22 Sec. 1-8. Confidentiality and accessibility of juvenile
23 court records.

24 (A) A juvenile adjudication shall never be considered a
25 conviction nor shall an adjudicated individual be considered a

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

17 (1) The minor who is the subject of record, the
18 minor's parents, guardian, and counsel.

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

1 Before July 1, 1994, for the purposes of this Section,
2 "criminal street gang" means any ongoing organization,
3 association, or group of 3 or more persons, whether formal
4 or informal, having as one of its primary activities the
5 commission of one or more criminal acts and that has a
6 common name or common identifying sign, symbol, or
7 specific color apparel displayed, and whose members
8 individually or collectively engage in or have engaged in
9 a pattern of criminal activity.

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

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

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

25 (a) in the course of a trial when institution of
26 criminal proceedings has been permitted or required

1 under Section 5-805;

2 (b) when criminal proceedings have been permitted
3 or required under Section 5-805 and a minor is the
4 subject of a proceeding to determine the amount of
5 bail ~~conditions of pretrial release~~;

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

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

17 (5) Adult and Juvenile Prisoner Review Boards.

18 (6) Authorized military personnel.

19 (6.5) Employees of the federal government authorized
20 by law.

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

26 (8) Persons engaged in bona fide research, with the

1 permission of the presiding judge of the juvenile court
2 and the chief executive of the agency that prepared the
3 particular records; provided that publication of such
4 research results in no disclosure of a minor's identity
5 and protects the confidentiality of the record.

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

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

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

1 (12) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 were initiated shall transmit, an authenticated copy of the
2 juvenile court record, including all documents, petitions, and
3 orders filed and the minute orders, transcript of proceedings,
4 and docket entries of the court.

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

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

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

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

26 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.
2 7-28-23; revised 8-30-23.)

3 (705 ILCS 405/5-150)

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

6 (1) Evidence and adjudications in proceedings under this
7 Act shall be admissible:

8 (a) in subsequent proceedings under this Act
9 concerning the same minor; or

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

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

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

23 (2) No adjudication or disposition under this Act shall
24 operate to disqualify a minor from subsequently holding public
25 office nor shall operate as a forfeiture of any right,

1 privilege or right to receive any license granted by public
2 authority.

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

12 (Source: P.A. 103-22, eff. 8-8-23.)

13 Section 225. The Criminal Code of 2012 is amended by
14 changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

15 (720 ILCS 5/26.5-5)

16 Sec. 26.5-5. Sentence.

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

1 convicted, 240 hours of public or community service.

2 (b) In any of the following circumstances, a person who
3 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
4 shall be guilty of a Class 4 felony:

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

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

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

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

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

26 (6) The person violates paragraph (5) of Section

1 26.5-2 or paragraph (4) of Section 26.5-3; or

2 (7) The person was at least 18 years of age at the time
3 of the commission of the offense and the victim was under
4 18 years of age at the time of the commission of the
5 offense.

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

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

9 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

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

12 (a) A person who knowingly:

13 (1) resists arrest, or

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

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

1 community service.

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

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

1 investigations.

2 (c) It is an affirmative defense to a violation of this
3 Section if a person resists or obstructs the performance of
4 one known by the person to be a firefighter by returning to or
5 remaining in a dwelling, residence, building, or other
6 structure to rescue or to attempt to rescue any person.

7 ~~(d) A person shall not be subject to arrest for resisting~~
8 ~~arrest under this Section unless there is an underlying~~
9 ~~offense for which the person was initially subject to arrest.~~

10 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

11 (720 ILCS 5/31A-0.1)

12 Sec. 31A-0.1. Definitions. For the purposes of this
13 Article:

14 "Deliver" or "delivery" means the actual, constructive or
15 attempted transfer of possession of an item of contraband,
16 with or without consideration, whether or not there is an
17 agency relationship.

18 "Employee" means any elected or appointed officer, trustee
19 or employee of a penal institution or of the governing
20 authority of the penal institution, or any person who performs
21 services for the penal institution pursuant to contract with
22 the penal institution or its governing authority.

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

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

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

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

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

8 (iv) "Hypodermic syringe" or hypodermic needle, or any
9 instrument adapted for use of controlled substances or
10 cannabis by subcutaneous injection.

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

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

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

25 (B) any device used exclusively for signaling or
26 safety and required as recommended by the United

1 States Coast Guard or the Interstate Commerce
2 Commission; or

3 (C) any device used exclusively for the firing of
4 stud cartridges, explosive rivets or industrial
5 ammunition; or

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

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

18 (A) any ammunition exclusively designed for use
19 with a device used exclusively for signaling or safety
20 and required or recommended by the United States Coast
21 Guard or the Interstate Commerce Commission; or

22 (B) any ammunition designed exclusively for use
23 with a stud or rivet driver or other similar
24 industrial ammunition.

25 (viii) "Explosive" means, but is not limited to, bomb,
26 bombshell, grenade, bottle or other container containing

1 an explosive substance of over one-quarter ounce for like
2 purposes such as black powder bombs and Molotov cocktails
3 or artillery projectiles.

4 (ix) "Tool to defeat security mechanisms" means, but
5 is not limited to, handcuff or security restraint key,
6 tool designed to pick locks, popper, or any device or
7 instrument used to or capable of unlocking or preventing
8 from locking any handcuff or security restraints, doors to
9 cells, rooms, gates or other areas of the penal
10 institution.

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

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

1 telephones, cellular telephone batteries, videotape
2 recorders, pagers, computers, and computer peripheral
3 equipment.

4 "Penal institution" means any penitentiary, State farm,
5 reformatory, prison, jail, house of correction, police
6 detention area, half-way house or other institution or place
7 for the incarceration or custody of persons under sentence for
8 offenses awaiting trial or sentence for offenses, under arrest
9 for an offense, a violation of probation, a violation of
10 parole, a violation of aftercare release, or a violation of
11 mandatory supervised release, or awaiting a bail setting
12 ~~hearing on the setting of conditions of pretrial release~~ or
13 preliminary hearing; provided that where the place for
14 incarceration or custody is housed within another public
15 building this Article shall not apply to that part of the
16 building unrelated to the incarceration or custody of persons.
17 (Source: P.A. 101-652, eff. 1-1-23.)

18 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

19 Sec. 32-10. Violation of ~~conditions of pretrial release~~
20 bail bond.

21 (a) (Blank).

22 (a-1) Whoever, having been admitted to bail for appearance
23 before any court of this State, incurs a forfeiture of the bail
24 and knowingly fails to surrender himself or herself within 30
25 days following the date of the forfeiture, commits, if the

1 bail was given in connection with a charge of felony or pending
2 appeal or certiorari after conviction of any offense, a felony
3 of the next lower Class or a Class A misdemeanor if the
4 underlying offense was a Class 4 felony; or, if the bail was
5 given in connection with a charge of committing a misdemeanor,
6 or for appearance as a witness, commits a misdemeanor of the
7 next lower Class, but not less than a Class C misdemeanor.

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

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

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

1 in which the victim is a family or household member as defined
2 in Article 112A of the Code of Criminal Procedure of 1963 while
3 on this release, must appear before the court before bail is
4 statutorily set ~~and may not be released by law enforcement~~
5 ~~under 109-1 of the Code of Criminal Procedure of 1963 prior to~~
6 ~~the court appearance.~~

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

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

14 Section 230. The Criminal Code of 2012 is amended by
15 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

16 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

17 Sec. 7-5. Peace officer's use of force in making arrest.

18 (a) A peace officer, or any person whom he has summoned or
19 directed to assist him, need not retreat or desist from
20 efforts to make a lawful arrest because of resistance or
21 threatened resistance to the arrest. He is justified in the
22 use of any force which he reasonably believes, ~~based on the~~
23 ~~totality of the circumstances,~~ to be necessary to effect the
24 arrest and of any force which he reasonably believes, ~~based on~~

1 ~~the totality of the circumstances,~~ to be necessary to defend
2 himself or another from bodily harm while making the arrest.
3 However, he is justified in using force likely to cause death
4 or great bodily harm only when: (i) he reasonably believes,
5 ~~based on the totality of the circumstances,~~ that such force is
6 necessary to prevent death or great bodily harm to himself or
7 such other person; or (ii) when he reasonably believes, ~~based~~
8 ~~on the totality of the circumstances,~~ both that:

9 (1) Such force is necessary to prevent the arrest from
10 being defeated by resistance or escape ~~and the officer~~
11 ~~reasonably believes that the person to be arrested is~~
12 ~~likely to cause great bodily harm to another;~~ and

13 (2) The person to be arrested committed or attempted a
14 forcible felony which involves the infliction or
15 threatened infliction of great bodily harm or is
16 attempting to escape by use of a deadly weapon, or
17 otherwise indicates that he will endanger human life or
18 inflict great bodily harm unless arrested without delay.

19 ~~As used in this subsection, "retreat" does not mean~~
20 ~~tactical repositioning or other de-escalation tactics.~~

21 ~~A peace officer is not justified in using force likely to~~
22 ~~cause death or great bodily harm when there is no longer an~~
23 ~~imminent threat of great bodily harm to the officer or~~
24 ~~another.~~

25 ~~(a-5) Where feasible, a peace officer shall, prior to the~~
26 ~~use of force, make reasonable efforts to identify himself or~~

1 ~~herself as a peace officer and to warn that deadly force may be~~
2 ~~used.~~

3 ~~(a-10) A peace officer shall not use deadly force against~~
4 ~~a person based on the danger that the person poses to himself~~
5 ~~or herself if a reasonable officer would believe the person~~
6 ~~does not pose an imminent threat of death or great bodily harm~~
7 ~~to the peace officer or to another person.~~

8 ~~(a-15) A peace officer shall not use deadly force against~~
9 ~~a person who is suspected of committing a property offense,~~
10 ~~unless that offense is terrorism or unless deadly force is~~
11 ~~otherwise authorized by law.~~

12 ~~(b) A peace officer making an arrest pursuant to an~~
13 ~~invalid warrant is justified in the use of any force which he~~
14 ~~would be justified in using if the warrant were valid, unless~~
15 ~~he knows that the warrant is invalid.~~

16 ~~(c) The authority to use physical force conferred on peace~~
17 ~~officers by this Article is a serious responsibility that~~
18 ~~shall be exercised judiciously and with respect for human~~
19 ~~rights and dignity and for the sanctity of every human life.~~

20 ~~(d) Peace officers shall use deadly force only when~~
21 ~~reasonably necessary in defense of human life. In determining~~
22 ~~whether deadly force is reasonably necessary, officers shall~~
23 ~~evaluate each situation in light of the totality of~~
24 ~~circumstances of each case, including, but not limited to, the~~
25 ~~proximity in time of the use of force to the commission of a~~
26 ~~forcible felony, and the reasonable feasibility of safely~~

1 ~~apprehending a subject at a later time, and shall use other~~
2 ~~available resources and techniques, if reasonably safe and~~
3 ~~feasible to a reasonable officer.~~

4 ~~(e) The decision by a peace officer to use force shall be~~
5 ~~evaluated carefully and thoroughly, in a manner that reflects~~
6 ~~the gravity of that authority and the serious consequences of~~
7 ~~the use of force by peace officers, in order to ensure that~~
8 ~~officers use force consistent with law and agency policies.~~

9 ~~(f) The decision by a peace officer to use force shall be~~
10 ~~evaluated from the perspective of a reasonable officer in the~~
11 ~~same situation, based on the totality of the circumstances~~
12 ~~known to or perceived by the officer at the time of the~~
13 ~~decision, rather than with the benefit of hindsight, and that~~
14 ~~the totality of the circumstances shall account for occasions~~
15 ~~when officers may be forced to make quick judgments about~~
16 ~~using force.~~

17 ~~(g) Law enforcement agencies are encouraged to adopt and~~
18 ~~develop policies designed to protect individuals with~~
19 ~~physical, mental health, developmental, or intellectual~~
20 ~~disabilities, or individuals who are significantly more likely~~
21 ~~to experience greater levels of physical force during police~~
22 ~~interactions, as these disabilities may affect the ability of~~
23 ~~a person to understand or comply with commands from peace~~
24 ~~officers.~~

25 ~~(h) As used in this Section:~~

26 ~~(1) "Deadly force" means any use of force that creates~~

1 ~~a substantial risk of causing death or great bodily harm,~~
2 ~~including, but not limited to, the discharge of a firearm.~~

3 ~~(2) A threat of death or serious bodily injury is~~
4 ~~"imminent" when, based on the totality of the~~
5 ~~circumstances, a reasonable officer in the same situation~~
6 ~~would believe that a person has the present ability,~~
7 ~~opportunity, and apparent intent to immediately cause~~
8 ~~death or great bodily harm to the peace officer or another~~
9 ~~person. An imminent harm is not merely a fear of future~~
10 ~~harm, no matter how great the fear and no matter how great~~
11 ~~the likelihood of the harm, but is one that, from~~
12 ~~appearances, must be instantly confronted and addressed.~~

13 ~~(3) "Totality of the circumstances" means all facts~~
14 ~~known to the peace officer at the time, or that would be~~
15 ~~known to a reasonable officer in the same situation,~~
16 ~~including the conduct of the officer and the subject~~
17 ~~leading up to the use of deadly force.~~

18 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
19 102-687, eff. 12-17-21.)

20 (720 ILCS 5/7-5.5)

21 Sec. 7-5.5. Prohibited use of force by a peace officer.

22 (a) A peace officer, ~~or any other person acting under the~~
23 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
24 ~~shoulders with risk of asphyxiation~~ in the performance of his
25 or her duties, unless deadly force is justified under this

1 Article.

2 (b) A peace officer, ~~or any other person acting under the~~
3 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
4 ~~shoulders with risk of asphyxiation,~~ or any lesser contact
5 with the throat or neck area of another, in order to prevent
6 the destruction of evidence by ingestion.

7 (c) As used in this Section, "chokehold" means applying
8 any direct pressure to the throat, windpipe, or airway of
9 another with the intent to reduce or prevent the intake of air.
10 "Chokehold" does not include any holding involving contact
11 with the neck that is not intended to reduce the intake of air
12 such as a headlock where the only pressure applied is to the
13 head.

14 ~~(d) As used in this Section, "restraint above the~~
15 ~~shoulders with risk of positional asphyxiation" means a use of~~
16 ~~a technique used to restrain a person above the shoulders,~~
17 ~~including the neck or head, in a position which interferes~~
18 ~~with the person's ability to breathe after the person no~~
19 ~~longer poses a threat to the officer or any other person.~~

20 ~~(e) A peace officer, or any other person acting under the~~
21 ~~color of law, shall not:~~

22 ~~(i) use force as punishment or retaliation;~~

23 ~~(ii) discharge kinetic impact projectiles and all~~
24 ~~other non-lethal or less-lethal projectiles in a manner~~
25 ~~that targets the head, neck, groin, anterior pelvis, or~~
26 ~~back;~~

1 ~~(iii) discharge conducted electrical weapons in a~~
2 ~~manner that targets the head, chest, neck, groin, or~~
3 ~~anterior pelvis;~~

4 ~~(iv) discharge firearms or kinetic impact projectiles~~
5 ~~indiscriminately into a crowd;~~

6 ~~(v) use chemical agents or irritants for crowd~~
7 ~~control, including pepper spray and tear gas, prior to~~
8 ~~issuing an order to disperse in a sufficient manner to~~
9 ~~allow for the order to be heard and repeated if necessary,~~
10 ~~followed by sufficient time and space to allow compliance~~
11 ~~with the order unless providing such time and space would~~
12 ~~unduly place an officer or another person at risk of death~~
13 ~~or great bodily harm; or~~

14 ~~(vi) use chemical agents or irritants, including~~
15 ~~pepper spray and tear gas, prior to issuing an order in a~~
16 ~~sufficient manner to ensure the order is heard, and~~
17 ~~repeated if necessary, to allow compliance with the order~~
18 ~~unless providing such time and space would unduly place an~~
19 ~~officer or another person at risk of death or great bodily~~
20 ~~harm.~~

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

23 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

24 Sec. 7-9. Use of force to prevent escape.

25 (a) A peace officer or other person who has an arrested

1 person in his custody is justified in the use of such force,
2 ~~except deadly force,~~ to prevent the escape of the arrested
3 person from custody as he would be justified in using if he
4 were arresting such person.

5 (b) A guard or other peace officer is justified in the use
6 of force, including force likely to cause death or great
7 bodily harm, which he reasonably believes to be necessary to
8 prevent the escape from a penal institution of a person whom
9 the officer reasonably believes to be lawfully detained in
10 such institution under sentence for an offense or awaiting
11 trial or commitment for an offense.

12 ~~(c) Deadly force shall not be used to prevent escape under~~
13 ~~this Section unless, based on the totality of the~~
14 ~~circumstances, deadly force is necessary to prevent death or~~
15 ~~great bodily harm to himself or such other person.~~

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

17 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

18 Sec. 9-1. First degree murder.

19 (a) A person who kills an individual without lawful
20 justification commits first degree murder if, in performing
21 the acts which cause the death:

22 (1) he or she either intends to kill or do great bodily
23 harm to that individual or another, or knows that such
24 acts will cause death to that individual or another; or

25 (2) he or she knows that such acts create a strong

1 probability of death or great bodily harm to that
2 individual or another; or

3 (3) he or she is attempting or committing a forcible
4 felony other than second degree murder ~~he or she, acting~~
5 ~~alone or with one or more participants, commits or~~
6 ~~attempts to commit a forcible felony other than second~~
7 ~~degree murder, and in the course of or in furtherance of~~
8 ~~such crime or flight therefrom, he or she or another~~
9 ~~participant causes the death of a person.~~

10 (b) (Blank).

11 (b-5) (Blank).

12 (c) (Blank).

13 (d) (Blank).

14 (e) (Blank).

15 (f) (Blank).

16 (g) (Blank).

17 (h) (Blank).~~—~~

18 (h-5) (Blank).

19 (i) (Blank).

20 (j) (Blank).

21 (k) (Blank).

22 (Source: P.A. 103-51, eff. 1-1-24; revised 9-20-23.)

23 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

24 Sec. 33-3. Official misconduct.

25 (a) A public officer or employee or special government

1 agent commits misconduct when, in his official capacity or
2 capacity as a special government agent, he or she commits any
3 of the following acts:

4 (1) Intentionally or recklessly fails to perform any
5 mandatory duty as required by law; or

6 (2) Knowingly performs an act which he knows he is
7 forbidden by law to perform; or

8 (3) With intent to obtain a personal advantage for
9 himself or another, he performs an act in excess of his
10 lawful authority; or

11 (4) Solicits or knowingly accepts for the performance
12 of any act a fee or reward which he knows is not authorized
13 by law.

14 (b) An employee of a law enforcement agency commits
15 misconduct when he or she knowingly uses or communicates,
16 directly or indirectly, information acquired in the course of
17 employment, with the intent to obstruct, impede, or prevent
18 the investigation, apprehension, or prosecution of any
19 criminal offense or person. Nothing in this subsection (b)
20 shall be construed to impose liability for communicating to a
21 confidential resource, who is participating or aiding law
22 enforcement, in an ongoing investigation.

23 (c) A public officer or employee or special government
24 agent convicted of violating any provision of this Section
25 forfeits his or her office or employment or position as a
26 special government agent. In addition, he or she commits a

1 Class 3 felony.

2 (d) For purposes of this Section, "special ~~:"Special~~
3 government agent" has the meaning ascribed to it in subsection
4 (1) of Section 4A-101 of the Illinois Governmental Ethics Act.
5 (Source: P.A. 101-652, eff. 7-1-21.)

6 Section 235. The Criminal Code of 2012 is amended by
7 adding Section 32-15.1 as follows:

8 (720 ILCS 5/32-15.1 new)

9 Sec. 32-15.1. Bail bond false statement. Any person who in
10 any affidavit, document, schedule or other application to
11 become surety or bail for another on any bail bond or
12 recognizance in any civil or criminal proceeding then pending
13 or about to be started against the other person, having taken a
14 lawful oath or made affirmation, shall swear or affirm
15 wilfully, corruptly and falsely as to the ownership or liens
16 or incumbrances upon or the value of any real or personal
17 property alleged to be owned by the person proposed as surety
18 or bail, the financial worth or standing of the person
19 proposed as surety or bail, or as to the number or total
20 penalties of all other bonds or recognizances signed by and
21 standing against the proposed surety or bail, or any person
22 who, having taken a lawful oath or made affirmation, shall
23 testify wilfully, corruptly and falsely as to any of said
24 matters for the purpose of inducing the approval of any such

1 bail bond or recognizance; or for the purpose of justifying on
2 any such bail bond or recognizance, or who shall suborn any
3 other person to so swear, affirm or testify as aforesaid,
4 shall be deemed and adjudged guilty of perjury or subornation
5 of perjury (as the case may be) and punished accordingly.

6 (720 ILCS 5/7-15 rep.)

7 (720 ILCS 5/7-16 rep.)

8 (720 ILCS 5/33-9 rep.)

9 Section 240. The Criminal Code of 2012 is amended by
10 repealing Sections 7-15, 7-16, and 33-9.

11 Section 245. The Code of Criminal Procedure of 1963 is
12 amended by changing the heading of Article 110 and by changing
13 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
14 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,
15 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
16 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23,
17 113-3.1, 114-1, 115-4.1, and 122-6 and by adding Section
18 110-3.1 as follows:

19 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

20 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the
21 amount of money set by the court which is required to be
22 obligated and secured as provided by law for the release of a
23 person in custody in order that he will appear before the court

1 in which his appearance may be required and that he will comply
2 with such conditions as set forth in the bail bond. ~~"Pretrial~~
3 ~~release" has the meaning ascribed to bail in Section 9 of~~
4 ~~Article I of the Illinois Constitution where the sureties~~
5 ~~provided are nonmonetary in nature.~~

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

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

8 Sec. 102-7. ~~Conditions of pretrial release. "Bail~~
9 ~~bond".~~"Bail bond" means an undertaking secured by bail entered
10 into by a person in custody by which he binds himself to comply
11 with such conditions as are set forth therein. ~~"Conditions of~~
12 ~~pretrial release" means the requirements imposed upon a~~
13 ~~criminal defendant by the court under Section 110-5.~~

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

15 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

16 Sec. 103-5. Speedy trial.)

17 (a) Every person in custody in this State for an alleged
18 offense shall be tried by the court having jurisdiction within
19 120 days from the date he or she was taken into custody unless
20 delay is occasioned by the defendant, by an examination for
21 fitness ordered pursuant to Section 104-13 of this Act, by a
22 fitness hearing, by an adjudication of unfitness to stand
23 trial, by a continuance allowed pursuant to Section 114-4 of
24 this Act after a court's determination of the defendant's

1 physical incapacity for trial, or by an interlocutory appeal.
2 Delay shall be considered to be agreed to by the defendant
3 unless he or she objects to the delay by making a written
4 demand for trial or an oral demand for trial on the record. The
5 provisions of this subsection (a) do not apply to a person on
6 bail ~~pretrial release~~ or recognizance for an offense but who
7 is in custody for a violation of his or her parole, aftercare
8 release, or mandatory supervised release for another offense.

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

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

26 For purposes of computing the 160 day period under this

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

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

22 (d) Every person not tried in accordance with subsections
23 (a), (b) and (c) of this Section shall be discharged from
24 custody or released from the obligations of the person's bail
25 ~~his pretrial release~~ or recognizance.

26 (e) If a person is simultaneously in custody upon more

1 than one charge pending against him in the same county, or
2 simultaneously demands trial upon more than one charge pending
3 against him in the same county, he shall be tried, or adjudged
4 guilty after waiver of trial, upon at least one such charge
5 before expiration relative to any of such pending charges of
6 the period prescribed by subsections (a) and (b) of this
7 Section. Such person shall be tried upon all of the remaining
8 charges thus pending within 160 days from the date on which
9 judgment relative to the first charge thus prosecuted is
10 rendered pursuant to the Unified Code of Corrections or, if
11 such trial upon such first charge is terminated without
12 judgment and there is no subsequent trial of, or adjudication
13 of guilt after waiver of trial of, such first charge within a
14 reasonable time, the person shall be tried upon all of the
15 remaining charges thus pending within 160 days from the date
16 on which such trial is terminated; if either such period of 160
17 days expires without the commencement of trial of, or
18 adjudication of guilt after waiver of trial of, any of such
19 remaining charges thus pending, such charge or charges shall
20 be dismissed and barred for want of prosecution unless delay
21 is occasioned by the defendant, by an examination for fitness
22 ordered pursuant to Section 104-13 of this Act, by a fitness
23 hearing, by an adjudication of unfitness for trial, by a
24 continuance allowed pursuant to Section 114-4 of this Act
25 after a court's determination of the defendant's physical
26 incapacity for trial, or by an interlocutory appeal; provided,

1 however, that if the court determines that the State has
2 exercised without success due diligence to obtain evidence
3 material to the case and that there are reasonable grounds to
4 believe that such evidence may be obtained at a later day the
5 court may continue the cause on application of the State for
6 not more than an additional 60 days.

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

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

21 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

22 Sec. 103-7. Posting notice of rights. Every sheriff, chief
23 of police or other person who is in charge of any jail, police
24 station or other building where persons under arrest are held
25 in custody pending investigation, bail ~~pretrial release~~ or

1 other criminal proceedings, shall post in every room, other
2 than cells, of such buildings where persons are held in
3 custody, in conspicuous places where it may be seen and read by
4 persons in custody and others, a poster, printed in large
5 type, containing a verbatim copy in the English language of
6 the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
7 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and
8 113-3 of this Code. Each person who is in charge of any
9 courthouse or other building in which any trial of an offense
10 is conducted shall post in each room primarily used for such
11 trials and in each room in which defendants are confined or
12 wait, pending trial, in conspicuous places where it may be
13 seen and read by persons in custody and others, a poster,
14 printed in large type, containing a verbatim copy in the
15 English language of the provisions of Sections 103-6, 113-1,
16 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of
17 this Code.

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

19 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

20 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
21 may seize or transport unwillingly any person found in this
22 State who is allegedly in violation of a bail bond posted in
23 some other state ~~or conditions of pretrial release~~. The return
24 of any such person to another state may be accomplished only as
25 provided by the laws of this State. Any bail bondsman who

1 violates this Section is fully subject to the criminal and
2 civil penalties provided by the laws of this State for his
3 actions.

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

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

6 Sec. 104-13. Fitness examination.

7 (a) When the issue of fitness involves the defendant's
8 mental condition, the court shall order an examination of the
9 defendant by one or more licensed physicians, clinical
10 psychologists, or psychiatrists chosen by the court. No
11 physician, clinical psychologist or psychiatrist employed by
12 the Department of Human Services shall be ordered to perform,
13 in his official capacity, an examination under this Section.

14 (b) If the issue of fitness involves the defendant's
15 physical condition, the court shall appoint one or more
16 physicians and in addition, such other experts as it may deem
17 appropriate to examine the defendant and to report to the
18 court regarding the defendant's condition.

19 (c) An examination ordered under this Section shall be
20 given at the place designated by the person who will conduct
21 the examination, except that if the defendant is being held in
22 custody, the examination shall take place at such location as
23 the court directs. No examinations under this Section shall be
24 ordered to take place at mental health or developmental
25 disabilities facilities operated by the Department of Human

1 Services. If the defendant fails to keep appointments without
2 reasonable cause or if the person conducting the examination
3 reports to the court that diagnosis requires hospitalization
4 or extended observation, the court may order the defendant
5 admitted to an appropriate facility for an examination, other
6 than a screening examination, for not more than 7 days. The
7 court may, upon a showing of good cause, grant an additional 7
8 days to complete the examination.

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

12 (e) Upon request by the defense and if the defendant is
13 indigent, the court may appoint, in addition to the expert or
14 experts chosen pursuant to subsection (a) of this Section, a
15 qualified expert selected by the defendant to examine him and
16 to make a report as provided in Section 104-15. Upon the filing
17 with the court of a verified statement of services rendered,
18 the court shall enter an order on the county board to pay such
19 expert a reasonable fee stated in the order.

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

21 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

23 (a) If the defendant is eligible to be or has been released
24 on bail ~~pretrial release~~ or on his own recognizance, the court
25 shall select the least physically restrictive form of

1 treatment therapeutically appropriate and consistent with the
2 treatment plan. The placement may be ordered either on an
3 inpatient or an outpatient basis.

4 (b) If the defendant's disability is mental, the court may
5 order him placed for secure treatment in the custody of the
6 Department of Human Services, or the court may order him
7 placed in the custody of any other appropriate public or
8 private mental health facility or treatment program which has
9 agreed to provide treatment to the defendant. If the most
10 serious charge faced by the defendant is a misdemeanor, the
11 court shall order outpatient treatment, unless the court finds
12 good cause on the record to order inpatient treatment. If the
13 court orders the defendant to inpatient treatment in the
14 custody of the Department of Human Services, the Department
15 shall evaluate the defendant to determine the most appropriate
16 secure facility to receive the defendant and, within 20 days
17 of the transmittal by the clerk of the circuit court of the
18 court's placement order, notify the court of the designated
19 facility to receive the defendant. The Department shall admit
20 the defendant to a secure facility within 60 days of the
21 transmittal of the court's placement order, unless the
22 Department can demonstrate good faith efforts at placement and
23 a lack of bed and placement availability. If placement cannot
24 be made within 60 days of the transmittal of the court's
25 placement order and the Department has demonstrated good faith
26 efforts at placement and a lack of bed and placement

1 availability, the Department shall provide an update to the
2 ordering court every 30 days until the defendant is placed.
3 Once bed and placement availability is determined, the
4 Department shall notify the sheriff who shall promptly
5 transport the defendant to the designated facility. If the
6 defendant is placed in the custody of the Department of Human
7 Services, the defendant shall be placed in a secure setting.
8 During the period of time required to determine bed and
9 placement availability at the designated facility, the
10 defendant shall remain in jail. If during the course of
11 evaluating the defendant for placement, the Department of
12 Human Services determines that the defendant is currently fit
13 to stand trial, it shall immediately notify the court and
14 shall submit a written report within 7 days. In that
15 circumstance the placement shall be held pending a court
16 hearing on the Department's report. Otherwise, upon completion
17 of the placement process, including identifying bed and
18 placement availability, the sheriff shall be notified and
19 shall transport the defendant to the designated facility. If,
20 within 60 days of the transmittal by the clerk of the circuit
21 court of the court's placement order, the Department fails to
22 provide the sheriff with notice of bed and placement
23 availability at the designated facility, the sheriff shall
24 contact the Department to inquire about when a placement will
25 become available at the designated facility as well as bed and
26 placement availability at other secure facilities. The

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

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

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

24 (1) a certified copy of the order to undergo
25 treatment. Accompanying the certified copy of the order to
26 undergo treatment shall be the complete copy of any report

1 prepared under Section 104-15 of this Code or other report
2 prepared by a forensic examiner for the court;

3 (2) the county and municipality in which the offense
4 was committed;

5 (3) the county and municipality in which the arrest
6 took place;

7 (4) a copy of the arrest report, criminal charges,
8 arrest record; and

9 (5) all additional matters which the Court directs the
10 clerk to transmit.

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

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

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

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

7 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

8 (725 ILCS 5/106D-1)

9 Sec. 106D-1. Defendant's appearance by closed circuit
10 television and video conference ~~two way audio visual~~
11 ~~communication system.~~

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

21 (1) the initial appearance before a judge on a
22 criminal complaint, at which bail will be set; ~~as provided~~
23 ~~in subsection (f) of Section 109-1;~~

24 (2) the waiver of a preliminary hearing;

25 (3) the arraignment on an information or indictment at

1 which a plea of not guilty will be entered;

2 (4) the presentation of a jury waiver;

3 (5) any status hearing;

4 (6) any hearing conducted under the Sexually Violent
5 Persons Commitment Act at which no witness testimony will
6 be taken; and

7 (7) at any hearing at which no witness testimony will
8 be taken conducted under the following:

9 (A) Section 104-20 of this Code (90-day hearings);

10 (B) Section 104-22 of this Code (trial with
11 special provisions and assistance);

12 (C) Section 104-25 of this Code (discharge
13 hearing); or

14 (D) Section 5-2-4 of the Unified Code of
15 Corrections (proceedings after acquittal by reason of
16 insanity).

17 (b) The two-way audio-visual communication facilities must
18 provide two-way audio-visual communication between the court
19 and the place of custody or confinement, and must include a
20 secure line over which the person in custody and his or her
21 counsel, if any, may communicate.

22 (c) Nothing in this Section shall be construed to prohibit
23 other court appearances through the use of a two-way
24 audio-visual communication, upon waiver of any right the
25 person in custody or confinement may have to be present
26 physically. ~~system if the person in custody or confinement~~

1 ~~waives the right to be present physically in court, the court~~
2 ~~determines that the physical health and safety of any person~~
3 ~~necessary to the proceedings would be endangered by appearing~~
4 ~~in court, or the chief judge of the circuit orders use of that~~
5 ~~system due to operational challenges in conducting the hearing~~
6 ~~in person. Such operational challenges must be documented and~~
7 ~~approved by the chief judge of the circuit, and a plan to~~
8 ~~address the challenges through reasonable efforts must be~~
9 ~~presented and approved by the Administrative Office of the~~
10 ~~Illinois Courts every 6 months.~~

11 (d) Nothing in this Section shall be construed to
12 establish a right of any person held in custody or confinement
13 to appear in court through ~~a~~ two-way audio-visual
14 communication ~~system~~ or to require that any governmental
15 entity, or place of custody or confinement, provide ~~a~~ two-way
16 audio-visual communication ~~system~~.

17 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
18 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

19 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

20 Sec. 107-4. Arrest by peace officer from other
21 jurisdiction.

22 (a) As used in this Section:

23 (1) "State" means any State of the United States and
24 the District of Columbia.

25 (2) "Peace Officer" means any peace officer or member

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

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

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

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

1 Law of the Civil Administrative Code of Illinois. While acting
2 pursuant to this subsection, an officer has the same authority
3 as within his or her own jurisdiction.

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

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

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

1 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22.)

3 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

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

13 (2) State the offense with which the accused is
14 charged;

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

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

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

24 (c) A warrant shall ~~or summons may~~ be issued by the court
25 for the arrest ~~or appearance~~ of the person complained against

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

5 (d) The warrant of arrest ~~or summons~~ shall:

6 (1) Be in writing;

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

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

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

15 (5) Be signed by the judge of the court with the title
16 of the judge's office; ~~and~~

17 (6) Command that the person against whom the complaint
18 was made ~~to~~ be arrested and brought before the court
19 issuing the warrant or if he is absent or unable to act
20 before the nearest or most accessible court in the same
21 county ~~issuing the warrant or the nearest or most~~
22 ~~accessible court in the same county, or appear before the~~
23 ~~court at a certain time and place;~~

24 (7) Specify the amount of bail ~~conditions of pretrial~~
25 ~~release, if any;~~ and

26 (8) Specify any geographical limitation placed on the

1 execution of the warrant, ~~if any,~~ but such limitation
2 shall not be expressed in mileage.

3 ~~(c) The summons may be served in the same manner as the~~
4 ~~summons in a civil action, except that a police officer may~~
5 ~~serve a summons for a violation of an ordinance occurring~~
6 ~~within the municipality of the police officer.~~

7 ~~(f) If the person summoned fails to appear by the date~~
8 ~~required or cannot be located to serve the summons, a warrant~~
9 ~~may be issued by the court for the arrest of the person~~
10 ~~complained against.~~

11 ~~(g) A warrant of arrest issued under this Section shall~~
12 ~~incorporate the information included in the summons, and shall~~
13 ~~comply with the following:~~

14 ~~(1) The arrest warrant shall specify any geographic~~
15 ~~limitation placed on the execution of the warrant, but~~
16 ~~such limitation shall not be expressed in mileage.~~

17 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace
18 officers in the State. It shall be executed by the peace
19 officer, or by a private person specially named therein, at
20 any location within the geographic limitation for execution
21 placed on the warrant. If no geographic limitation is placed
22 on the warrant, then it may be executed anywhere in the State.

23 (f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued
24 electronically or electromagnetically by use of electronic
25 mail or a facsimile transmission machine and any ~~such~~ arrest
26 warrant ~~or summons~~ shall have the same validity as a written

1 ~~arrest warrant or summons.~~

2 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;
3 102-1104, eff. 1-1-23.)

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

5 Sec. 107-11. When summons may be issued.

6 (a) When authorized to issue a warrant of arrest, a court
7 may instead issue a summons.

8 (b) The summons shall:

9 (1) Be in writing;

10 (2) State the name of the person summoned and his or
11 her address, if known;

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

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

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

17 (6) Command the person to appear before a court at a
18 certain time and place.

19 (c) The summons may be served in the same manner as the
20 summons in a civil action ~~or by certified or regular mail,~~
21 except that police officers may serve summons for violations
22 of ordinances occurring within their municipalities.

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

24 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

1 Sec. 109-1. Person arrested; ~~release from law enforcement~~
2 ~~eustody and court appearance; geographic constraints prevent~~
3 ~~in-person appearances.~~

4 (a) A person arrested with or without a warrant ~~for an~~
5 ~~offense for which pretrial release may be denied under~~
6 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
7 without unnecessary delay before the nearest and most
8 accessible judge in that county, except when such county is a
9 participant in a regional jail authority, in which event such
10 person may be taken to the nearest and most accessible judge,
11 irrespective of the county where such judge presides, ~~within~~
12 ~~48 hours,~~ and a charge shall be filed. Whenever a person
13 arrested either with or without a warrant is required to be
14 taken before a judge, a charge may be filed against such person
15 by way of a two-way closed circuit television system
16 ~~audio visual communication system,~~ except that a hearing to
17 deny ~~pretrial release~~ bail to the defendant may not be
18 conducted by way of closed circuit television ~~two way~~
19 ~~audio visual communication system unless the accused waives~~
20 ~~the right to be present physically 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 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
5 ~~custodial arrest, upon proper identification, for those~~
6 ~~accused of any offense that is not a felony or Class A~~
7 ~~misdemeanor unless (i) a law enforcement officer reasonably~~
8 ~~believes the accused poses a threat to the community or any~~
9 ~~person, (ii) a custodial arrest is necessary because the~~
10 ~~criminal activity persists after the issuance of a citation,~~
11 ~~or (iii) the accused has an obvious medical or mental health~~
12 ~~issue that poses a risk to the accused's own safety. Nothing in~~
13 ~~this Section requires arrest in the case of Class A~~
14 ~~misdemeanor and felony offenses, or otherwise limits existing~~
15 ~~law enforcement discretion to decline to effect a custodial~~
16 ~~arrest.~~

17 ~~(a-3) A person arrested with or without a warrant for an~~
18 ~~offense for which pretrial release may not be denied may,~~
19 ~~except as otherwise provided in this Code, be released by a law~~
20 ~~enforcement officer without appearing before a judge. A~~
21 ~~presumption in favor of pretrial release shall be applied by~~
22 ~~an arresting officer in the exercise of his or her discretion~~
23 ~~under this Section.~~

24 (a-5) A person charged with an offense shall be allowed
25 counsel at the hearing at which ~~pretrial release~~ bail is
26 determined under Article 110 of this Code. If the defendant

1 desires counsel for his or her initial appearance but is
2 unable to obtain counsel, the court shall appoint a public
3 defender or licensed attorney at law of this State to
4 represent him or her for purposes of that hearing.

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

7 (1) inform the defendant of the charge against him and
8 shall provide him with a copy of the charge;

9 (2) advise the defendant of his right to counsel and
10 if indigent shall appoint a public defender or licensed
11 attorney at law of this State to represent him in
12 accordance with the provisions of Section 113-3 of this
13 Code;

14 (3) schedule a preliminary hearing in appropriate
15 cases;

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

21 (5) order ~~Order~~ the confiscation of the person's
22 passport or impose travel restrictions on a defendant
23 arrested for first degree murder or other violent crime as
24 defined in Section 3 of the Rights of Crime Victims and
25 Witnesses Act, if the judge determines, based on the
26 factors in Section 110-5 of this Code, that this will

1 reasonably ensure the appearance of the defendant and
2 compliance by the defendant with all conditions of
3 release.

4 (c) The court may issue an order of protection in
5 accordance with the provisions of Article 112A of this Code.
6 ~~Crime victims shall be given notice by the State's Attorney's~~
7 ~~office of this hearing as required in paragraph (2) of~~
8 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
9 ~~Act and shall be informed of their opportunity at this hearing~~
10 ~~to obtain an order of protection under Article 112A of this~~
11 ~~Code.~~

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

21 (e) If consular notification is not provided to a
22 defendant before his or her first appearance in court, the
23 court shall grant any reasonable request for a continuance of
24 the proceedings to allow contact with the defendant's
25 consulate. Any delay caused by the granting of the request by a
26 defendant shall temporarily suspend for the time of the delay

1 the period within which a person shall be tried as prescribed
2 by subsections (a), (b), or (e) of Section 103-5 of this Code
3 and on the day of the expiration of delay the period shall
4 continue at the point at which it was suspended.

5 ~~(f) At the hearing at which conditions of pretrial release~~
6 ~~are determined, the person charged shall be present in person~~
7 ~~rather than by two way audio video communication system unless~~
8 ~~the accused waives the right to be present physically in~~
9 ~~court, the court determines that the physical health and~~
10 ~~safety of any person necessary to the proceedings would be~~
11 ~~endangered by appearing in court, or the chief judge of the~~
12 ~~circuit orders use of that system due to operational~~
13 ~~challenges in conducting the hearing in person. Such~~
14 ~~operational challenges must be documented and approved by the~~
15 ~~chief judge of the circuit, and a plan to address the~~
16 ~~challenges through reasonable efforts must be presented and~~
17 ~~approved by the Administrative Office of the Illinois Courts~~
18 ~~every 6 months.~~

19 ~~(g) Defense counsel shall be given adequate opportunity to~~
20 ~~confer with the defendant prior to any hearing in which~~
21 ~~conditions of release or the detention of the defendant is to~~
22 ~~be considered, with a physical accommodation made to~~
23 ~~facilitate attorney/client consultation. If defense counsel~~
24 ~~needs to confer or consult with the defendant during any~~
25 ~~hearing conducted via a two way audio visual communication~~
26 ~~system, such consultation shall not be recorded and shall be~~

1 ~~undertaken consistent with constitutional protections.~~

2 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
3 102-1104, eff. 1-1-23.)

4 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

5 Sec. 109-2. Person arrested in another county.

6 (a) Any person arrested in a county other than the one in
7 which a warrant for his arrest was issued shall be taken
8 without unnecessary delay before the nearest and most
9 accessible judge in the county where the arrest was made or, if
10 no additional delay is created, before the nearest and most
11 accessible judge in the county from which the warrant was
12 issued. He shall be admitted to bail in the amount specified in
13 the warrant or, for offenses other than felonies, in an amount
14 as set by the judge, and such bail shall be conditioned on his
15 appearing in the court issuing the warrant on a certain date.

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

18 (b) Notwithstanding the provisions of subsection (a), any
19 person arrested in a county other than the one in which a
20 warrant for his arrest was issued, may waive the right to be
21 taken before a judge in the county where the arrest was made.
22 If a person so arrested waives such right, the arresting
23 agency shall surrender such person to a law enforcement agency
24 of the county that issued the warrant without unnecessary
25 delay. The provisions of Section 109-1 shall then apply to the

1 person so arrested.

2 ~~(c) If a person is taken before a judge in any county and a~~
3 ~~warrant for arrest issued by another Illinois county exists~~
4 ~~for that person, the court in the arresting county shall hold~~
5 ~~for that person a detention hearing under Section 110-6.1, or~~
6 ~~other hearing under Section 110-5 or Section 110-6.~~

7 ~~(d) After the court in the arresting county has determined~~
8 ~~whether the person shall be released or detained on the~~
9 ~~arresting offense, the court shall then order the sheriff to~~
10 ~~immediately contact the sheriff in any county where any~~
11 ~~warrant is outstanding and notify them of the arrest of the~~
12 ~~individual.~~

13 ~~(e) If a person has a warrant in another county for an~~
14 ~~offense, then, no later than 5 calendar days after the end of~~
15 ~~any detention issued on the charge in the arresting county,~~
16 ~~the county where the warrant is outstanding shall do one of the~~
17 ~~following:~~

18 ~~(1) transport the person to the county where the~~
19 ~~warrant was issued for a hearing under Section 110-6 or~~
20 ~~110-6.1 in the matter for which the warrant was issued; or~~

21 ~~(2) quash the warrant and order the person released on~~
22 ~~the case for which the warrant was issued only when the~~
23 ~~county that issued the warrant fails to transport the~~
24 ~~defendant in the timeline as proscribed.~~

25 ~~(f) If the issuing county fails to take any action under~~
26 ~~subsection (e) within 5 calendar days, the defendant shall be~~

1 ~~released from custody on the warrant, and the circuit judge or~~
2 ~~associate circuit judge in the county of arrest shall set~~
3 ~~conditions of release under Section 110-5 and shall admit the~~
4 ~~defendant to pretrial release for his or her appearance before~~
5 ~~the court named in the warrant. Upon releasing the defendant,~~
6 ~~the circuit judge or associate circuit judge shall certify~~
7 ~~such a fact on the warrant and deliver the warrant and the~~
8 ~~acknowledgment by the defendant of his or her receiving the~~
9 ~~conditions of pretrial release to the officer having charge of~~
10 ~~the defendant from arrest and without delay deliver such~~
11 ~~warrant and such acknowledgment by the defendant of his or her~~
12 ~~receiving the conditions to the court before which the~~
13 ~~defendant is required to appear.~~

14 ~~(g) If a person has a warrant in another county, in lieu of~~
15 ~~transporting the person to the issuing county as outlined in~~
16 ~~subsection (e), the issuing county may hold the hearing by way~~
17 ~~of a two way audio visual communication system if the accused~~
18 ~~waives the right to be physically present in court, the court~~
19 ~~determines that the physical health and safety of any person~~
20 ~~necessary to the proceedings would be endangered by appearing~~
21 ~~in court, or the chief judge of the circuit orders use of that~~
22 ~~system due to operational challenges in conducting the hearing~~
23 ~~in person. Such operational challenges must be documented and~~
24 ~~approved by the chief judge of the circuit, and a plan to~~
25 ~~address the challenges through reasonable efforts must be~~
26 ~~presented and approved by the Administrative Office of the~~

1 ~~Illinois Courts every 6 months.~~

2 ~~(h) If more than 2 Illinois county warrants exist, the~~
3 ~~judge in the county of arrest shall order that the process~~
4 ~~described in subsections (d) through (f) occur in each county~~
5 ~~in whatever order the judge finds most appropriate. Each judge~~
6 ~~in each subsequent county shall then follow the rules in this~~
7 ~~Section.~~

8 ~~(i) This Section applies only to warrants issued by~~
9 ~~Illinois state, county, or municipal courts.~~

10 ~~(j) When an issuing agency is contacted by an out of state~~
11 ~~agency of a person arrested for any offense, or when an~~
12 ~~arresting agency is contacted by or contacts an out of state~~
13 ~~issuing agency, the Uniform Criminal Extradition Act shall~~
14 ~~govern.~~

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

16 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

17 Sec. 109-3. Preliminary examination.

18 (a) The judge shall hold the defendant to answer to the
19 court having jurisdiction of the offense if from the evidence
20 it appears there is probable cause to believe an offense has
21 been committed by the defendant, as provided in Section
22 109-3.1 of this Code, if the offense is a felony.

23 (b) If the defendant waives preliminary examination the
24 judge shall hold him to answer and may, or on the demand of the
25 prosecuting attorney shall, cause the witnesses for the State

1 to be examined. After hearing the testimony if it appears that
2 there is not probable cause to believe the defendant guilty of
3 any offense the judge shall discharge him.

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

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

23 (e) During preliminary hearing or examination the
24 defendant may move for an order of suppression of evidence
25 pursuant to Section 114-11 or 114-12 of this Act or for other
26 reasons, and may move for dismissal of the charge pursuant to

1 Section 114-1 of this Act or for other reasons.

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

3 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

4 Sec. 109-3.1. Persons charged with felonies.

5 (a) In any case involving a person charged with a felony in
6 this State, alleged to have been committed on or after January
7 1, 1984, the provisions of this Section shall apply.

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

18 The provisions of this paragraph shall not apply in the
19 following situations:

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

21 (2) when the defendant has been indicted by the Grand
22 Jury on the felony offense for which he or she was
23 initially taken into custody or on an offense arising from
24 the same transaction or conduct of the defendant that was
25 the basis for the felony offense or offenses initially

1 charged; or

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

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

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

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

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

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

17 (725 ILCS 5/Art. 110 heading)

18 ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

19 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

20 Sec. 110-1. Definitions. As used in this Article:

21 ~~(a) (Blank).~~

22 "Security" is that which is required to be pledged to
23 insure the payment of bail.

24 ~~(b)~~ "Sureties" encompasses the monetary and nonmonetary

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

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

11 "Real and present threat to the physical safety of any
12 person or persons", as used in this Article, includes a threat
13 to the community, person, persons or class of persons.

14 ~~(d) (Blank).~~

15 ~~(e) "Protective order" means any order of protection~~
16 ~~issued under Section 112A 14 of this Code or the Illinois~~
17 ~~Domestic Violence Act of 1986, a stalking no contact order~~
18 ~~issued under Section 80 of the Stalking No Contact Order Act,~~
19 ~~or a civil no contact order issued under Section 213 of the~~
20 ~~Civil No Contact Order Act.~~

21 ~~(f) "Willful flight" means intentional conduct with a~~
22 ~~purpose to thwart the judicial process to avoid prosecution.~~
23 ~~Isolated instances of nonappearance in court alone are not~~
24 ~~evidence of the risk of willful flight. Recurrence and~~
25 ~~patterns of intentional conduct to evade prosecution, along~~
26 ~~with any affirmative steps to communicate or remedy any such~~

1 ~~missed court date, may be considered as factors in assessing~~
2 ~~future intent to evade prosecution.~~

3 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
4 103-154, eff. 6-30-23.)

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

6 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~
7 When from all the circumstances the court is of the opinion
8 that the defendant will appear as required either before or
9 after conviction and the defendant will not pose a danger to
10 any person or the community and that the defendant will comply
11 with all conditions of bond, which shall include the
12 defendant's current address with a written admonishment to the
13 defendant that he or she must comply with the provisions of
14 Section 110-12 of this Code regarding any change in his or her
15 address, the defendant may be released on his or her own
16 recognizance. The defendant's address shall at all times
17 remain a matter of public record with the clerk of the court. A
18 failure to appear as required by such recognizance shall
19 constitute an offense subject to the penalty provided in
20 Section 32-10 of the Criminal Code of 2012 for violation of the
21 bail bond, and any obligated sum fixed in the recognizance
22 shall be forfeited and collected in accordance with subsection
23 (g) of Section 110-7.1 of this Code.

24 This Section shall be liberally construed to effectuate
25 the purpose of relying upon contempt of court proceedings or

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

10 The State may appeal any order permitting release by
11 personal recognizance.

12 ~~(a) All persons charged with an offense shall be eligible~~
13 ~~for pretrial release before conviction. It is presumed that a~~
14 ~~defendant is entitled to release on personal recognizance on~~
15 ~~the condition that the defendant attend all required court~~
16 ~~proceedings and the defendant does not commit any criminal~~
17 ~~offense, and complies with all terms of pretrial release,~~
18 ~~including, but not limited to, orders of protection under both~~
19 ~~Section 112A 4 of this Code and Section 214 of the Illinois~~
20 ~~Domestic Violence Act of 1986, all civil no contact orders,~~
21 ~~and all stalking no contact orders. Pretrial release may be~~
22 ~~denied only if a person is charged with an offense listed in~~
23 ~~Section 110-6.1 and after the court has held a hearing under~~
24 ~~Section 110-6.1, and in a manner consistent with subsections~~
25 ~~(b), (c), and (d) of this Section.~~

26 ~~(b) At all pretrial hearings, the prosecution shall have~~

1 ~~the burden to prove by clear and convincing evidence that any~~
2 ~~condition of release is necessary.~~

3 ~~(c) When it is alleged that pretrial release should be~~
4 ~~denied to a person upon the grounds that the person presents a~~
5 ~~real and present threat to the safety of any person or persons~~
6 ~~or the community, based on the specific articulable facts of~~
7 ~~the case, the burden of proof of such allegations shall be upon~~
8 ~~the State.~~

9 ~~(d) When it is alleged that pretrial release should be~~
10 ~~denied to a person charged with stalking or aggravated~~
11 ~~stalking upon the grounds set forth in Section 110-6.3, the~~
12 ~~burden of proof of those allegations shall be upon the State.~~

13 ~~(e) This Section shall be liberally construed to~~
14 ~~effectuate the purpose of relying on pretrial release by~~
15 ~~nonmonetary means to reasonably ensure an eligible person's~~
16 ~~appearance in court, the protection of the safety of any other~~
17 ~~person or the community, that the person will not attempt or~~
18 ~~obstruct the criminal justice process, and the person's~~
19 ~~compliance with all conditions of release, while authorizing~~
20 ~~the court, upon motion of a prosecutor, to order pretrial~~
21 ~~detention of the person under Section 110-6.1 when it finds~~
22 ~~clear and convincing evidence that no condition or combination~~
23 ~~of conditions can reasonably ensure the effectuation of these~~
24 ~~goals.~~

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

1 (725 ILCS 5/110-3.1 new)

2 Sec. 110-3.1. Issuance of warrant.

3 (a) Upon failure to comply with any condition of a bail
4 bond or recognizance the court having jurisdiction at the time
5 of such failure may, in addition to any other action provided
6 by law, issue a warrant for the arrest of the person at liberty
7 on bail or his own recognizance. The contents of such a warrant
8 shall be the same as required for an arrest warrant issued upon
9 complaint. When a defendant is at liberty on bail or his own
10 recognizance on a felony charge and fails to appear in court as
11 directed, the court shall issue a warrant for the arrest of
12 such person. Such warrant shall be noted with a directive to
13 peace officers to arrest the person and hold such person
14 without bail and to deliver such person before the court for
15 further proceedings.

16 (b) A defendant who is arrested or surrenders within 30
17 days of the issuance of such warrant shall not be bailable in
18 the case in question unless he shows by the preponderance of
19 the evidence that his failure to appear was not intentional.

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

21 Sec. 110-5. Determining the amount of bail and conditions
22 of release.

23 (a) In determining the amount of monetary bail or
24 conditions of release, if any, which will reasonably assure
25 the appearance of a defendant as required or the safety of any

1 other person or the community and the likelihood of compliance
2 by the defendant with all the conditions of bail, the court
3 shall, on the basis of available information, take into
4 account such matters as the nature and circumstances of the
5 offense charged, whether the evidence shows that as part of
6 the offense there was a use of violence or threatened use of
7 violence, whether the offense involved corruption of public
8 officials or employees, whether there was physical harm or
9 threats of physical harm to any public official, public
10 employee, judge, prosecutor, juror or witness, senior citizen,
11 child, or person with a disability, whether evidence shows
12 that during the offense or during the arrest the defendant
13 possessed or used a firearm, machine gun, explosive or metal
14 piercing ammunition or explosive bomb device or any military
15 or paramilitary armament, whether the evidence shows that the
16 offense committed was related to or in furtherance of the
17 criminal activities of an organized gang or was motivated by
18 the defendant's membership in or allegiance to an organized
19 gang, the condition of the victim, any written statement
20 submitted by the victim or proffer or representation by the
21 State regarding the impact which the alleged criminal conduct
22 has had on the victim and the victim's concern, if any, with
23 further contact with the defendant if released on bail,
24 whether the offense was based on racial, religious, sexual
25 orientation or ethnic hatred, the likelihood of the filing of
26 a greater charge, the likelihood of conviction, the sentence

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

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

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

25 (a-5) There shall be a presumption that any conditions of
26 release imposed shall be non-monetary in nature and the court

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

11 (b) The amount of bail shall be:

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

20 (2) Not oppressive.

21 (3) Considerate of the financial ability of the
22 accused.

23 (4) When a person is charged with a drug related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as
26 defined in the Cannabis Control Act, the Illinois

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

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

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

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

1 and

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

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

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

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

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

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

26 (e) The State may appeal any order granting bail or

1 setting a given amount for bail.

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

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

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

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

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

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

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

26 (7) whether the person has a history of abusing

1 alcohol or any controlled substance;

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

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

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

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

20 (12) based on any information contained in the
21 complaint and any police reports, affidavits, or other
22 documents accompanying the complaint;

23 the court may, in its discretion, order the respondent to
24 undergo a risk assessment evaluation using a recognized,
25 evidence-based instrument conducted by an Illinois Department
26 of Human Services approved partner abuse intervention program

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

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

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

1 ~~charged;~~

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

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

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

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

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

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

1 ~~applicable;~~

2 ~~(6) when a person is charged with a violation of a~~
3 ~~protective order, domestic battery, aggravated domestic~~
4 ~~battery, kidnapping, aggravated kidnapping, unlawful~~
5 ~~restraint, aggravated unlawful restraint, cyberstalking,~~
6 ~~harassment by telephone, harassment through electronic~~
7 ~~communications, or an attempt to commit first degree~~
8 ~~murder committed against a spouse or a current or former~~
9 ~~partner in a cohabitation or dating relationship,~~
10 ~~regardless of whether an order of protection has been~~
11 ~~issued against the person, the court may consider the~~
12 ~~following additional factors:~~

13 ~~(A) whether the alleged incident involved~~
14 ~~harassment or abuse, as defined in the Illinois~~
15 ~~Domestic Violence Act of 1986;~~

16 ~~(B) whether the person has a history of domestic~~
17 ~~violence, as defined in the Illinois Domestic Violence~~
18 ~~Act of 1986, or a history of other criminal acts;~~

19 ~~(C) the mental health of the person;~~

20 ~~(D) whether the person has a history of violating~~
21 ~~the orders of any court or governmental entity;~~

22 ~~(E) whether the person has been, or is,~~
23 ~~potentially a threat to any other person;~~

24 ~~(F) whether the person has access to deadly~~
25 ~~weapons or a history of using deadly weapons;~~

26 ~~(G) whether the person has a history of abusing~~

1 ~~alcohol or any controlled substance;~~

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

10 ~~(I) whether a separation of the person from the~~
11 ~~victim of abuse or a termination of the relationship~~
12 ~~between the person and the victim of abuse has~~
13 ~~recently occurred or is pending;~~

14 ~~(J) whether the person has exhibited obsessive or~~
15 ~~controlling behaviors toward the victim of abuse,~~
16 ~~including, but not limited to, stalking, surveillance,~~
17 ~~or isolation of the victim of abuse or the victim's~~
18 ~~family member or members;~~

19 ~~(K) whether the person has expressed suicidal or~~
20 ~~homicidal ideations; and~~

21 ~~(L) any other factors deemed by the court to have a~~
22 ~~reasonable bearing upon the defendant's propensity or~~
23 ~~reputation for violent, abusive, or assaultive~~
24 ~~behavior, or lack of that behavior.~~

25 ~~(7) in cases of stalking or aggravated stalking under~~
26 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~

1 ~~court may consider the factors listed in paragraph (6) and~~
2 ~~the following additional factors:~~

3 ~~(A) any evidence of the defendant's prior criminal~~
4 ~~history indicative of violent, abusive or assaultive~~
5 ~~behavior, or lack of that behavior; the evidence may~~
6 ~~include testimony or documents received in juvenile~~
7 ~~proceedings, criminal, quasi criminal, civil~~
8 ~~commitment, domestic relations, or other proceedings;~~

9 ~~(B) any evidence of the defendant's psychological,~~
10 ~~psychiatric, or other similar social history that~~
11 ~~tends to indicate a violent, abusive, or assaultive~~
12 ~~nature, or lack of any such history;~~

13 ~~(C) the nature of the threat that is the basis of~~
14 ~~the charge against the defendant;~~

15 ~~(D) any statements made by, or attributed to, the~~
16 ~~defendant, together with the circumstances surrounding~~
17 ~~them;~~

18 ~~(E) the age and physical condition of any person~~
19 ~~allegedly assaulted by the defendant;~~

20 ~~(F) whether the defendant is known to possess or~~
21 ~~have access to any weapon or weapons; and~~

22 ~~(G) any other factors deemed by the court to have a~~
23 ~~reasonable bearing upon the defendant's propensity or~~
24 ~~reputation for violent, abusive, or assaultive~~
25 ~~behavior, or lack of that behavior.~~

26 ~~(b) The court may use a regularly validated risk~~

1 ~~assessment tool to aid its determination of appropriate~~
2 ~~conditions of release as provided under Section 110-6.4. If a~~
3 ~~risk assessment tool is used, the defendant's counsel shall be~~
4 ~~provided with the information and scoring system of the risk~~
5 ~~assessment tool used to arrive at the determination. The~~
6 ~~defendant retains the right to challenge the validity of a~~
7 ~~risk assessment tool used by the court and to present evidence~~
8 ~~relevant to the defendant's challenge.~~

9 ~~(c) The court shall impose any conditions that are~~
10 ~~mandatory under subsection (a) of Section 110-10. The court~~
11 ~~may impose any conditions that are permissible under~~
12 ~~subsection (b) of Section 110-10. The conditions of release~~
13 ~~imposed shall be the least restrictive conditions or~~
14 ~~combination of conditions necessary to reasonably ensure the~~
15 ~~appearance of the defendant as required or the safety of any~~
16 ~~other person or persons or the community.~~

17 ~~(d) When a person is charged with a violation of a~~
18 ~~protective order, the court may order the defendant placed~~
19 ~~under electronic surveillance as a condition of pretrial~~
20 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~
21 ~~Corrections, based on the information collected under~~
22 ~~paragraph (6) of subsection (a) of this Section, the results~~
23 ~~of any assessment conducted, or other circumstances of the~~
24 ~~violation.~~

25 ~~(e) If a person remains in pretrial detention 48 hours~~
26 ~~after having been ordered released with pretrial conditions,~~

1 ~~the court shall hold a hearing to determine the reason for~~
2 ~~continued detention. If the reason for continued detention is~~
3 ~~due to the unavailability or the defendant's ineligibility for~~
4 ~~one or more pretrial conditions previously ordered by the~~
5 ~~court or directed by a pretrial services agency, the court~~
6 ~~shall reopen the conditions of release hearing to determine~~
7 ~~what available pretrial conditions exist that will reasonably~~
8 ~~ensure the appearance of a defendant as required, the safety~~
9 ~~of any other person, and the likelihood of compliance by the~~
10 ~~defendant with all the conditions of pretrial release. The~~
11 ~~inability of the defendant to pay for a condition of release or~~
12 ~~any other ineligibility for a condition of pretrial release~~
13 ~~shall not be used as a justification for the pretrial~~
14 ~~detention of that defendant.~~

15 ~~(f) Prior to the defendant's first appearance, and with~~
16 ~~sufficient time for meaningful attorney client contact to~~
17 ~~gather information in order to advocate effectively for the~~
18 ~~defendant's pretrial release, the court shall appoint the~~
19 ~~public defender or a licensed attorney at law of this State to~~
20 ~~represent the defendant for purposes of that hearing, unless~~
21 ~~the defendant has obtained licensed counsel. Defense counsel~~
22 ~~shall have access to the same documentary information relied~~
23 ~~upon by the prosecution and presented to the court.~~

24 ~~(f-5) At each subsequent appearance of the defendant~~
25 ~~before the court, the judge must find that the current~~
26 ~~conditions imposed are necessary to reasonably ensure the~~

1 ~~appearance of the defendant as required, the safety of any~~
2 ~~other person, and the compliance of the defendant with all the~~
3 ~~conditions of pretrial release. The court is not required to~~
4 ~~be presented with new information or a change in circumstance~~
5 ~~to remove pretrial conditions.~~

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

13 ~~(h) If the court imposes electronic monitoring, GPS~~
14 ~~monitoring, or home confinement, the court shall set forth in~~
15 ~~the record the basis for its finding. A defendant shall be~~
16 ~~given custodial credit for each day he or she was subjected to~~
17 ~~home confinement, at the same rate described in subsection (b)~~
18 ~~of Section 5 4.5 100 of the Unified Code of Corrections. The~~
19 ~~court may give custodial credit to a defendant for each day the~~
20 ~~defendant was subjected to GPS monitoring without home~~
21 ~~confinement or electronic monitoring without home confinement.~~

22 ~~(i) If electronic monitoring, GPS monitoring, or home~~
23 ~~confinement is imposed, the court shall determine every 60~~
24 ~~days if no less restrictive condition of release or~~
25 ~~combination of less restrictive conditions of release would~~
26 ~~reasonably ensure the appearance, or continued appearance, of~~

1 ~~the defendant for later hearings or protect an identifiable~~
2 ~~person or persons from imminent threat of serious physical~~
3 ~~harm. If the court finds that there are less restrictive~~
4 ~~conditions of release, the court shall order that the~~
5 ~~condition be removed. This subsection takes effect January 1,~~
6 ~~2022.~~

7 ~~(j) Crime Victims shall be given notice by the State's~~
8 ~~Attorney's office of this hearing as required in paragraph (1)~~
9 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
10 ~~and Witnesses Act and shall be informed of their opportunity~~
11 ~~at this hearing to obtain a protective order.~~

12 ~~(k) The State and defendants may appeal court orders~~
13 ~~imposing conditions of pretrial release.~~

14 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
15 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
16 1-1-23.)

17 (725 ILCS 5/110-5.2)

18 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial
19 detainee.

20 (a) It is the policy of this State that a pre-trial
21 detainee shall not be required to deliver a child while in
22 custody absent a finding by the court that continued pre-trial
23 custody is necessary to protect the public or the victim of the
24 offense on which the charge is based ~~alleviate a real and~~
25 ~~present threat to the safety of any person or persons or the~~

1 ~~community, based on the specific articulable facts of the~~
2 ~~case, or prevent the defendant's willful flight.~~

3 (b) If the court reasonably believes that a pre-trial
4 detainee will give birth while in custody, the court shall
5 order an alternative to custody unless, after a hearing, the
6 court determines:

7 (1) that the release of the pregnant pre-trial
8 detainee would pose a real and present threat to the
9 physical safety of the alleged victim of the offense and
10 continuing custody is necessary to prevent the fulfillment
11 of the threat upon which the charge is based; or the
12 ~~pregnant pretrial detainee is charged with an offense for~~
13 ~~which pretrial release may be denied under Section~~
14 ~~110-6.1; and~~

15 (2) that the release of the pregnant pre-trial
16 detainee would pose a real and present threat to the
17 physical safety of any person or persons or the general
18 public after a hearing under Section 110-6.1 that
19 ~~considers the circumstances of the pregnancy, the court~~
20 ~~determines that continued detention is the only way to~~
21 ~~prevent a real and present threat to the safety of any~~
22 ~~person or persons or the community, based on the specific~~
23 ~~articulable facts of the case, or prevent the defendant's~~
24 ~~willful flight.~~

25 (c) The court may order a pregnant or post-partum detainee
26 to be subject to electronic monitoring as a condition of

1 pre-trial release or order other condition or combination of
2 conditions the court reasonably determines are in the best
3 interest of the detainee and the public. ~~Electronic Monitoring~~
4 ~~may be ordered by the court only if no less restrictive~~
5 ~~condition of release or combination of less restrictive~~
6 ~~conditions of release would reasonably ensure the appearance,~~
7 ~~or continued appearance, of the defendant for later hearings~~
8 ~~or protect an identifiable person or persons from imminent~~
9 ~~threat of serious physical harm. All pregnant people or those~~
10 ~~who have given birth within 6 weeks shall be granted ample~~
11 ~~movement to attend doctor's appointments and for emergencies~~
12 ~~related to the health of the pregnancy, infant, or postpartum~~
13 ~~person.~~

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

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

18 (725 ILCS 5/110-6)

19 Sec. 110-6. Modification of bail or conditions ~~Revocation~~
20 ~~of pretrial release, modification of conditions of pretrial~~
21 ~~release, and sanctions for violations of conditions of~~
22 ~~pretrial release.~~

23 (a) Upon verified application by the State or the
24 defendant or on its own motion the court before which the
25 proceeding is pending may increase or reduce the amount of

1 bail or may alter the conditions of the bail bond or grant bail
2 where it has been previously revoked or denied. If bail has
3 been previously revoked pursuant to subsection (f) of this
4 Section or if bail has been denied to the defendant pursuant to
5 subsection (e) of Section 110-6.1 or subsection (e) of Section
6 110-6.3-1, the defendant shall be required to present a
7 verified application setting forth in detail any new facts not
8 known or obtainable at the time of the previous revocation or
9 denial of bail proceedings. If the court grants bail where it
10 has been previously revoked or denied, the court shall state
11 on the record of the proceedings the findings of facts and
12 conclusion of law upon which such order is based.

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

1 warrant for failure to appear on the same original criminal
2 offense.

3 (b) Violation of the conditions of Section 110-10 of this
4 Code or any special conditions of bail as ordered by the court
5 shall constitute grounds for the court to increase the amount
6 of bail, or otherwise alter the conditions of bail, or, where
7 the alleged offense committed on bail is a forcible felony in
8 Illinois or a Class 2 or greater offense under the Illinois
9 Controlled Substances Act, the Cannabis Control Act, or the
10 Methamphetamine Control and Community Protection Act, revoke
11 bail pursuant to the appropriate provisions of subsection (e)
12 of this Section.

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

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

18 (e) Upon verified application by the State stating facts
19 or circumstances constituting a violation or a threatened
20 violation of any of the conditions of the bail bond the court
21 may issue a warrant commanding any peace officer to bring the
22 defendant without unnecessary delay before the court for a
23 hearing on the matters set forth in the application. If the
24 actual court before which the proceeding is pending is absent
25 or otherwise unavailable another court may issue a warrant
26 pursuant to this Section. When the defendant is charged with a

1 felony offense and while free on bail is charged with a
2 subsequent felony offense and is the subject of a proceeding
3 set forth in Section 109-1 or 109-3 of this Code, upon the
4 filing of a verified petition by the State alleging a
5 violation of Section 110-10 (a) (4) of this Code, the court
6 shall without prior notice to the defendant, grant leave to
7 file such application and shall order the transfer of the
8 defendant and the application without unnecessary delay to the
9 court before which the previous felony matter is pending for a
10 hearing as provided in subsection (b) or this subsection of
11 this Section. The defendant shall be held without bond pending
12 transfer to and a hearing before such court. At the conclusion
13 of the hearing based on a violation of the conditions of
14 Section 110-10 of this Code or any special conditions of bail
15 as ordered by the court, the court may enter an order
16 increasing the amount of bail or alter the conditions of bail
17 as deemed appropriate.

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

1 or the Criminal Code of 2012), aggravated domestic battery,
2 aggravated battery, unlawful restraint, aggravated unlawful
3 restraint or domestic battery in violation of item (1) of
4 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
5 or the Criminal Code of 2012 against a family or household
6 member as defined in Section 112A-3 of this Code and the
7 violation is an offense of domestic battery against the same
8 victim the court shall, on the motion of the State or its own
9 motion, revoke bail in accordance with the following
10 provisions:

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

26 (2) At a hearing on the alleged violation the State

1 has the burden of going forward and proving the violation
2 by clear and convincing evidence. The evidence shall be
3 presented in open court with the opportunity to testify,
4 to present witnesses in his behalf, and to cross-examine
5 witnesses if any are called by the State, and
6 representation by counsel and if the defendant is indigent
7 to have counsel appointed for him. The rules of evidence
8 applicable in criminal trials in this State shall not
9 govern the admissibility of evidence at such hearing.
10 Information used by the court in its findings or stated in
11 or offered in connection with hearings for increase or
12 revocation of bail may be by way of proffer based upon
13 reliable information offered by the State or defendant.
14 All evidence shall be admissible if it is relevant and
15 reliable regardless of whether it would be admissible
16 under the rules of evidence applicable at criminal trials.
17 A motion by the defendant to suppress evidence or to
18 suppress a confession shall not be entertained at such a
19 hearing. Evidence that proof may have been obtained as a
20 result of an unlawful search and seizure or through
21 improper interrogation is not relevant to this hearing.

22 (3) Upon a finding by the court that the State has
23 established by clear and convincing evidence that the
24 defendant has committed a forcible felony or a Class 2 or
25 greater offense under the Illinois Controlled Substances
26 Act, the Cannabis Control Act, or the Methamphetamine

1 Control and Community Protection Act while admitted to
2 bail, or where the defendant is on bail for a felony
3 domestic battery (enhanced pursuant to subsection (b) of
4 Section 12-3.2 of the Criminal Code of 1961 or the
5 Criminal Code of 2012), aggravated domestic battery,
6 aggravated battery, unlawful restraint, aggravated
7 unlawful restraint or domestic battery in violation of
8 item (1) of subsection (a) of Section 12-3.2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 against
10 a family or household member as defined in Section 112A-3
11 of this Code and the violation is an offense of domestic
12 battery, against the same victim, the court shall revoke
13 the bail of the defendant and hold the defendant for trial
14 without bail. Neither the finding of the court nor any
15 transcript or other record of the hearing shall be
16 admissible in the State's case in chief, but shall be
17 admissible for impeachment, or as provided in Section
18 115-10.1 of this Code or in a perjury proceeding.

19 (4) If the bail of any defendant is revoked pursuant
20 to paragraph (f) (3) of this Section, the defendant may
21 demand and shall be entitled to be brought to trial on the
22 offense with respect to which he was formerly released on
23 bail within 90 days after the date on which his bail was
24 revoked. If the defendant is not brought to trial within
25 the 90 day period required by the preceding sentence, he
26 shall not be held longer without bail. In computing the 90

1 day period, the court shall omit any period of delay
2 resulting from a continuance granted at the request of the
3 defendant.

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

19 (g) The State may appeal any order where the court has
20 increased or reduced the amount of bail or altered the
21 conditions of the bail bond or granted bail where it has
22 previously been revoked.

23 ~~(a) When a defendant has previously been granted pretrial~~
24 ~~release under this Section for a felony or Class A~~
25 ~~misdemeanor, that pretrial release may be revoked only if the~~
26 ~~defendant is charged with a felony or Class A misdemeanor that~~

1 ~~is alleged to have occurred during the defendant's pretrial~~
2 ~~release after a hearing on the court's own motion or upon the~~
3 ~~filing of a verified petition by the State.~~

4 ~~When a defendant released pretrial is charged with a~~
5 ~~violation of a protective order or was previously convicted of~~
6 ~~a violation of a protective order and the subject of the~~
7 ~~protective order is the same person as the victim in the~~
8 ~~current underlying matter, the State shall file a verified~~
9 ~~petition seeking revocation of pretrial release.~~

10 ~~Upon the filing of a petition or upon motion of the court~~
11 ~~seeking revocation, the court shall order the transfer of the~~
12 ~~defendant and the petition or motion to the court before which~~
13 ~~the previous felony or Class A misdemeanor is pending. The~~
14 ~~defendant may be held in custody pending transfer to and a~~
15 ~~hearing before such court. The defendant shall be transferred~~
16 ~~to the court before which the previous matter is pending~~
17 ~~without unnecessary delay, and the revocation hearing shall~~
18 ~~occur within 72 hours of the filing of the State's petition or~~
19 ~~the court's motion for revocation.~~

20 ~~A hearing at which pretrial release may be revoked must be~~
21 ~~conducted in person (and not by way of two way audio visual~~
22 ~~communication) unless the accused waives the right to be~~
23 ~~present physically in court, the court determines that the~~
24 ~~physical health and safety of any person necessary to the~~
25 ~~proceedings would be endangered by appearing in court, or the~~
26 ~~chief judge of the circuit orders use of that system due to~~

1 ~~operational challenges in conducting the hearing in person.~~
2 ~~Such operational challenges must be documented and approved by~~
3 ~~the chief judge of the circuit, and a plan to address the~~
4 ~~challenges through reasonable efforts must be presented and~~
5 ~~approved by the Administrative Office of the Illinois Courts~~
6 ~~every 6 months.~~

7 ~~The court before which the previous felony matter or Class~~
8 ~~A misdemeanor is pending may revoke the defendant's pretrial~~
9 ~~release after a hearing. During the hearing for revocation,~~
10 ~~the defendant shall be represented by counsel and have an~~
11 ~~opportunity to be heard regarding the violation and evidence~~
12 ~~in mitigation. The court shall consider all relevant~~
13 ~~circumstances, including, but not limited to, the nature and~~
14 ~~seriousness of the violation or criminal act alleged. The~~
15 ~~State shall bear the burden of proving, by clear and~~
16 ~~convincing evidence, that no condition or combination of~~
17 ~~conditions of release would reasonably ensure the appearance~~
18 ~~of the defendant for later hearings or prevent the defendant~~
19 ~~from being charged with a subsequent felony or Class A~~
20 ~~misdemeanor.~~

21 ~~In lieu of revocation, the court may release the defendant~~
22 ~~pre trial, with or without modification of conditions of~~
23 ~~pretrial release.~~

24 ~~If the case that caused the revocation is dismissed, the~~
25 ~~defendant is found not guilty in the case causing the~~
26 ~~revocation, or the defendant completes a lawfully imposed~~

1 ~~sentence on the case causing the revocation, the court shall,~~
2 ~~without unnecessary delay, hold a hearing on conditions of~~
3 ~~pretrial release pursuant to Section 110-5 and release the~~
4 ~~defendant with or without modification of conditions of~~
5 ~~pretrial release.~~

6 ~~Both the State and the defendant may appeal an order~~
7 ~~revoking pretrial release or denying a petition for revocation~~
8 ~~of release.~~

9 ~~(b) If a defendant previously has been granted pretrial~~
10 ~~release under this Section for a Class B or Class C misdemeanor~~
11 ~~offense, a petty or business offense, or an ordinance~~
12 ~~violation and if the defendant is subsequently charged with a~~
13 ~~felony that is alleged to have occurred during the defendant's~~
14 ~~pretrial release or a Class A misdemeanor offense that is~~
15 ~~alleged to have occurred during the defendant's pretrial~~
16 ~~release, such pretrial release may not be revoked, but the~~
17 ~~court may impose sanctions under subsection (c).~~

18 ~~(c) The court shall follow the procedures set forth in~~
19 ~~Section 110-3 to ensure the defendant's appearance in court if~~
20 ~~the defendant:~~

21 ~~(1) fails to appear in court as required by the~~
22 ~~defendant's conditions of release;~~

23 ~~(2) is charged with a felony or Class A misdemeanor~~
24 ~~offense that is alleged to have occurred during the~~
25 ~~defendant's pretrial release after having been previously~~
26 ~~granted pretrial release for a Class B or Class C~~

1 ~~misdemeanor, a petty or business offense, or an ordinance~~
2 ~~violation that is alleged to have occurred during the~~
3 ~~defendant's pretrial release;~~

4 ~~(3) is charged with a Class B or C misdemeanor~~
5 ~~offense, petty or business offense, or ordinance violation~~
6 ~~that is alleged to have occurred during the defendant's~~
7 ~~pretrial release; or~~

8 ~~(4) violates any other condition of pretrial release~~
9 ~~set by the court.~~

10 ~~In response to a violation described in this subsection,~~
11 ~~the court may issue a warrant specifying that the defendant~~
12 ~~must appear before the court for a hearing for sanctions and~~
13 ~~may not be released by law enforcement before that appearance.~~

14 ~~(d) When a defendant appears in court pursuant to a~~
15 ~~summons or warrant issued in accordance with Section 110-3 or~~
16 ~~after being arrested for an offense that is alleged to have~~
17 ~~occurred during the defendant's pretrial release, the State~~
18 ~~may file a verified petition requesting a hearing for~~
19 ~~sanctions.~~

20 ~~(e) During the hearing for sanctions, the defendant shall~~
21 ~~be represented by counsel and have an opportunity to be heard~~
22 ~~regarding the violation and evidence in mitigation. The State~~
23 ~~shall bear the burden of proving by clear and convincing~~
24 ~~evidence that:~~

25 ~~(1) the defendant committed an act that violated a~~
26 ~~term of the defendant's pretrial release;~~

1 ~~(2) the defendant had actual knowledge that the~~
2 ~~defendant's action would violate a court order;~~

3 ~~(3) the violation of the court order was willful; and~~

4 ~~(4) the violation was not caused by a lack of access to~~
5 ~~financial monetary resources.~~

6 ~~(f) Sanctions for violations of pretrial release may~~
7 ~~include:~~

8 ~~(1) a verbal or written admonishment from the court;~~

9 ~~(2) imprisonment in the county jail for a period not~~
10 ~~exceeding 30 days;~~

11 ~~(3) (Blank); or~~

12 ~~(4) a modification of the defendant's pretrial~~
13 ~~conditions.~~

14 ~~(g) The court may, at any time, after motion by either~~
15 ~~party or on its own motion, remove previously set conditions~~
16 ~~of pretrial release, subject to the provisions in this~~
17 ~~subsection. The court may only add or increase conditions of~~
18 ~~pretrial release at a hearing under this Section.~~

19 ~~The court shall not remove a previously set condition of~~
20 ~~pretrial release regulating contact with a victim or witness~~
21 ~~in the case, unless the subject of the condition has been given~~
22 ~~notice of the hearing as required in paragraph (1) of~~
23 ~~subsection (b) of Section 4.5 of the Rights of Crime Victims~~
24 ~~and Witnesses Act. If the subject of the condition of release~~
25 ~~is not present, the court shall follow the procedures of~~
26 ~~paragraph (10) of subsection (c 1) of the Rights of Crime~~

1 ~~Victims and Witnesses Act.~~

2 ~~(h) Crime victims shall be given notice by the State's~~
3 ~~Attorney's office of all hearings under this Section as~~
4 ~~required in paragraph (1) of subsection (b) of Section 4.5 of~~
5 ~~the Rights of Crime Victims and Witnesses Act and shall be~~
6 ~~informed of their opportunity at these hearings to obtain a~~
7 ~~protective order.~~

8 ~~(i) Nothing in this Section shall be construed to limit~~
9 ~~the State's ability to file a verified petition seeking denial~~
10 ~~of pretrial release under subsection (a) of Section 110-6.1 or~~
11 ~~subdivision (d) (2) of Section 110-6.1.~~

12 ~~(j) At each subsequent appearance of the defendant before~~
13 ~~the court, the judge must find that continued detention under~~
14 ~~this Section is necessary to reasonably ensure the appearance~~
15 ~~of the defendant for later hearings or to prevent the~~
16 ~~defendant from being charged with a subsequent felony or Class~~
17 ~~A misdemeanor.~~

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

19 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

22 (a) Upon verified petition by the State, the court shall
23 hold a hearing to determine whether bail should be denied to a
24 defendant who is charged with a felony offense for which a
25 sentence of imprisonment, without probation, periodic

1 imprisonment or conditional discharge, is required by law upon
2 conviction, when it is alleged that the defendant's admission
3 to bail poses a real and present threat to the physical safety
4 of any person or persons.

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

12 (2) The hearing shall be held immediately upon the
13 defendant's appearance before the court, unless for good
14 cause shown the defendant or the State seeks a
15 continuance. A continuance on motion of the defendant may
16 not exceed 5 calendar days, and a continuance on the
17 motion of the State may not exceed 3 calendar days. The
18 defendant may be held in custody during such continuance.

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

21 (1) the proof is evident or the presumption great that
22 the defendant has committed an offense for which a
23 sentence of imprisonment, without probation, periodic
24 imprisonment or conditional discharge, must be imposed by
25 law as a consequence of conviction, and

26 (2) the defendant poses a real and present threat to

1 the physical safety of any person or persons, by conduct
2 which may include, but is not limited to, a forcible
3 felony, the obstruction of justice, intimidation, injury,
4 physical harm, an offense under the Illinois Controlled
5 Substances Act which is a Class X felony, or an offense
6 under the Methamphetamine Control and Community Protection
7 Act which is a Class X felony, and

8 (3) the court finds that no condition or combination
9 of conditions set forth in subsection (b) of Section
10 110-10 of this Article, can reasonably assure the physical
11 safety of any other person or persons.

12 (c) Conduct of the hearings.

13 (1) The hearing on the defendant's culpability and
14 dangerousness shall be conducted in accordance with the
15 following provisions:

16 (A) Information used by the court in its findings or
17 stated in or offered at such 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 pre-trial detention hearing is not
12 to be used for 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 in its petition.
19 The rules concerning the admissibility of evidence in
20 criminal 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 or
3 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 the defendant poses a real and present threat
10 to the physical safety of any person or persons shall be
11 supported by clear and convincing evidence presented by
12 the State.

13 (d) Factors to be considered in making a determination of
14 dangerousness. The court may, in determining whether the
15 defendant poses a real and present threat to the physical
16 safety of any person or persons, consider but shall not be
17 limited to evidence or testimony concerning:

18 (1) The nature and circumstances of any offense
19 charged, including whether the offense is a crime of
20 violence, involving a weapon.

21 (2) The history and characteristics of the defendant
22 including:

23 (A) Any evidence of the defendant's prior criminal
24 history indicative of violent, abusive or assaultive
25 behavior, or lack of such behavior. Such evidence may
26 include testimony or documents received in juvenile

1 proceedings, criminal, quasi-criminal, civil
2 commitment, domestic relations or other proceedings.

3 (B) Any evidence of the defendant's psychological,
4 psychiatric or other similar social history which
5 tends to indicate a violent, abusive, or assaultive
6 nature, or lack of any such history.

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

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

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

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

17 (7) Whether, at the time of the current offense or any
18 other offense or arrest, the defendant was on probation,
19 parole, aftercare release, mandatory supervised release or
20 other release from custody pending trial, sentencing,
21 appeal or completion of sentence for an offense under
22 federal or state law;

23 (8) Any other factors, including those listed in
24 Section 110-5 of this Article deemed by the court to have a
25 reasonable bearing upon the defendant's propensity or
26 reputation for violent, abusive or assaultive behavior, or

1 lack of such behavior.

2 (e) Detention order. The court shall, in any order for
3 detention:

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

7 (2) direct that the defendant be committed to the
8 custody of the sheriff for confinement in the county jail
9 pending trial;

10 (3) direct that the defendant be given a reasonable
11 opportunity for private consultation with counsel, and for
12 communication with others of his choice by visitation,
13 mail and telephone; and

14 (4) direct that the sheriff deliver the defendant as
15 required for appearances in connection with court
16 proceedings.

17 (f) If the court enters an order for the detention of the
18 defendant pursuant to subsection (e) of this Section, the
19 defendant shall be brought to trial on the offense for which he
20 is detained within 90 days after the date on which the order
21 for detention was entered. If the defendant is not brought to
22 trial within the 90 day period required by the preceding
23 sentence, he shall not be held longer without bail. In
24 computing the 90 day period, the court shall omit any period of
25 delay resulting from a continuance granted at the request of
26 the defendant.

1 (g) Rights of the defendant. Any person shall be entitled
2 to appeal any order entered under this Section denying bail to
3 the defendant.

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

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

9 ~~(a) Upon verified petition by the State, the court shall~~
10 ~~hold a hearing and may deny a defendant pretrial release only~~
11 ~~if:~~

12 ~~(1) the defendant is charged with a felony offense~~
13 ~~other than a forcible felony for which, based on the~~
14 ~~charge or the defendant's criminal history, a sentence of~~
15 ~~imprisonment, without probation, periodic imprisonment or~~
16 ~~conditional discharge, is required by law upon conviction,~~
17 ~~and it is alleged that the defendant's pretrial release~~
18 ~~poses a real and present threat to the safety of any person~~
19 ~~or persons or the community, based on the specific~~
20 ~~articulable facts of the case;~~

21 ~~(1.5) 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, and the defendant is charged with a forcible~~
25 ~~felony, which as used in this Section, means treason,~~
26 ~~first degree murder, second degree murder, predatory~~

1 ~~criminal sexual assault of a child, aggravated criminal~~
2 ~~sexual assault, criminal sexual assault, armed robbery,~~
3 ~~aggravated robbery, robbery, burglary where there is use~~
4 ~~of force against another person, residential burglary,~~
5 ~~home invasion, vehicular invasion, aggravated arson,~~
6 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~
7 ~~resulting in great bodily harm or permanent disability or~~
8 ~~disfigurement or any other felony which involves the~~
9 ~~threat of or infliction of great bodily harm or permanent~~
10 ~~disability or disfigurement;~~

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

17 ~~(3) the defendant is charged with a violation of an~~
18 ~~order of protection issued under Section 112A 14 of this~~
19 ~~Code or Section 214 of the Illinois Domestic Violence Act~~
20 ~~of 1986, a stalking no contact order under Section 90 of~~
21 ~~the Stalking No Contact Order Act, or of a civil no contact~~
22 ~~order under Section 213 of the Civil No Contact Order Act,~~
23 ~~and it is alleged that the defendant's pretrial release~~
24 ~~poses a real and present threat to the safety of any person~~
25 ~~or persons or the community, based on the specific~~
26 ~~articulable facts of the case;~~

1 ~~(4) the defendant is charged with domestic battery or~~
2 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
3 ~~of the Criminal Code of 2012 and it is alleged that the~~
4 ~~defendant's pretrial release poses a real and present~~
5 ~~threat to the safety of any person or persons or the~~
6 ~~community, based on the specific articulable facts of the~~
7 ~~case;~~

8 ~~(5) the defendant is charged with any offense under~~
9 ~~Article 11 of the Criminal Code of 2012, except for~~
10 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~
11 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~
12 ~~provisions of the Criminal Code of 1961 and it is alleged~~
13 ~~that the defendant's pretrial release poses a real and~~
14 ~~present threat to the safety of any person or persons or~~
15 ~~the community, based on the specific articulable facts of~~
16 ~~the case;~~

17 ~~(6) the defendant is charged with any of the following~~
18 ~~offenses under the Criminal Code of 2012, and it is~~
19 ~~alleged that the defendant's pretrial release poses a real~~
20 ~~and present threat to the safety of any person or persons~~
21 ~~or the community, based on the specific articulable facts~~
22 ~~of the case:~~

23 ~~(A) Section 24-1.2 (aggravated discharge of a~~
24 ~~firearm);~~

25 ~~(B) Section 24-2.5 (aggravated discharge of a~~
26 ~~machine gun or a firearm equipped with a device~~

1 ~~designed or use for silencing the report of a~~
2 ~~firearm);~~

3 ~~(C) Section 24-1.5 (reckless discharge of a~~
4 ~~firearm);~~

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

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

10 ~~(F) Section 24-3 (unlawful sale or delivery of~~
11 ~~firearms);~~

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

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

16 ~~(I) Section 24-3.5 (unlawful purchase of a~~
17 ~~firearm);~~

18 ~~(J) Section 24-3A (gunrunning);~~

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

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

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

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

24 ~~(O) Non-probationable violations: (i) unlawful use~~
25 ~~or possession of weapons by felons or persons in the~~
26 ~~Custody of the Department of Corrections facilities~~

1 ~~(Section 24-1.1), (ii) aggravated unlawful use of a~~
2 ~~weapon (Section 24-1.6), or (iii) aggravated~~
3 ~~possession of a stolen firearm (Section 24-3.9);~~

4 ~~(P) Section 9-3 (reckless homicide and involuntary~~
5 ~~manslaughter);~~

6 ~~(Q) Section 19-3 (residential burglary);~~

7 ~~(R) Section 10-5 (child abduction);~~

8 ~~(S) Felony violations of Section 12C-5 (child~~
9 ~~endangerment);~~

10 ~~(T) Section 12-7.1 (hate crime);~~

11 ~~(U) Section 10-3.1 (aggravated unlawful~~
12 ~~restraint);~~

13 ~~(V) Section 12-9 (threatening a public official);~~

14 ~~(W) Subdivision (f) (1) of Section 12-3.05~~
15 ~~(aggravated battery with a deadly weapon other than by~~
16 ~~discharge of a firearm);~~

17 ~~(6.5) the defendant is charged with any of the~~
18 ~~following offenses, and it is alleged that the defendant's~~
19 ~~pretrial release poses a real and present threat to the~~
20 ~~safety of any person or persons or the community, based on~~
21 ~~the specific articulable facts of the case:~~

22 ~~(A) Felony violations of Sections 3.01, 3.02, or~~
23 ~~3.03 of the Humane Care for Animals Act (cruel~~
24 ~~treatment, aggravated cruelty, and animal torture);~~

25 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~
26 ~~Illinois Vehicle Code (aggravated driving under the~~

1 ~~influence while operating a school bus with~~
2 ~~passengers);~~

3 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~
4 ~~Illinois Vehicle Code (aggravated driving under the~~
5 ~~influence causing great bodily harm);~~

6 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~
7 ~~Illinois Vehicle Code (aggravated driving under the~~
8 ~~influence after a previous reckless homicide~~
9 ~~conviction);~~

10 ~~(E) Subdivision (d) (1) (F) of Section 11-501 of the~~
11 ~~Illinois Vehicle Code (aggravated driving under the~~
12 ~~influence leading to death); or~~

13 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~
14 ~~Illinois Vehicle Code (aggravated driving under the~~
15 ~~influence that resulted in bodily harm to a child~~
16 ~~under the age of 16);~~

17 ~~(7) the defendant is charged with an attempt to commit~~
18 ~~any charge listed in paragraphs (1) through (6.5), and it~~
19 ~~is alleged that the defendant's pretrial release poses a~~
20 ~~real and present threat to the safety of any person or~~
21 ~~persons or the community, based on the specific~~
22 ~~articulable facts of the case; or~~

23 ~~(8) the person has a high likelihood of willful flight~~
24 ~~to avoid prosecution and is charged with;~~

25 ~~(A) Any felony described in subdivisions (a) (1)~~
26 ~~through (a) (7) of this Section; or~~

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

2 ~~(b) If the charged offense is a felony, as part of the~~
3 ~~detention hearing, the court shall determine whether there is~~
4 ~~probable cause the defendant has committed an offense, unless~~
5 ~~a hearing pursuant to Section 109-3 of this Code has already~~
6 ~~been held or a grand jury has returned a true bill of~~
7 ~~indictment against the defendant. If there is a finding of no~~
8 ~~probable cause, the defendant shall be released. No such~~
9 ~~finding is necessary if the defendant is charged with a~~
10 ~~misdemeanor.~~

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

12 ~~(1) A petition may be filed without prior notice to~~
13 ~~the defendant at the first appearance before a judge, or~~
14 ~~within the 21 calendar days, except as provided in Section~~
15 ~~110-6, after arrest and release of the defendant upon~~
16 ~~reasonable notice to defendant; provided that while such~~
17 ~~petition is pending before the court, the defendant if~~
18 ~~previously released shall not be detained.~~

19 ~~(2) Upon filing, the court shall immediately hold a~~
20 ~~hearing on the petition unless a continuance is requested.~~
21 ~~If a continuance is requested and granted, the hearing~~
22 ~~shall be held within 48 hours of the defendant's first~~
23 ~~appearance if the defendant is charged with first degree~~
24 ~~murder or a Class X, Class 1, Class 2, or Class 3 felony,~~
25 ~~and within 24 hours if the defendant is charged with a~~
26 ~~Class 4 or misdemeanor offense. The Court may deny or~~

1 ~~grant the request for continuance. If the court decides to~~
2 ~~grant the continuance, the Court retains the discretion to~~
3 ~~detain or release the defendant in the time between the~~
4 ~~filing of the petition and the hearing.~~

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

6 ~~(1) The petition shall be verified by the State and~~
7 ~~shall state the grounds upon which it contends the~~
8 ~~defendant should be denied pretrial release, including the~~
9 ~~real and present threat to the safety of any person or~~
10 ~~persons or the community, based on the specific~~
11 ~~articulable facts or flight risk, as appropriate.~~

12 ~~(2) If the State seeks to file a second or subsequent~~
13 ~~petition under this Section, the State shall be required~~
14 ~~to present a verified application setting forth in detail~~
15 ~~any new facts not known or obtainable at the time of the~~
16 ~~filing of the previous petition.~~

17 ~~(e) Eligibility: All defendants shall be presumed eligible~~
18 ~~for pretrial release, and the State shall bear the burden of~~
19 ~~proving by clear and convincing evidence that:~~

20 ~~(1) the proof is evident or the presumption great that~~
21 ~~the defendant has committed an offense listed in~~
22 ~~subsection (a), and~~

23 ~~(2) for offenses listed in paragraphs (1) through (7)~~
24 ~~of subsection (a), the defendant poses a real and present~~
25 ~~threat to the safety of any person or persons or the~~
26 ~~community, based on the specific articulable facts of the~~

1 ~~case, by conduct which may include, but is not limited to,~~
2 ~~a forcible felony, the obstruction of justice,~~
3 ~~intimidation, injury, or abuse as defined by paragraph (1)~~
4 ~~of Section 103 of the Illinois Domestic Violence Act of~~
5 ~~1986, and~~

6 ~~(3) no condition or combination of conditions set~~
7 ~~forth in subsection (b) of Section 110 10 of this Article~~
8 ~~can mitigate (i) the real and present threat to the safety~~
9 ~~of any person or persons or the community, based on the~~
10 ~~specific articulable facts of the case, for offenses~~
11 ~~listed in paragraphs (1) through (7) of subsection (a), or~~
12 ~~(ii) the defendant's willful flight for offenses listed in~~
13 ~~paragraph (8) of subsection (a), and~~

14 ~~(4) for offenses under subsection (b) of Section 407~~
15 ~~of the Illinois Controlled Substances Act that are subject~~
16 ~~to paragraph (1) of subsection (a), no condition or~~
17 ~~combination of conditions set forth in subsection (b) of~~
18 ~~Section 110 10 of this Article can mitigate the real and~~
19 ~~present threat to the safety of any person or persons or~~
20 ~~the community, based on the specific articulable facts of~~
21 ~~the case, and the defendant poses a serious risk to not~~
22 ~~appear in court as required.~~

23 ~~(f) Conduct of the hearings.~~

24 ~~(1) Prior to the hearing, the State shall tender to~~
25 ~~the defendant copies of the defendant's criminal history~~
26 ~~available, any written or recorded statements, and the~~

1 ~~substance of any oral statements made by any person, if~~
2 ~~relied upon by the State in its petition, and any police~~
3 ~~reports in the prosecutor's possession at the time of the~~
4 ~~hearing.~~

5 ~~(2) The State or defendant may present evidence at the~~
6 ~~hearing by way of proffer based upon reliable information.~~

7 ~~(3) The defendant has the right to be represented by~~
8 ~~counsel, and if he or she is indigent, to have counsel~~
9 ~~appointed for him or her. The defendant shall have the~~
10 ~~opportunity to testify, to present witnesses on his or her~~
11 ~~own behalf, and to cross-examine any witnesses that are~~
12 ~~called by the State. Defense counsel shall be given~~
13 ~~adequate opportunity to confer with the defendant before~~
14 ~~any hearing at which conditions of release or the~~
15 ~~detention of the defendant are to be considered, with an~~
16 ~~accommodation for a physical condition made to facilitate~~
17 ~~attorney/client consultation. If defense counsel needs to~~
18 ~~confer or consult with the defendant during any hearing~~
19 ~~conducted via a two-way audio-visual communication system,~~
20 ~~such consultation shall not be recorded and shall be~~
21 ~~undertaken consistent with constitutional protections.~~

22 ~~(3.5) A hearing at which pretrial release may be~~
23 ~~denied must be conducted in person (and not by way of~~
24 ~~two-way audio-visual communication) unless the accused~~
25 ~~waives the right to be present physically in court, the~~
26 ~~court determines that the physical health and safety of~~

1 ~~any person necessary to the proceedings would be~~
2 ~~endangered by appearing in court, or the chief judge of~~
3 ~~the circuit orders use of that system due to operational~~
4 ~~challenges in conducting the hearing in person. Such~~
5 ~~operational challenges must be documented and approved by~~
6 ~~the chief judge of the circuit, and a plan to address the~~
7 ~~challenges through reasonable efforts must be presented~~
8 ~~and approved by the Administrative Office of the Illinois~~
9 ~~Courts every 6 months.~~

10 ~~(4) If the defense seeks to compel the complaining~~
11 ~~witness to testify as a witness in its favor, it shall~~
12 ~~petition the court for permission. When the ends of~~
13 ~~justice so require, the court may exercise its discretion~~
14 ~~and compel the appearance of a complaining witness. The~~
15 ~~court shall state on the record reasons for granting a~~
16 ~~defense request to compel the presence of a complaining~~
17 ~~witness only on the issue of the defendant's pretrial~~
18 ~~detention. In making a determination under this Section,~~
19 ~~the court shall state on the record the reason for~~
20 ~~granting a defense request to compel the presence of a~~
21 ~~complaining witness, and only grant the request if the~~
22 ~~court finds by clear and convincing evidence that the~~
23 ~~defendant will be materially prejudiced if the complaining~~
24 ~~witness does not appear. Cross examination of a~~
25 ~~complaining witness at the pretrial detention hearing for~~
26 ~~the purpose of impeaching the witness' credibility is~~

1 ~~insufficient reason to compel the presence of the witness.~~
2 ~~In deciding whether to compel the appearance of a~~
3 ~~complaining witness, the court shall be considerate of the~~
4 ~~emotional and physical well-being of the witness. The~~
5 ~~pre trial detention hearing is not to be used for purposes~~
6 ~~of discovery, and the post arraignment rules of discovery~~
7 ~~do not apply. The State shall tender to the defendant,~~
8 ~~prior to the hearing, copies, if any, of the defendant's~~
9 ~~criminal history, if available, and any written or~~
10 ~~recorded statements and the substance of any oral~~
11 ~~statements made by any person, if in the State's~~
12 ~~Attorney's possession at the time of the hearing.~~

13 ~~(5) The rules concerning the admissibility of evidence~~
14 ~~in criminal trials do not apply to the presentation and~~
15 ~~consideration of information at the hearing. At the trial~~
16 ~~concerning the offense for which the hearing was conducted~~
17 ~~neither the finding of the court nor any transcript or~~
18 ~~other record of the hearing shall be admissible in the~~
19 ~~State's case in chief, but shall be admissible for~~
20 ~~impeachment, or as provided in Section 115-10.1 of this~~
21 ~~Code, or in a perjury proceeding.~~

22 ~~(6) The defendant may not move to suppress evidence or~~
23 ~~a confession, however, evidence that proof of the charged~~
24 ~~crime may have been the result of an unlawful search or~~
25 ~~seizure, or both, or through improper interrogation, is~~
26 ~~relevant in assessing the weight of the evidence against~~

1 ~~the defendant.~~

2 ~~(7) Decisions regarding release, conditions of~~
3 ~~release, and detention prior to trial must be~~
4 ~~individualized, and no single factor or standard may be~~
5 ~~used exclusively to order detention. Risk assessment tools~~
6 ~~may not be used as the sole basis to deny pretrial release.~~

7 ~~(g) Factors to be considered in making a determination of~~
8 ~~dangerousness. The court may, in determining whether the~~
9 ~~defendant poses a real and present threat to the safety of any~~
10 ~~person or persons or the community, based on the specific~~
11 ~~articulable facts of the case, consider, but shall not be~~
12 ~~limited to, evidence or testimony concerning:~~

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

16 ~~(2) The history and characteristics of the defendant~~
17 ~~including:~~

18 ~~(A) Any evidence of the defendant's prior criminal~~
19 ~~history indicative of violent, abusive or assaultive~~
20 ~~behavior, or lack of such behavior. Such evidence may~~
21 ~~include testimony or documents received in juvenile~~
22 ~~proceedings, criminal, quasi-criminal, civil~~
23 ~~commitment, domestic relations, or other proceedings.~~

24 ~~(B) Any evidence of the defendant's psychological,~~
25 ~~psychiatric or other similar social history which~~
26 ~~tends to indicate a violent, abusive, or assaultive~~

1 ~~nature, or lack of any such history.~~

2 ~~(3) The identity of any person or persons to whose~~
3 ~~safety the defendant is believed to pose a threat, and the~~
4 ~~nature of the threat.~~

5 ~~(4) Any statements made by, or attributed to the~~
6 ~~defendant, together with the circumstances surrounding~~
7 ~~them.~~

8 ~~(5) The age and physical condition of the defendant.~~

9 ~~(6) The age and physical condition of any victim or~~
10 ~~complaining witness.~~

11 ~~(7) Whether the defendant is known to possess or have~~
12 ~~access to any weapon or weapons.~~

13 ~~(8) Whether, at the time of the current offense or any~~
14 ~~other offense or arrest, the defendant was on probation,~~
15 ~~parole, aftercare release, mandatory supervised release or~~
16 ~~other release from custody pending trial, sentencing,~~
17 ~~appeal or completion of sentence for an offense under~~
18 ~~federal or state law.~~

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

24 ~~(h) Detention order. The court shall, in any order for~~
25 ~~detention:~~

26 ~~(1) make a written finding summarizing the court's~~

1 ~~reasons for concluding that the defendant should be denied~~
2 ~~pretrial release, including why less restrictive~~
3 ~~conditions would not avoid a real and present threat to~~
4 ~~the safety of any person or persons or the community,~~
5 ~~based on the specific articulable facts of the case, or~~
6 ~~prevent the defendant's willful flight from prosecution;~~

7 ~~(2) direct that the defendant be committed to the~~
8 ~~custody of the sheriff for confinement in the county jail~~
9 ~~pending trial;~~

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

14 ~~(4) direct that the sheriff deliver the defendant as~~
15 ~~required for appearances in connection with court~~
16 ~~proceedings.~~

17 ~~(i) Detention. If the court enters an order for the~~
18 ~~detention of the defendant pursuant to subsection (c) of this~~
19 ~~Section, the defendant shall be brought to trial on the~~
20 ~~offense for which he is detained within 90 days after the date~~
21 ~~on which the order for detention was entered. If the defendant~~
22 ~~is not brought to trial within the 90-day period required by~~
23 ~~the preceding sentence, he shall not be denied pretrial~~
24 ~~release. In computing the 90-day period, the court shall omit~~
25 ~~any period of delay resulting from a continuance granted at~~
26 ~~the request of the defendant and any period of delay resulting~~

1 ~~from a continuance granted at the request of the State with~~
2 ~~good cause shown pursuant to Section 103-5.~~

3 ~~(i-5) At each subsequent appearance of the defendant~~
4 ~~before the court, the judge must find that continued detention~~
5 ~~is necessary to avoid a real and present threat to the safety~~
6 ~~of any person or persons or the community, based on the~~
7 ~~specific articulable facts of the case, or to prevent the~~
8 ~~defendant's willful flight from prosecution.~~

9 ~~(j) Rights of the defendant. The defendant shall be~~
10 ~~entitled to appeal any order entered under this Section~~
11 ~~denying his or her pretrial release.~~

12 ~~(k) Appeal. The State may appeal any order entered under~~
13 ~~this Section denying any motion for denial of pretrial~~
14 ~~release.~~

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

19 ~~(m) Interest of victims.~~

20 ~~(1) Crime victims shall be given notice by the State's~~
21 ~~Attorney's office of this hearing as required in paragraph (1)~~
22 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
23 ~~and Witnesses Act and shall be informed of their opportunity~~
24 ~~at this hearing to obtain a protective order.~~

25 ~~(2) If the defendant is denied pretrial release, the court~~
26 ~~may impose a no contact provision with the victim or other~~

1 ~~interested party that shall be enforced while the defendant~~
2 ~~remains in custody.~~

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

4 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

5 Sec. 110-6.2. Post-conviction detention.

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

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

17 (1) the person is not likely to flee or pose a danger
18 to the safety of any other person or the community if
19 released on bond pending appeal; and

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

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

24 (725 ILCS 5/110-6.4)

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

17 For the purpose of this Section, "risk-assessment tool"
18 means an empirically validated, evidence-based screening
19 instrument that demonstrates reduced instances of a
20 defendant's failure to appear for further court proceedings or
21 prevents future criminal activity.

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

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

8 (2) Submit himself or herself to the orders and
9 process of the court;

10 (3) (Blank);

11 (3.1) Not depart this State without leave of the
12 court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court,
16 surrender all firearms in his or her possession to a law
17 enforcement officer designated by the court to take
18 custody of and impound the firearms and physically
19 surrender his or her Firearm Owner's Identification Card
20 to the clerk of the circuit court when the offense the
21 person has been charged with is a forcible felony,
22 stalking, aggravated stalking, domestic battery, any
23 violation of the Illinois Controlled Substances Act, the
24 Methamphetamine Control and Community Protection Act, or
25 the Cannabis Control Act that is classified as a Class 2 or
26 greater felony, or any felony violation of Article 24 of

1 the Criminal Code of 1961 or the Criminal Code of 2012; the
2 court may, however, forgo the imposition of this condition
3 when the circumstances of the case clearly do not warrant
4 it or when its imposition would be impractical; if the
5 Firearm Owner's Identification Card is confiscated, the
6 clerk of the circuit court shall mail the confiscated card
7 to the Illinois State Police; all legally possessed
8 firearms shall be returned to the person upon the charges
9 being dismissed, or if the person is found not guilty,
10 unless the finding of not guilty is by reason of insanity;
11 and

12 (6) At a time and place designated by the court,
13 submit to a psychological evaluation when the person has
14 been charged with a violation of item (4) of subsection
15 (a) of Section 24-1 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 and that violation occurred in a
17 school or in any conveyance owned, leased, or contracted
18 by a school to transport students to or from school or a
19 school-related activity, or on any public way within 1,000
20 feet of real property comprising any school.

21 Psychological evaluations ordered pursuant to this Section
22 shall be completed promptly and made available to the State,
23 the defendant, and the court. As a further condition of bail
24 ~~pretrial release~~ under these circumstances, the court shall
25 order the defendant to refrain from entering upon the property
26 of the school, including any conveyance owned, leased, or

1 contracted by a school to transport students to or from school
2 or a school-related activity, or on any public way within
3 1,000 feet of real property comprising any school. Upon
4 receipt of the psychological evaluation, either the State or
5 the defendant may request a change in the conditions of bail
6 ~~pretrial release~~, pursuant to Section 110-6 of this Code. The
7 court may change the conditions of bail ~~pretrial release~~ to
8 include a requirement that the defendant follow the
9 recommendations of the psychological evaluation, including
10 undergoing psychiatric treatment. The conclusions of the
11 psychological evaluation and any statements elicited from the
12 defendant during its administration are not admissible as
13 evidence of guilt during the course of any trial on the charged
14 offense, unless the defendant places his or her mental
15 competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 (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
3 geographical areas or premises;

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

6 (6) Undergo treatment for drug addiction or
7 alcoholism;

8 (7) Undergo medical or psychiatric treatment;

9 (8) Work or pursue a course of study or vocational
10 training;

11 (9) Attend or reside in a facility designated by the
12 court;

13 (10) Support his or her dependents;

14 (11) If a minor resides with his or her parents or in a
15 foster home, attend school, attend a non-residential
16 program for youths, and contribute to his or her own
17 support at home or in a foster home;

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

19 (13) Remain in the custody of such designated person
20 or organization agreeing to supervise his release. Such
21 third party custodian shall be responsible for notifying
22 the court if the defendant fails to observe the conditions
23 of release which the custodian has agreed to monitor, and
24 shall be subject to contempt of court for failure so to
25 notify the court;

26 (14) Be placed under direct supervision of the

1 Pretrial Services Agency, Probation Department or Court
2 Services Department in a pretrial bond home supervision
3 capacity with or without the use of an approved electronic
4 monitoring device subject to Article 8A of Chapter V of
5 the Unified Code of Corrections;

6 (14.1) The court shall impose upon a defendant who is
7 charged with any alcohol, cannabis, methamphetamine, or
8 controlled substance violation and is placed under direct
9 supervision of the Pretrial Services Agency, Probation
10 Department or Court Services Department in a pretrial bond
11 home supervision capacity with the use of an approved
12 monitoring device, as a condition of such bail bond, a fee
13 that represents costs incidental to the electronic
14 monitoring for each day of such bail supervision ordered
15 by the court, unless after determining the inability of
16 the defendant to pay the fee, the court assesses a lesser
17 fee or no fee as the case may be. The fee shall be
18 collected by the clerk of the circuit court, except as
19 provided in an administrative order of the Chief Judge of
20 the circuit court. The clerk of the circuit court shall
21 pay all monies collected from this fee to the county
22 treasurer for deposit in the substance abuse services fund
23 under Section 5-1086.1 of the Counties Code, except as
24 provided in an administrative order of the Chief Judge of
25 the circuit court.

26 The Chief Judge of the circuit court of the county may

1 by administrative order establish a program for electronic
2 monitoring of offenders with regard to drug-related and
3 alcohol-related offenses, in which a vendor supplies and
4 monitors the operation of the electronic monitoring
5 device, and collects the fees on behalf of the county. The
6 program shall include provisions for indigent offenders
7 and the collection of unpaid fees. The program shall not
8 unduly burden the offender and shall be subject to review
9 by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any
11 additional charges or fees for late payment, interest, or
12 damage to any device;

13 (14.2) The court shall impose upon all defendants,
14 including those defendants subject to paragraph (14.1)
15 above, placed under direct supervision of the Pretrial
16 Services Agency, Probation Department or Court Services
17 Department in a pretrial bond home supervision capacity
18 with the use of an approved monitoring device, as a
19 condition of such bail bond, a fee which shall represent
20 costs incidental to such electronic monitoring for each
21 day of such bail supervision ordered by the court, unless
22 after determining the inability of the defendant to pay
23 the fee, the court assesses a lesser fee or no fee as the
24 case may be. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The clerk of

1 the circuit court shall pay all monies collected from this
2 fee to the county treasurer who shall use the monies
3 collected to defray the costs of corrections. The county
4 treasurer shall deposit the fee collected in the county
5 working cash fund under Section 6-27001 or Section 6-29002
6 of the Counties Code, as the case may be, except as
7 provided in an administrative order of the Chief Judge of
8 the circuit court.

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

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

22 (14.3) The Chief Judge of the Judicial Circuit may
23 establish reasonable fees to be paid by a person receiving
24 pretrial services while under supervision of a pretrial
25 services agency, probation department, or court services
26 department. Reasonable fees may be charged for pretrial

1 services including, but not limited to, pretrial
2 supervision, diversion programs, electronic monitoring,
3 victim impact services, drug and alcohol testing, DNA
4 testing, GPS electronic monitoring, assessments and
5 evaluations related to domestic violence and other
6 victims, and victim mediation services. The person
7 receiving pretrial services may be ordered to pay all
8 costs incidental to pretrial services in accordance with
9 his or her ability to pay those costs;

10 (14.4) For persons charged with violating Section
11 11-501 of the Illinois Vehicle Code, refrain from
12 operating a motor vehicle not equipped with an ignition
13 interlock device, as defined in Section 1-129.1 of the
14 Illinois Vehicle Code, pursuant to the rules promulgated
15 by the 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 (15) 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 (16) Under Section 110-6.5-1 comply with the

1 conditions of the drug testing program; and

2 (17) Such other reasonable conditions as the court may
3 impose.

4 ~~(b) Additional conditions of release shall be set only~~
5 ~~when it is determined that they are necessary to ensure the~~
6 ~~defendant's appearance in court, ensure the defendant does not~~
7 ~~commit any criminal offense, ensure the defendant complies~~
8 ~~with all conditions of pretrial release, prevent the~~
9 ~~defendant's unlawful interference with the orderly~~
10 ~~administration of justice, or ensure compliance with the rules~~
11 ~~and procedures of problem solving courts. However, conditions~~
12 ~~shall include the least restrictive means and be~~
13 ~~individualized. Conditions shall not mandate rehabilitative~~
14 ~~services unless directly tied to the risk of pretrial~~
15 ~~misconduct. Conditions of supervision shall not include~~
16 ~~punitive measures such as community service work or~~
17 ~~restitution. Conditions may include the following:~~

18 ~~(0.05) Not depart this State without leave of the~~
19 ~~court;~~

20 ~~(1) Report to or appear in person before such person~~
21 ~~or agency as the court may direct;~~

22 ~~(2) Refrain from possessing a firearm or other~~
23 ~~dangerous weapon;~~

24 ~~(3) Refrain from approaching or communicating with~~
25 ~~particular persons or classes of persons;~~

26 ~~(4) Refrain from going to certain described geographic~~

1 ~~areas or premises;~~

2 ~~(5) Be placed under direct supervision of the Pretrial~~
3 ~~Services Agency, Probation Department or Court Services~~
4 ~~Department in a pretrial home supervision capacity with or~~
5 ~~without the use of an approved electronic monitoring~~
6 ~~device subject to Article 8A of Chapter V of the Unified~~
7 ~~Code of Corrections;~~

8 ~~(6) For persons charged with violating Section 11-501~~
9 ~~of the Illinois Vehicle Code, refrain from operating a~~
10 ~~motor vehicle not equipped with an ignition interlock~~
11 ~~device, as defined in Section 1-129.1 of the Illinois~~
12 ~~Vehicle Code, pursuant to the rules promulgated by the~~
13 ~~Secretary of State for the installation of ignition~~
14 ~~interlock devices. Under this condition the court may~~
15 ~~allow a defendant who is not self-employed to operate a~~
16 ~~vehicle owned by the defendant's employer that is not~~
17 ~~equipped with an ignition interlock device in the course~~
18 ~~and scope of the defendant's employment;~~

19 ~~(7) Comply with the terms and conditions of an order~~
20 ~~of protection issued by the court under the Illinois~~
21 ~~Domestic Violence Act of 1986 or an order of protection~~
22 ~~issued by the court of another state, tribe, or United~~
23 ~~States territory;~~

24 ~~(8) Sign a written admonishment requiring that he or~~
25 ~~she comply with the provisions of Section 110-12 regarding~~
26 ~~any change in his or her address. The defendant's address~~

1 ~~shall at all times remain a matter of record with the clerk~~
2 ~~of the court; and~~

3 ~~(9) Such other reasonable conditions as the court may~~
4 ~~impose, so long as these conditions are the least~~
5 ~~restrictive means to achieve the goals listed in~~
6 ~~subsection (b), are individualized, and are in accordance~~
7 ~~with national best practices as detailed in the Pretrial~~
8 ~~Supervision Standards of the Supreme Court.~~

9 ~~The defendant shall receive verbal and written~~
10 ~~notification of conditions of pretrial release and future~~
11 ~~court dates, including the date, time, and location of court.~~

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

22 1. Vacate the household.

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

25 3. Refrain from contact or communication with the
26 child victim, except as ordered by the court.

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

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

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

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

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

26 (1) Duly prosecute his appeal;

1 (2) Appear at such time and place as the court may
2 direct;

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

4 (4) Comply with such other reasonable conditions as
5 the court may impose; and

6 (5) If the judgment is affirmed or the cause reversed
7 and remanded for a new trial, forthwith surrender to the
8 officer from whose custody he was bailed ~~released~~.

9 (g) Upon a finding of guilty for any felony offense, the
10 defendant shall physically surrender, at a time and place
11 designated by the court, any and all firearms in his or her
12 possession and his or her Firearm Owner's Identification Card
13 as a condition of remaining on bond ~~being released~~ pending
14 sentencing.

15 (h) In the event the defendant is unable to post bond, the
16 court may impose a no contact provision with the victim or
17 other interested party that shall be enforced while the
18 defendant remains in custody.

19 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
20 102-1104, eff. 1-1-23.)

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

22 Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the
23 judgment of conviction is reversed and the cause remanded for
24 a new trial the trial court may order that the bail ~~conditions~~
25 ~~of pretrial release~~ stand pending such trial, or reduce or

1 increase bail ~~modify the conditions of pretrial release.~~

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

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

4 Sec. 110-12. Notice of change of address. A defendant who
5 has been admitted to bail ~~pretrial release~~ shall file a
6 written notice with the clerk of the court before which the
7 proceeding is pending of any change in his or her address
8 within 24 hours after such change, except that a defendant who
9 has been admitted to bail ~~pretrial release~~ for a forcible
10 felony as defined in Section 2-8 of the Criminal Code of 2012
11 shall file a written notice with the clerk of the court before
12 which the proceeding is pending and the clerk shall
13 immediately deliver a time stamped copy of the written notice
14 to the State's Attorney ~~prosecutor~~ charged with the
15 prosecution within 24 hours prior to such change. The address
16 of a defendant who has been admitted to bail ~~pretrial release~~
17 shall at all times remain a matter of public record with the
18 clerk of the court.

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

20 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

21 Sec. 111-2. Commencement of prosecutions.

22 (a) All prosecutions of felonies shall be by information
23 or by indictment. No prosecution may be pursued by information
24 unless a preliminary hearing has been held or waived in

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

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

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

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

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

1 arrested and brought immediately into court.

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

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

11 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

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

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraph (1), (2), (3),

1 (14), or (14.5) of subsection (b) of Section 214 of the
2 Illinois Domestic Violence Act of 1986, in a valid
3 order of protection, which is authorized under the
4 laws of another state, tribe, or United States
5 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 a domestic violence
10 order of protection shall not bar concurrent prosecution
11 for any other crime, including any crime that may have
12 been committed at the time of the violation of the
13 domestic violence order of protection; or

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

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

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

1 States territory.

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

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

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

1 unless the action which is second in time is barred by
2 collateral estoppel or the constitutional prohibition against
3 double jeopardy.

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

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

16 (c) Violation of custody, allocation of parental
17 responsibility, or support orders. A violation of remedies
18 described in paragraph (5), (6), (8), or (9) of subsection (b)
19 of Section 112A-14 of this Code may be enforced by any remedy
20 provided by Section 607.5 of the Illinois Marriage and
21 Dissolution of Marriage Act. The court may enforce any order
22 for support issued under paragraph (12) of subsection (b) of
23 Section 112A-14 of this Code in the manner provided for under
24 Parts V and VII of the Illinois Marriage and Dissolution of
25 Marriage Act.

26 (d) Actual knowledge. A protective order may be enforced

1 pursuant to this Section if the respondent violates the order
2 after the respondent has actual knowledge of its contents as
3 shown through one of the following means:

4 (1) (Blank).

5 (2) (Blank).

6 (3) By service of a protective order under subsection
7 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

8 (4) By other means demonstrating actual knowledge of
9 the contents of the order.

10 (e) The enforcement of a protective order in civil or
11 criminal court shall not be affected by either of the
12 following:

13 (1) The existence of a separate, correlative order
14 entered under Section 112A-15 of this Code.

15 (2) Any finding or order entered in a conjoined
16 criminal proceeding.

17 (e-5) If a civil no contact order entered under subsection
18 (6) of Section 112A-20 of the Code of Criminal Procedure of
19 1963 conflicts with an order issued pursuant to the Juvenile
20 Court Act of 1987 or the Illinois Marriage and Dissolution of
21 Marriage Act, the conflicting order issued under subsection
22 (6) of Section 112A-20 of the Code of Criminal Procedure of
23 1963 shall be void.

24 (f) Circumstances. The court, when determining whether or
25 not a violation of a protective order has occurred, shall not
26 require physical manifestations of abuse on the person of the

1 victim.

2 (g) Penalties.

3 (1) Except as provided in paragraph (3) of this
4 subsection (g), where the court finds the commission of a
5 crime or contempt of court under subsection (a) or (b) of
6 this Section, the penalty shall be the penalty that
7 generally applies in such criminal or contempt
8 proceedings, and may include one or more of the following:
9 incarceration, payment of restitution, a fine, payment of
10 attorneys' fees and costs, or community service.

11 (2) The court shall hear and take into account
12 evidence of any factors in aggravation or mitigation
13 before deciding an appropriate penalty under paragraph (1)
14 of this subsection (g).

15 (3) To the extent permitted by law, the court is
16 encouraged to:

17 (i) increase the penalty for the knowing violation
18 of any protective order over any penalty previously
19 imposed by any court for respondent's violation of any
20 protective order or penal statute involving petitioner
21 as victim and respondent as defendant;

22 (ii) impose a minimum penalty of 24 hours
23 imprisonment for respondent's first violation of any
24 protective order; and

25 (iii) impose a minimum penalty of 48 hours
26 imprisonment for respondent's second or subsequent

1 violation of a protective order
2 unless the court explicitly finds that an increased
3 penalty or that period of imprisonment would be manifestly
4 unjust.

5 (4) In addition to any other penalties imposed for a
6 violation of a protective order, a criminal court may
7 consider evidence of any violations of a protective order:

8 (i) to increase, revoke, or modify the bail bond
9 ~~conditions of pretrial release~~ on an underlying
10 criminal charge pursuant to Section 110-6 of this
11 Code;

12 (ii) to revoke or modify an order of probation,
13 conditional discharge, or supervision, pursuant to
14 Section 5-6-4 of the Unified Code of Corrections;

15 (iii) to revoke or modify a sentence of periodic
16 imprisonment, pursuant to Section 5-7-2 of the Unified
17 Code of Corrections.

18 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
19 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
20 7-28-23.)

21 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)
22 Sec. 113-3.1. Payment for Court-Appointed Counsel.

23 (a) Whenever under either Section 113-3 of this Code or
24 Rule 607 of the Illinois Supreme Court the court appoints
25 counsel to represent a defendant, the court may order the

1 defendant to pay to the Clerk of the Circuit Court a reasonable
2 sum to reimburse either the county or the State for such
3 representation. In a hearing to determine the amount of the
4 payment, the court shall consider the affidavit prepared by
5 the defendant under Section 113-3 of this Code and any other
6 information pertaining to the defendant's financial
7 circumstances which may be submitted by the parties. Such
8 hearing shall be conducted on the court's own motion or on
9 motion of the prosecutor ~~State's Attorney~~ at any time after
10 the appointment of counsel but no later than 90 days after the
11 entry of a final order disposing of the case at the trial
12 level.

13 (b) Any sum ordered paid under this Section may not exceed
14 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
15 defendant charged with a felony, or \$2,500 for a defendant who
16 is appealing a conviction of any class offense.

17 (c) The method of any payment required under this Section
18 shall be as specified by the Court. The court may order that
19 payments be made on a monthly basis during the term of
20 representation; however, the sum deposited as money bond shall
21 not be used to satisfy this court order. ~~Any sum deposited as~~
22 ~~money bond with the Clerk of the Circuit Court under Section~~
23 ~~110-7 of this Code may be used in the court's discretion in~~
24 ~~whole or in part to comply with any payment order entered in~~
25 ~~accordance with paragraph (a) of this Section. The court may~~
26 ~~give special consideration to the interests of relatives or~~

1 ~~other third parties who may have posted a money bond on the~~
2 ~~behalf of the defendant to secure his release.~~ At any time
3 prior to full payment of any payment order the court on its own
4 motion or the motion of any party may reduce, increase, or
5 suspend the ordered payment, or modify the method of payment,
6 as the interest of fairness may require. No increase,
7 suspension, or reduction may be ordered without a hearing and
8 notice to all parties.

9 (d) The Supreme Court or the circuit courts may provide by
10 rule for procedures for the enforcement of orders entered
11 under this Section. Such rules may provide for the assessment
12 of all costs, including attorneys' fees which are required for
13 the enforcement of orders entered under this Section when the
14 court in an enforcement proceeding has first found that the
15 defendant has willfully refused to pay. The Clerk of the
16 Circuit Court shall keep records and make reports to the court
17 concerning funds paid under this Section in whatever manner
18 the court directs.

19 (e) Whenever an order is entered under this Section for
20 the reimbursement of the State due to the appointment of the
21 State Appellate Defender as counsel on appeal, the order shall
22 provide that the Clerk of the Circuit Court shall retain all
23 funds paid pursuant to such order until the full amount of the
24 sum ordered to be paid by the defendant has been paid. When no
25 balance remains due on such order, the Clerk of the Circuit
26 Court shall inform the court of this fact and the court shall

1 promptly order the Clerk of the Circuit Court to pay to the
2 State Treasurer all of the sum paid.

3 (f) The Clerk of the Circuit Court shall retain all funds
4 under this Section paid for the reimbursement of the county,
5 and shall inform the court when no balance remains due on an
6 order entered hereunder. The Clerk of the Circuit Court shall
7 make payments of funds collected under this Section to the
8 County Treasurer in whatever manner and at whatever point as
9 the court may direct, including payments made on a monthly
10 basis during the term of representation.

11 (g) A defendant who fails to obey any order of court
12 entered under this Section may be punished for contempt of
13 court. Any arrearage in payments may be reduced to judgment in
14 the court's discretion and collected by any means authorized
15 for the collection of money judgments under the law of this
16 State.

17 (Source: P.A. 102-1104, eff. 1-1-23.)

18 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

19 Sec. 114-1. Motion to dismiss charge.

20 (a) Upon the written motion of the defendant made prior to
21 trial before or after a plea has been entered the court may
22 dismiss the indictment, information or complaint upon any of
23 the following grounds:

24 (1) The defendant has not been placed on trial in
25 compliance with Section 103-5 of this Code.

1 (2) The prosecution of the offense is barred by
2 Sections 3-3 through 3-8 of the Criminal Code of 2012.

3 (3) The defendant has received immunity from
4 prosecution for the offense charged.

5 (4) The indictment was returned by a Grand Jury which
6 was improperly selected and which results in substantial
7 injustice to the defendant.

8 (5) The indictment was returned by a Grand Jury which
9 acted contrary to Article 112 of this Code and which
10 results in substantial injustice to the defendant.

11 (6) The court in which the charge has been filed does
12 not have jurisdiction.

13 (7) The county is an improper place of trial.

14 (8) The charge does not state an offense.

15 (9) The indictment is based solely upon the testimony
16 of an incompetent witness.

17 (10) The defendant is misnamed in the charge and the
18 misnomer results in substantial injustice to the
19 defendant.

20 (11) The requirements of Section 109-3.1 have not been
21 complied with.

22 (b) The court shall require any motion to dismiss to be
23 filed within a reasonable time after the defendant has been
24 arraigned. Any motion not filed within such time or an
25 extension thereof shall not be considered by the court and the
26 grounds therefor, except as to subsections (a)(6) and (a)(8)

1 of this Section, are waived.

2 (c) If the motion presents only an issue of law the court
3 shall determine it without the necessity of further pleadings.
4 If the motion alleges facts not of record in the case the State
5 shall file an answer admitting or denying each of the factual
6 allegations of the motion.

7 (d) When an issue of fact is presented by a motion to
8 dismiss and the answer of the State the court shall conduct a
9 hearing and determine the issues.

10 (d-5) When a defendant seeks dismissal of the charge upon
11 the ground set forth in subsection (a)(7) of this Section, the
12 defendant shall make a prima facie showing that the county is
13 an improper place of trial. Upon such showing, the State shall
14 have the burden of proving, by a preponderance of the
15 evidence, that the county is the proper place of trial.

16 (d-6) When a defendant seeks dismissal of the charge upon
17 the grounds set forth in subsection (a)(2) of this Section,
18 the prosecution shall have the burden of proving, by a
19 preponderance of the evidence, that the prosecution of the
20 offense is not barred by Sections 3-3 through 3-8 of the
21 Criminal Code of 2012.

22 (e) Dismissal of the charge upon the grounds set forth in
23 subsections (a)(4) through (a)(11) of this Section shall not
24 prevent the return of a new indictment or the filing of a new
25 charge, and upon such dismissal the court may order that the
26 defendant be held in custody or, if the defendant had been

1 previously released on bail ~~pretrial release~~, that the bail
2 ~~pretrial release~~ be continued for a specified time pending the
3 return of a new indictment or the filing of a new charge.

4 (f) If the court determines that the motion to dismiss
5 based upon the grounds set forth in subsections (a)(6) and
6 (a)(7) is well founded it may, instead of dismissal, order the
7 cause transferred to a court of competent jurisdiction or to a
8 proper place of trial.

9 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

10 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

11 Sec. 115-4.1. Absence of defendant.

12 (a) When a defendant after arrest and an initial court
13 appearance for a non-capital felony or a misdemeanor, fails to
14 appear for trial, at the request of the State and after the
15 State has affirmatively proven through substantial evidence
16 that the defendant is willfully avoiding trial, the court may
17 commence trial in the absence of the defendant. Absence of a
18 defendant as specified in this Section shall not be a bar to
19 indictment of a defendant, return of information against a
20 defendant, or arraignment of a defendant for the charge for
21 which bail ~~pretrial release~~ has been granted. If a defendant
22 fails to appear at arraignment, the court may enter a plea of
23 "not guilty" on his behalf. If a defendant absents himself
24 before trial on a capital felony, trial may proceed as
25 specified in this Section provided that the State certifies

1 that it will not seek a death sentence following conviction.
2 Trial in the defendant's absence shall be by jury unless the
3 defendant had previously waived trial by jury. The absent
4 defendant must be represented by retained or appointed
5 counsel. The court, at the conclusion of all of the
6 proceedings, may order the clerk of the circuit court to pay
7 counsel such sum as the court deems reasonable, from any bond
8 monies which were posted by the defendant with the clerk,
9 after the clerk has first deducted all court costs. If trial
10 had previously commenced in the presence of the defendant and
11 the defendant willfully absents himself for two successive
12 court days, the court shall proceed to trial. All procedural
13 rights guaranteed by the United States Constitution,
14 Constitution of the State of Illinois, statutes of the State
15 of Illinois, and rules of court shall apply to the proceedings
16 the same as if the defendant were present in court and had not
17 either forfeited his or her bail bond ~~had his or her pretrial~~
18 ~~release revoked~~ or escaped from custody. The court may set the
19 case for a trial which may be conducted under this Section
20 despite the failure of the defendant to appear at the hearing
21 at which the trial date is set. When such trial date is set the
22 clerk shall send to the defendant, by certified mail at his
23 last known address indicated on his bond slip, notice of the
24 new date which has been set for trial. Such notification shall
25 be required when the defendant was not personally present in
26 open court at the time when the case was set for trial.

1 (b) The absence of a defendant from a trial conducted
2 pursuant to this Section does not operate as a bar to
3 concluding the trial, to a judgment of conviction resulting
4 therefrom, or to a final disposition of the trial in favor of
5 the defendant.

6 (c) Upon a verdict of not guilty, the court shall enter
7 judgment for the defendant. Upon a verdict of guilty, the
8 court shall set a date for the hearing of post-trial motions
9 and shall hear such motion in the absence of the defendant. If
10 post-trial motions are denied, the court shall proceed to
11 conduct a sentencing hearing and to impose a sentence upon the
12 defendant.

13 (d) A defendant who is absent for part of the proceedings
14 of trial, post-trial motions, or sentencing, does not thereby
15 forfeit his right to be present at all remaining proceedings.

16 (e) When a defendant who in his absence has been either
17 convicted or sentenced or both convicted and sentenced appears
18 before the court, he must be granted a new trial or new
19 sentencing hearing if the defendant can establish that his
20 failure to appear in court was both without his fault and due
21 to circumstances beyond his control. A hearing with notice to
22 the State's Attorney on the defendant's request for a new
23 trial or a new sentencing hearing must be held before any such
24 request may be granted. At any such hearing both the defendant
25 and the State may present evidence.

26 (f) If the court grants only the defendant's request for a

1 new sentencing hearing, then a new sentencing hearing shall be
2 held in accordance with the provisions of the Unified Code of
3 Corrections. At any such hearing, both the defendant and the
4 State may offer evidence of the defendant's conduct during his
5 period of absence from the court. The court may impose any
6 sentence authorized by the Unified Code of Corrections and is
7 not in any way limited or restricted by any sentence
8 previously imposed.

9 (g) A defendant whose motion under paragraph (e) for a new
10 trial or new sentencing hearing has been denied may file a
11 notice of appeal therefrom. Such notice may also include a
12 request for review of the judgment and sentence not vacated by
13 the trial court.

14 (Source: P.A. 101-652, eff. 1-1-23.)

15 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

16 Sec. 122-6. Disposition in trial court. The court may
17 receive proof by affidavits, depositions, oral testimony, or
18 other evidence. In its discretion the court may order the
19 petitioner brought before the court for the hearing. If the
20 court finds in favor of the petitioner, it shall enter an
21 appropriate order with respect to the judgment or sentence in
22 the former proceedings and such supplementary orders as to
23 rearraignment, retrial, custody, bail, ~~conditions of pretrial~~
24 ~~release~~ or discharge as may be necessary and proper.

25 (Source: P.A. 101-652, eff. 1-1-23.)

1 (725 ILCS 5/102-10.5 rep.)

2 (725 ILCS 5/102-14.5 rep.)

3 (725 ILCS 5/110-6.6 rep.)

4 (725 ILCS 5/110-7.5 rep.)

5 (725 ILCS 5/110-1.5 rep.)

6 Section 250. The Code of Criminal Procedure of 1963 is
7 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5
8 110-6.6, and 110-7.5.

9 Section 255. The Code of Criminal Procedure of 1963 is
10 amended by changing Sections 103-2 and 108-8 as follows:

11 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

12 Sec. 103-2. Treatment while in custody.

13 (a) On being taken into custody every person shall have
14 the right to remain silent.

15 (b) No unlawful means of any kind shall be used to obtain a
16 statement, admission or confession from any person in custody.

17 (c) Persons in custody shall be treated humanely and
18 provided with proper food, shelter and, if required, medical
19 treatment ~~without unreasonable delay if the need for the~~
20 ~~treatment is apparent.~~

21 (Source: P.A. 101-652, eff. 7-1-21.)

22 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

1 Sec. 108-8. Use of force in execution of search warrant.

2 (a) All necessary and reasonable force may be used to
3 effect an entry into any building or property or part thereof
4 to execute a search warrant.

5 (b) The court issuing a warrant may authorize the officer
6 executing the warrant to make entry without first knocking and
7 announcing his or her office if it finds, based upon a showing
8 of specific facts, the existence of the following exigent
9 circumstances:

10 (1) That the officer reasonably believes that if
11 notice were given a weapon would be used:

12 (i) against the officer executing the search
13 warrant; or

14 (ii) against another person.

15 (2) That if notice were given there is an imminent
16 "danger" that evidence will be destroyed.

17 ~~(c) Prior to the issuing of a warrant under subsection~~
18 ~~(b), the officer must attest that:~~

19 ~~(1) prior to entering the location described in the~~
20 ~~search warrant, a supervising officer will ensure that~~
21 ~~each participating member is assigned a body worn camera~~
22 ~~and is following policies and procedures in accordance~~
23 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
24 ~~Body Camera Act; provided that the law enforcement agency~~
25 ~~has implemented body worn camera in accordance with~~
26 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~

1 ~~Camera Act. If a law enforcement agency or each~~
2 ~~participating member of a multi-jurisdictional team has~~
3 ~~not implemented a body camera in accordance with Section~~
4 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~
5 ~~the officer must attest that the interaction authorized by~~
6 ~~the warrant is otherwise recorded;~~

7 ~~(2) The supervising officer verified the subject~~
8 ~~address listed on the warrant for accuracy and planned for~~
9 ~~children or other vulnerable people on site; and~~

10 ~~(3) if an officer becomes aware the search warrant was~~
11 ~~executed at an address, unit, or apartment different from~~
12 ~~the location listed on the search warrant, that member~~
13 ~~will immediately notify a supervisor who will ensure an~~
14 ~~internal investigation or formal inquiry ensues.~~

15 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

16 Section 260. The Code of Criminal Procedure of 1963 is
17 amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1,
18 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1,
19 110-15.1, 110-16.1, 110-17.1, and 110-18.1 and Article 110B as
20 follows:

21 (725 ILCS 5/103-3.1 new)

22 Sec. 103-3.1. Right to communicate with attorney and
23 family; transfers.

24 (a) Persons who are arrested shall have the right to

1 communicate with an attorney of their choice and a member of
2 their family by making a reasonable number of telephone calls
3 or in any other reasonable manner. Such communication shall be
4 permitted within a reasonable time after arrival at the first
5 place of custody.

6 (b) In the event the accused is transferred to a new place
7 of custody his right to communicate with an attorney and a
8 member of his family is renewed.

9 (725 ILCS 5/110-4.1 new)

10 Sec. 110-4.1. Bailable offenses.

11 (a) All persons shall be bailable before conviction,
12 except the following offenses where the proof is evident or
13 the presumption great that the defendant is guilty of the
14 offense: capital offenses; offenses for which a sentence of
15 life imprisonment may be imposed as a consequence of
16 conviction; felony offenses for which a sentence of
17 imprisonment, without conditional and revocable release, shall
18 be imposed by law as a consequence of conviction, where the
19 court after a hearing, determines that the release of the
20 defendant would pose a real and present threat to the physical
21 safety of any person or persons; stalking or aggravated
22 stalking, where the court, after a hearing, determines that
23 the release of the defendant would pose a real and present
24 threat to the physical safety of the alleged victim of the
25 offense and denial of bail is necessary to prevent fulfillment

1 of the threat upon which the charge is based; or unlawful use
2 of weapons in violation of item (4) of subsection (a) of
3 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 when that offense occurred in a school or in any
5 conveyance owned, leased, or contracted by a school to
6 transport students to or from school or a school-related
7 activity, or on any public way within 1,000 feet of real
8 property comprising any school, where the court, after a
9 hearing, determines that the release of the defendant would
10 pose a real and present threat to the physical safety of any
11 person and denial of bail is necessary to prevent fulfillment
12 of that threat; or making a terrorist threat in violation of
13 Section 29D-20 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 or an attempt to commit the offense of making a
15 terrorist threat, where the court, after a hearing, determines
16 that the release of the defendant would pose a real and present
17 threat to the physical safety of any person and denial of bail
18 is necessary to prevent fulfillment of that threat.

19 (b) A person seeking release on bail who is charged with a
20 capital offense or an offense for which a sentence of life
21 imprisonment may be imposed shall not be bailable until a
22 hearing is held wherein such person has the burden of
23 demonstrating that the proof of his guilt is not evident and
24 the presumption is not great.

25 (c) Where it is alleged that bail should be denied to a
26 person upon the grounds that the person presents a real and

1 present threat to the physical safety of any person or
2 persons, the burden of proof of such allegations shall be upon
3 the State.

4 (d) When it is alleged that bail should be denied to a
5 person charged with stalking or aggravated stalking upon the
6 grounds set forth in Section 110-6.3-1 of this Code, the
7 burden of proof of those allegations shall be upon the State.

8 (725 ILCS 5/110-6.3-1 new)

9 Sec. 110-6.3-1. Denial of bail in stalking and aggravated
10 stalking offenses.

11 (a) Upon verified petition by the State, the court shall
12 hold a hearing to determine whether bail should be denied to a
13 defendant who is charged with stalking or aggravated stalking,
14 when it is alleged that the defendant's admission to bail
15 poses a real and present threat to the physical safety of the
16 alleged victim of the offense, and denial of release on bail or
17 personal recognizance is necessary to prevent fulfillment of
18 the threat upon which the charge is based.

19 (1) A petition may be filed without prior notice to
20 the defendant at the first appearance before a judge, or
21 within 21 calendar days, except as provided in Section
22 110-6, after arrest and release of the defendant upon
23 reasonable notice to defendant; provided that while the
24 petition is pending before the court, the defendant if
25 previously released shall not be detained.

1 (2) The hearing shall be held immediately upon the
2 defendant's appearance before the court, unless for good
3 cause shown the defendant or the State seeks a
4 continuance. A continuance on motion of the defendant may
5 not exceed 5 calendar days, and the defendant may be held
6 in custody during the continuance. A continuance on the
7 motion of the State may not exceed 3 calendar days;
8 however, the defendant may be held in custody during the
9 continuance under this provision if the defendant has been
10 previously found to have violated an order of protection
11 or has been previously convicted of, or granted court
12 supervision for, any of the offenses set forth in Sections
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
14 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
15 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
16 of 1961 or the Criminal Code of 2012, against the same
17 person as the alleged victim of the stalking or aggravated
18 stalking offense.

19 (b) The court may deny bail to the defendant when, after
20 the hearing, it is determined that:

21 (1) the proof is evident or the presumption great that
22 the defendant has committed the offense of stalking or
23 aggravated stalking; and

24 (2) the defendant poses a real and present threat to
25 the physical safety of the alleged victim of the offense;
26 and

1 (3) the denial of release on bail or personal
2 recognizance is necessary to prevent fulfillment of the
3 threat upon which the charge is based; and

4 (4) the court finds that no condition or combination
5 of conditions set forth in subsection (b) of Section
6 110-10 of this Code, including mental health treatment at
7 a community mental health center, hospital, or facility of
8 the Department of Human Services, can reasonably assure
9 the physical safety of the alleged victim of the offense.

10 (c) Conduct of the hearings.

11 (1) The hearing on the defendant's culpability and
12 threat to the alleged victim of the offense shall be
13 conducted in accordance with the following provisions:

14 (A) Information used by the court in its findings
15 or stated in or offered at the hearing may be by way of
16 proffer based upon reliable information offered by the
17 State or by defendant. Defendant has the right to be
18 represented by counsel, and if he is indigent, to have
19 counsel appointed for him. Defendant shall have the
20 opportunity to testify, to present witnesses in his
21 own behalf, and to cross-examine witnesses if any are
22 called by the State. The defendant has the right to
23 present witnesses in his favor. When the ends of
24 justice so require, the court may exercise its
25 discretion and compel the appearance of a complaining
26 witness. The court shall state on the record reasons

1 for granting a defense request to compel the presence
2 of a complaining witness. Cross-examination of a
3 complaining witness at the pretrial detention hearing
4 for the purpose of impeaching the witness' credibility
5 is insufficient reason to compel the presence of the
6 witness. In deciding whether to compel the appearance
7 of a complaining witness, the court shall be
8 considerate of the emotional and physical well-being
9 of the witness. The pretrial detention hearing is not
10 to be used for the purposes of discovery, and the post
11 arraignment rules of discovery do not apply. The State
12 shall tender to the defendant, prior to the hearing,
13 copies of defendant's criminal history, if any, if
14 available, and any written or recorded statements and
15 the substance of any oral statements made by any
16 person, if relied upon by the State. The rules
17 concerning the admissibility of evidence in criminal
18 trials do not apply to the presentation and
19 consideration of information at the hearing. At the
20 trial concerning the offense for which the hearing was
21 conducted neither the finding of the court nor any
22 transcript or other record of the hearing shall be
23 admissible in the State's case in chief, but shall be
24 admissible for impeachment, or as provided in Section
25 115-10.1 of this Code, or in a perjury proceeding.

26 (B) A motion by the defendant to suppress evidence

1 or to suppress a confession shall not be entertained.
2 Evidence that proof may have been obtained as the
3 result of an unlawful search and seizure or through
4 improper interrogation is not relevant to this state
5 of the prosecution.

6 (2) The facts relied upon by the court to support a
7 finding that:

8 (A) the defendant poses a real and present threat
9 to the physical safety of the alleged victim of the
10 offense; and

11 (B) the denial of release on bail or personal
12 recognizance is necessary to prevent fulfillment of
13 the threat upon which the charge is based;

14 shall be supported by clear and convincing evidence
15 presented by the State.

16 (d) Factors to be considered in making a determination of
17 the threat to the alleged victim of the offense. The court may,
18 in determining whether the defendant poses, at the time of the
19 hearing, a real and present threat to the physical safety of
20 the alleged victim of the offense, consider but shall not be
21 limited to evidence or testimony concerning:

22 (1) The nature and circumstances of the offense
23 charged;

24 (2) The history and characteristics of the defendant
25 including:

26 (A) Any evidence of the defendant's prior criminal

1 history indicative of violent, abusive or assaultive
2 behavior, or lack of that behavior. The evidence may
3 include testimony or documents received in juvenile
4 proceedings, criminal, quasi-criminal, civil
5 commitment, domestic relations or other proceedings;

6 (B) Any evidence of the defendant's psychological,
7 psychiatric or other similar social history that tends
8 to indicate a violent, abusive, or assaultive nature,
9 or lack of any such history.

10 (3) The nature of the threat which is the basis of the
11 charge against the defendant;

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 Code, 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 that behavior.

4 (e) The court shall, in any order denying bail to a person
5 charged with stalking or aggravated stalking:

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 under subsection (e) of this Section, the defendant
21 shall be brought to trial on the offense for which he is
22 detained within 90 days after the date on which the order for
23 detention was entered. If the defendant is not brought to
24 trial within the 90 day period required by this subsection
25 (f), he shall not be held longer without bail. In computing the
26 90 day period, the court shall omit any period of delay

1 resulting from a continuance granted at the request of the
2 defendant. The court shall immediately notify the alleged
3 victim of the offense that the defendant has been admitted to
4 bail under this subsection.

5 (g) Any person shall be entitled to appeal any order
6 entered under this Section denying bail to the defendant.

7 (h) The State may appeal any order entered under this
8 Section denying any motion for denial of bail.

9 (i) Nothing in this Section shall be construed as
10 modifying or limiting in any way the defendant's presumption
11 of innocence in further criminal proceedings.

12 (725 ILCS 5/110-6.5-1 new)

13 Sec. 110-6.5-1. Drug testing program.

14 (a) The Chief Judge of the circuit may establish a drug
15 testing program as provided by this Section in any county in
16 the circuit if the county board has approved the establishment
17 of the program and the county probation department or pretrial
18 services agency has consented to administer it. The drug
19 testing program shall be conducted under the following
20 provisions:

21 (a-1) The court, in the case of a defendant charged with a
22 felony offense or any offense involving the possession or
23 delivery of cannabis or a controlled substance, shall:

24 (1) not consider the release of the defendant on his
25 or her own recognizance, unless the defendant consents to

1 periodic drug testing during the period of release on his
2 or her own recognizance, in accordance with this Section;

3 (2) consider the consent of the defendant to periodic
4 drug testing during the period of release on bail in
5 accordance with this Section as a favorable factor for the
6 defendant in determining the amount of bail, the
7 conditions of release or in considering the defendant's
8 motion to reduce the amount of bail.

9 (b) The drug testing shall be conducted by the pretrial
10 services agency or under the direction of the probation
11 department when a pretrial services agency does not exist in
12 accordance with this Section.

13 (c) A defendant who consents to periodic drug testing as
14 set forth in this Section shall sign an agreement with the
15 court that, during the period of release, the defendant shall
16 refrain from using illegal drugs and that the defendant will
17 comply with the conditions of the testing program. The
18 agreement shall be on a form prescribed by the court and shall
19 be executed at the time of the bail hearing. This agreement
20 shall be made a specific condition of bail.

21 (d) The drug testing program shall be conducted as
22 follows:

23 (1) The testing shall be done by urinalysis for the
24 detection of phencyclidine, heroin, cocaine, methadone and
25 amphetamines.

26 (2) The collection of samples shall be performed under

1 reasonable and sanitary conditions.

2 (3) Samples shall be collected and tested with due
3 regard for the privacy of the individual being tested and
4 in a manner reasonably calculated to prevent substitutions
5 or interference with the collection or testing of reliable
6 samples.

7 (4) Sample collection shall be documented, and the
8 documentation procedures shall include:

9 (i) Labeling of samples so as to reasonably
10 preclude the probability of erroneous identification
11 of test results; and

12 (ii) An opportunity for the defendant to provide
13 information on the identification of prescription or
14 nonprescription drugs used in connection with a
15 medical condition.

16 (5) Sample collection, storage, and transportation to
17 the place of testing shall be performed so as to
18 reasonably preclude the probability of sample
19 contamination or adulteration.

20 (6) Sample testing shall conform to scientifically
21 accepted analytical methods and procedures. Testing shall
22 include verification or confirmation of any positive test
23 result by a reliable analytical method before the result
24 of any test may be used as a basis for any action by the
25 court.

26 (e) The initial sample shall be collected before the

1 defendant's release on bail. Thereafter, the defendant shall
2 report to the pretrial services agency or probation department
3 as required by the agency or department. The pretrial services
4 agency or probation department shall immediately notify the
5 court of any defendant who fails to report for testing.

6 (f) After the initial test, a subsequent confirmed
7 positive test result indicative of continued drug use shall
8 result in the following:

9 (1) Upon the first confirmed positive test result, the
10 pretrial services agency or probation department, shall
11 place the defendant on a more frequent testing schedule
12 and shall warn the defendant of the consequences of
13 continued drug use.

14 (2) A second confirmed positive test result shall be
15 grounds for a hearing before the judge who authorized the
16 release of the defendant in accordance with the provisions
17 of subsection (g) of this Section.

18 (g) The court shall, upon motion of the State or upon its
19 own motion, conduct a hearing in connection with any defendant
20 who fails to appear for testing, fails to cooperate with the
21 persons conducting the testing program, attempts to submit a
22 sample not his or her own or has had a confirmed positive test
23 result indicative of continued drug use for the second or
24 subsequent time after the initial test. The hearing shall be
25 conducted in accordance with the procedures of Section 110-6.

26 Upon a finding by the court that the State has established

1 by clear and convincing evidence that the defendant has
2 violated the drug testing conditions of bail, the court may
3 consider any of the following sanctions:

4 (1) increase the amount of the defendant's bail or
5 conditions of release;

6 (2) impose a jail sentence of up to 5 days;

7 (3) revoke the defendant's bail; or

8 (4) enter such other orders which are within the power
9 of the court as deemed appropriate.

10 (h) The results of any drug testing conducted under this
11 Section shall not be admissible on the issue of the
12 defendant's guilt in connection with any criminal charge.

13 (i) The court may require that the defendant pay for the
14 cost of drug testing.

15 (725 ILCS 5/110-7.1 new)

16 Sec. 110-7.1. Deposit of bail security.

17 (a) The person for whom bail has been set shall execute the
18 bail bond and deposit with the clerk of the court before which
19 the proceeding is pending a sum of money equal to 10% of the
20 bail, but in no event shall such deposit be less than \$25. The
21 clerk of the court shall provide a space on each form for a
22 person other than the accused who has provided the money for
23 the posting of bail to so indicate and a space signed by an
24 accused who has executed the bail bond indicating whether a
25 person other than the accused has provided the money for the

1 posting of bail. The form shall also include a written notice
2 to such person who has provided the defendant with the money
3 for the posting of bail indicating that the bail may be used to
4 pay costs, attorney's fees, fines, or other purposes
5 authorized by the court and if the defendant fails to comply
6 with the conditions of the bail bond, the court shall enter an
7 order declaring the bail to be forfeited. The written notice
8 must be: (1) distinguishable from the surrounding text; (2) in
9 bold type or underscored; and (3) in a type size at least 2
10 points larger than the surrounding type. When a person for
11 whom bail has been set is charged with an offense under the
12 Illinois Controlled Substances Act or the Methamphetamine
13 Control and Community Protection Act which is a Class X
14 felony, or making a terrorist threat in violation of Section
15 29D-20 of the Criminal Code of 1961 or the Criminal Code of
16 2012 or an attempt to commit the offense of making a terrorist
17 threat, the court may require the defendant to deposit a sum
18 equal to 100% of the bail. Where any person is charged with a
19 forcible felony while free on bail and is the subject of
20 proceedings under Section 109-3 of this Code the judge
21 conducting the preliminary examination may also conduct a
22 hearing upon the application of the State pursuant to the
23 provisions of Section 110-6 of this Code to increase or revoke
24 the bail for that person's prior alleged offense.

25 (b) Upon depositing this sum and any bond fee authorized
26 by law, the person shall be released from custody subject to

1 the conditions of the bail bond.

2 (c) Once bail has been given and a charge is pending or is
3 thereafter filed in or transferred to a court of competent
4 jurisdiction the latter court shall continue the original bail
5 in that court subject to the provisions of Section 110-6 of
6 this Code.

7 (d) After conviction the court may order that the original
8 bail stand as bail pending appeal or deny, increase or reduce
9 bail subject to the provisions of Section 110-6.2.

10 (e) After the entry of an order by the trial court allowing
11 or denying bail pending appeal either party may apply to the
12 reviewing court having jurisdiction or to a justice thereof
13 sitting in vacation for an order increasing or decreasing the
14 amount of bail or allowing or denying bail pending appeal
15 subject to the provisions of Section 110-6.2.

16 (f) When the conditions of the bail bond have been
17 performed and the accused has been discharged from all
18 obligations in the cause the clerk of the court shall return to
19 the accused or to the defendant's designee by an assignment
20 executed at the time the bail amount is deposited, unless the
21 court orders otherwise, 90% of the sum which had been
22 deposited and shall retain as bail bond costs 10% of the amount
23 deposited. However, in no event shall the amount retained by
24 the clerk as bail bond costs be less than \$5. Notwithstanding
25 the foregoing, in counties with a population of 3,000,000 or
26 more, in no event shall the amount retained by the clerk as

1 bail bond costs exceed \$100. Bail bond deposited by or on
2 behalf of a defendant in one case may be used, in the court's
3 discretion, to satisfy financial obligations of that same
4 defendant incurred in a different case due to a fine, court
5 costs, restitution or fees of the defendant's attorney of
6 record. In counties with a population of 3,000,000 or more,
7 the court shall not order bail bond deposited by or on behalf
8 of a defendant in one case to be used to satisfy financial
9 obligations of that same defendant in a different case until
10 the bail bond is first used to satisfy court costs and
11 attorney's fees in the case in which the bail bond has been
12 deposited and any other unpaid child support obligations are
13 satisfied. In counties with a population of less than
14 3,000,000, the court shall not order bail bond deposited by or
15 on behalf of a defendant in one case to be used to satisfy
16 financial obligations of that same defendant in a different
17 case until the bail bond is first used to satisfy court costs
18 in the case in which the bail bond has been deposited.

19 At the request of the defendant the court may order such
20 90% of defendant's bail deposit, or whatever amount is
21 repayable to defendant from such deposit, to be paid to
22 defendant's attorney of record.

23 (g) If the accused does not comply with the conditions of
24 the bail bond the court having jurisdiction shall enter an
25 order declaring the bail to be forfeited. Notice of such order
26 of forfeiture shall be mailed forthwith to the accused at his

1 last known address. If the accused does not appear and
2 surrender to the court having jurisdiction within 30 days from
3 the date of the forfeiture or within such period satisfy the
4 court that appearance and surrender by the accused is
5 impossible and without his fault the court shall enter
6 judgment for the State if the charge for which the bond was
7 given was a felony or misdemeanor, or if the charge was
8 quasi-criminal or traffic, judgment for the political
9 subdivision of the State which prosecuted the case, against
10 the accused for the amount of the bail and costs of the court
11 proceedings; however, in counties with a population of less
12 than 3,000,000, instead of the court entering a judgment for
13 the full amount of the bond the court may, in its discretion,
14 enter judgment for the cash deposit on the bond, less costs,
15 retain the deposit for further disposition or, if a cash bond
16 was posted for failure to appear in a matter involving
17 enforcement of child support or maintenance, the amount of the
18 cash deposit on the bond, less outstanding costs, may be
19 awarded to the person or entity to whom the child support or
20 maintenance is due. The deposit made in accordance with
21 paragraph (a) shall be applied to the payment of costs. If
22 judgment is entered and any amount of such deposit remains
23 after the payment of costs it shall be applied to payment of
24 the judgment and transferred to the treasury of the municipal
25 corporation wherein the bond was taken if the offense was a
26 violation of any penal ordinance of a political subdivision of

1 this State, or to the treasury of the county wherein the bond
2 was taken if the offense was a violation of any penal statute
3 of this State. The balance of the judgment may be enforced and
4 collected in the same manner as a judgment entered in a civil
5 action.

6 (h) After a judgment for a fine and court costs or either
7 is entered in the prosecution of a cause in which a deposit had
8 been made in accordance with paragraph (a) the balance of such
9 deposit, after deduction of bail bond costs, shall be applied
10 to the payment of the judgment.

11 (i) When a court appearance is required for an alleged
12 violation of the Criminal Code of 1961, the Criminal Code of
13 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
14 and Aquatic Life Code, the Child Passenger Protection Act, or
15 a comparable offense of a unit of local government as
16 specified in Supreme Court Rule 551, and if the accused does
17 not appear in court on the date set for appearance or any date
18 to which the case may be continued and the court issues an
19 arrest warrant for the accused, based upon his or her failure
20 to appear when having so previously been ordered to appear by
21 the court, the accused upon his or her admission to bail shall
22 be assessed by the court a fee of \$75. Payment of the fee shall
23 be a condition of release unless otherwise ordered by the
24 court. The fee shall be in addition to any bail that the
25 accused is required to deposit for the offense for which the
26 accused has been charged and may not be used for the payment of

1 court costs or fines assessed for the offense. The clerk of the
2 court shall remit \$70 of the fee assessed to the arresting
3 agency who brings the offender in on the arrest warrant. If the
4 Illinois State Police is the arresting agency, \$70 of the fee
5 assessed shall be remitted by the clerk of the court to the
6 State Treasurer within one month after receipt for deposit
7 into the State Police Operations Assistance Fund. The clerk of
8 the court shall remit \$5 of the fee assessed to the Circuit
9 Court Clerk Operation and Administrative Fund as provided in
10 Section 27.3d of the Clerks of Courts Act.

11 (725 ILCS 5/110-8.1 new)

12 Sec. 110-8.1. Cash, stocks, bonds and real estate as
13 security for bail.

14 (a) In lieu of the bail deposit provided for in Section
15 110-7.1 of this Code any person for whom bail has been set may
16 execute the bail bond with or without sureties which bond may
17 be secured:

18 (1) By a deposit, with the clerk of the court, of an amount
19 equal to the required bail, of cash, or stocks and bonds in
20 which trustees are authorized to invest trust funds under the
21 laws of this State; or

22 (2) By real estate situated in this State with
23 unencumbered equity not exempt owned by the accused or
24 sureties worth double the amount of bail set in the bond.

25 (b) If the bail bond is secured by stocks and bonds the

1 accused or sureties shall file with the bond a sworn schedule
2 which shall be approved by the court and shall contain:

3 (1) A list of the stocks and bonds deposited
4 describing each in sufficient detail that it may be
5 identified;

6 (2) The market value of each stock and bond;

7 (3) The total market value of the stocks and bonds
8 listed;

9 (4) A statement that the affiant is the sole owner of
10 the stocks and bonds listed and they are not exempt from
11 the enforcement of a judgment thereon;

12 (5) A statement that such stocks and bonds have not
13 previously been used or accepted as bail in this State
14 during the 12 months preceding the date of the bail bond;
15 and

16 (6) A statement that such stocks and bonds are
17 security for the appearance of the accused in accordance
18 with the conditions of the bail bond.

19 (c) If the bail bond is secured by real estate the accused
20 or sureties shall file with the bond a sworn schedule which
21 shall contain:

22 (1) A legal description of the real estate;

23 (2) A description of any and all encumbrances on the
24 real estate including the amount of each and the holder
25 thereof;

26 (3) The market value of the unencumbered equity owned

1 by the affiant;

2 (4) A statement that the affiant is the sole owner of
3 such unencumbered equity and that it is not exempt from
4 the enforcement of a judgment thereon;

5 (5) A statement that the real estate has not
6 previously been used or accepted as bail in this State
7 during the 12 months preceding the date of the bail bond;
8 and

9 (6) A statement that the real estate is security for
10 the appearance of the accused in accordance with the
11 conditions of the bail bond.

12 (d) The sworn schedule shall constitute a material part of
13 the bail bond. The affiant commits perjury if in the sworn
14 schedule he makes a false statement which he does not believe
15 to be true. He shall be prosecuted and punished accordingly,
16 or, he may be punished for contempt.

17 (e) A certified copy of the bail bond and schedule of real
18 estate shall be filed immediately in the office of the
19 registrar of titles or recorder of the county in which the real
20 estate is situated and the State shall have a lien on such real
21 estate from the time such copies are filed in the office of the
22 registrar of titles or recorder. The registrar of titles or
23 recorder shall enter, index and record (or register as the
24 case may be) such bail bonds and schedules without requiring
25 any advance fee, which fee shall be taxed as costs in the
26 proceeding and paid out of such costs when collected.

1 (f) When the conditions of the bail bond have been
2 performed and the accused has been discharged from his
3 obligations in the cause, the clerk of the court shall return
4 to him or his sureties the deposit of any cash, stocks or
5 bonds. If the bail bond has been secured by real estate the
6 clerk of the court shall forthwith notify in writing the
7 registrar of titles or recorder and the lien of the bail bond
8 on the real estate shall be discharged.

9 (g) If the accused does not comply with the conditions of
10 the bail bond the court having jurisdiction shall enter an
11 order declaring the bail to be forfeited. Notice of such order
12 of forfeiture shall be mailed forthwith by the clerk of the
13 court to the accused and his sureties at their last known
14 address. If the accused does not appear and surrender to the
15 court having jurisdiction within 30 days from the date of the
16 forfeiture or within such period satisfy the court that
17 appearance and surrender by the accused is impossible and
18 without his fault the court shall enter judgment for the State
19 against the accused and his sureties for the amount of the bail
20 and costs of the proceedings; however, in counties with a
21 population of less than 3,000,000, if the defendant has posted
22 a cash bond, instead of the court entering a judgment for the
23 full amount of the bond the court may, in its discretion, enter
24 judgment for the cash deposit on the bond, less costs, retain
25 the deposit for further disposition or, if a cash bond was
26 posted for failure to appear in a matter involving enforcement

1 of child support or maintenance, the amount of the cash
2 deposit on the bond, less outstanding costs, may be awarded to
3 the person or entity to whom the child support or maintenance
4 is due.

5 (h) When judgment is entered in favor of the State on any
6 bail bond given for a felony or misdemeanor, or judgment for a
7 political subdivision of the state on any bail bond given for a
8 quasi-criminal or traffic offense, the State's Attorney or
9 political subdivision's attorney shall forthwith obtain a
10 certified copy of the judgment and deliver same to the sheriff
11 to be enforced by levy on the stocks or bonds deposited with
12 the clerk of the court and the real estate described in the
13 bail bond schedule. Any cash forfeited under subsection (g) of
14 this Section shall be used to satisfy the judgment and costs
15 and, without necessity of levy, ordered paid into the treasury
16 of the municipal corporation wherein the bail bond was taken
17 if the offense was a violation of any penal ordinance of a
18 political subdivision of this State, or into the treasury of
19 the county wherein the bail bond was taken if the offense was a
20 violation of any penal statute of this State, or to the person
21 or entity to whom child support or maintenance is owed if the
22 bond was taken for failure to appear in a matter involving
23 child support or maintenance. The stocks, bonds and real
24 estate shall be sold in the same manner as in sales for the
25 enforcement of a judgment in civil actions and the proceeds of
26 such sale shall be used to satisfy all court costs, prior

1 encumbrances, if any, and from the balance a sufficient amount
2 to satisfy the judgment shall be paid into the treasury of the
3 municipal corporation wherein the bail bond was taken if the
4 offense was a violation of any penal ordinance of a political
5 subdivision of this State, or into the treasury of the county
6 wherein the bail bond was taken if the offense was a violation
7 of any penal statute of this State. The balance shall be
8 returned to the owner. The real estate so sold may be redeemed
9 in the same manner as real estate may be redeemed after
10 judicial sales or sales for the enforcement of judgments in
11 civil actions.

12 (i) No stocks, bonds or real estate may be used or accepted
13 as bail bond security in this State more than once in any 12
14 month period.

15 (725 ILCS 5/110-9.1 new)

16 Sec. 110-9.1. Taking of bail by peace officer. When bail
17 has been set by a judicial officer for a particular offense or
18 offender any sheriff or other peace officer may take bail in
19 accordance with the provisions of Section 110-7.1 or 110-8.1
20 of this Code and release the offender to appear in accordance
21 with the conditions of the bail bond, the Notice to Appear or
22 the Summons. The officer shall give a receipt to the offender
23 for the bail so taken and within a reasonable time deposit such
24 bail with the clerk of the court having jurisdiction of the
25 offense. A sheriff or other peace officer taking bail in

1 accordance with the provisions of Section 110-7.1 or 110-8.1
2 of this Code shall accept payments made in the form of
3 currency, and may accept other forms of payment as the sheriff
4 shall by rule authorize. For purposes of this Section,
5 "currency" has the meaning provided in subsection (a) of
6 Section 3 of the Currency Reporting Act.

7 (725 ILCS 5/110-13.1 new)

8 Sec. 110-13.1. Persons prohibited from furnishing bail
9 security. No attorney at law practicing in this State and no
10 official authorized to admit another to bail or to accept bail
11 shall furnish any part of any security for bail in any criminal
12 action or any proceeding nor shall any such person act as
13 surety for any accused admitted to bail.

14 (725 ILCS 5/110-14.1 new)

15 Sec. 110-14.1. Credit for incarceration on bailable
16 offense; credit against monetary bail for certain offenses.

17 (a) Any person incarcerated on a bailable offense who does
18 not supply bail and against whom a fine is levied on conviction
19 of the offense shall be allowed a credit of \$30 for each day so
20 incarcerated upon application of the defendant. However, in no
21 case shall the amount so allowed or credited exceed the amount
22 of the fine.

23 (b) Subsection (a) does not apply to a person incarcerated
24 for sexual assault as defined in paragraph (1) of subsection

1 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

2 (c) A person subject to bail on a Category B offense,
3 before January 1, 2023, shall have \$30 deducted from his or her
4 10% cash bond amount every day the person is incarcerated. The
5 sheriff shall calculate and apply this \$30 per day reduction
6 and send notice to the circuit clerk if a defendant's 10% cash
7 bond amount is reduced to \$0, at which point the defendant
8 shall be released upon his or her own recognizance.

9 (d) The court may deny the incarceration credit in
10 subsection (c) of this Section if the person has failed to
11 appear as required before the court and is incarcerated based
12 on a warrant for failure to appear on the same original
13 criminal offense.

14 (725 ILCS 5/110-15.1 new)

15 Sec. 110-15.1. Applicability of provisions for giving and
16 taking bail. The provisions of Sections 110-7.1 and 110-8.1 of
17 this Code are exclusive of other provisions of law for the
18 giving, taking, or enforcement of bail. In all cases where a
19 person is admitted to bail the provisions of Sections 110-7.1
20 and 110-8.1 of this Code shall be applicable.

21 However, the Supreme Court may, by rule or order,
22 prescribe a uniform schedule of amounts of bail in all but
23 felony offenses. The uniform schedule shall not require a
24 person cited for violating the Illinois Vehicle Code or a
25 similar provision of a local ordinance for which a violation

1 is a petty offense as defined by Section 5-1-17 of the Unified
2 Code of Corrections, excluding business offenses as defined by
3 Section 5-1-2 of the Unified Code of Corrections or a
4 violation of Section 15-111 or subsection (d) of Section 3-401
5 of the Illinois Vehicle Code, to post bond to secure bail for
6 his or her release. Such uniform schedule may provide that the
7 cash deposit provisions of Section 110-7.1 shall not apply to
8 bail amounts established for alleged violations punishable by
9 fine alone, and the schedule may further provide that in
10 specified traffic cases a valid Illinois chauffeur's or
11 operator's license must be deposited, in addition to 10% of
12 the amount of the bail specified in the schedule.

13 (725 ILCS 5/110-16.1 new)

14 Sec. 110-16.1. Bail bond-forfeiture in same case or
15 absents self during trial-not bailable. If a person admitted
16 to bail on a felony charge forfeits his bond and fails to
17 appear in court during the 30 days immediately after such
18 forfeiture, on being taken into custody thereafter he shall
19 not be bailable in the case in question, unless the court finds
20 that his absence was not for the purpose of obstructing
21 justice or avoiding prosecution.

22 (725 ILCS 5/110-17.1 new)

23 Sec. 110-17.1. Unclaimed bail deposits. Any sum of money
24 deposited by any person to secure his or her release from

1 custody which remains unclaimed by the person entitled to its
2 return for 3 years after the conditions of the bail bond have
3 been performed and the accused has been discharged from all
4 obligations in the cause shall be presumed to be abandoned and
5 subject to disposition under the Revised Uniform Unclaimed
6 Property Act.

7 (725 ILCS 5/110-18.1 new)

8 Sec. 110-18.1. Reimbursement. The sheriff of each county
9 shall certify to the treasurer of each county the number of
10 days that persons had been detained in the custody of the
11 sheriff without a bond being set as a result of an order
12 entered pursuant to Section 110-6.1 of this Code. The county
13 treasurer shall, no later than January 1, annually certify to
14 the Supreme Court the number of days that persons had been
15 detained without bond during the twelve-month period ending
16 November 30. The Supreme Court shall reimburse, from funds
17 appropriated to it by the General Assembly for such purposes,
18 the treasurer of each county an amount of money for deposit in
19 the county general revenue fund at a rate of \$50 per day for
20 each day that persons were detained in custody without bail as
21 a result of an order entered pursuant to Section 110-6.1 of
22 this Code.

23 (725 ILCS 5/Art. 110B heading new)

24 ARTICLE 110B. PEACE BONDS

1 (725 ILCS 5/110B-5 new)

2 Sec. 110B-5. Courts as conservators of the peace. All
3 courts are conservators of the peace, shall cause to be kept
4 all laws made for the preservation of the peace, and may
5 require persons to give security to keep the peace or for their
6 good behavior, or both, as provided by this Article.

7 (725 ILCS 5/110B-10 new)

8 Sec. 110B-10. Complaints. When complaint is made to a
9 judge that a person has threatened or is about to commit an
10 offense against the person or property of another, the court
11 shall examine on oath the complaint, and any witness who may be
12 produced, and reduce the complaint to writing, and cause it to
13 be subscribed and sworn to by the complainant.

14 The complaint may be issued electronically or
15 electromagnetically by use of a facsimile transmission
16 machine, and that complaint has the same validity as a written
17 complaint.

18 (725 ILCS 5/110B-15 new)

19 Sec. 110B-15. Warrants. If the court is satisfied that
20 there is danger that an offense will be committed, the court
21 shall issue a warrant requiring the proper officer to whom it
22 is directed forthwith to apprehend the person complained of
23 and bring him or her before the court having jurisdiction in

1 the premises.

2 The warrant may be issued electronically or
3 electromagnetically by use of a facsimile transmission
4 machine, and that warrant has the same validity as a written
5 warrant.

6 (725 ILCS 5/110B-20 new)

7 Sec. 110B-20. Hearing. When the person complained of is
8 brought before the court if the charge is controverted, the
9 testimony produced on behalf of the plaintiff and defendant
10 shall be heard.

11 (725 ILCS 5/110B-25 new)

12 Sec. 110B-25. Malicious prosecution; costs. If it appears
13 that there is no just reason to fear the commission of the
14 offense, the defendant shall be discharged. If the court is of
15 the opinion that the prosecution was commenced maliciously
16 without probable cause, the court may enter judgment against
17 the complainant for the costs of the prosecution.

18 (725 ILCS 5/110B-30 new)

19 Sec. 110B-30. Recognizance. If there is just reason to
20 fear the commission of an offense, the defendant shall be
21 required to give a recognizance, with sufficient security, in
22 the sum as the court may direct, to keep the peace towards all
23 people of this State, and especially towards the person

1 against whom or whose property there is reason to fear the
2 offense may be committed, for such time, not exceeding 12
3 months, as the court may order. But he or she shall not be
4 bound over to the next court unless he or she is also charged
5 with some other offense for which he or she ought to be held to
6 answer at the court.

7 (725 ILCS 5/110B-35 new)

8 Sec. 110B-35. Refusal to give recognizance. If the person
9 so ordered to recognize complies with the order, he or she
10 shall be discharged; but if he or she refuses or neglects, the
11 court shall commit him or her to jail during the period for
12 which he or she was required to give security, or until he or
13 she so recognizes, stating in the warrant the cause of
14 commitment, with the sum and time for which the security was
15 required.

16 (725 ILCS 5/110B-40 new)

17 Sec. 110B-40. Costs of prosecution. When a person is
18 required to give security to keep the peace, or for his or her
19 good behavior, the court may further order that the costs of
20 the prosecution, or any part of the costs, shall be paid by
21 that person, who shall stand committed until the costs are
22 paid or he or she is otherwise legally discharged.

23 (725 ILCS 5/110B-45 new)

1 Sec. 110B-45. Discharge upon giving recognizance. A person
2 committed for not finding sureties, or refusing to recognize
3 as required by the court, may be discharged on giving the
4 security as was required.

5 (725 ILCS 5/110B-50 new)

6 Sec. 110B-50. Filing of recognizance; breach of condition.
7 Every recognizance taken in accordance with the foregoing
8 provisions shall be filed of record by the clerk and upon a
9 breach of the condition the same shall be prosecuted by the
10 State's Attorney.

11 (725 ILCS 5/110B-55 new)

12 Sec. 110B-55. Conviction not needed. In proceeding upon a
13 recognizance it is not necessary to show a conviction of the
14 defendant of an offense against the person or property of
15 another.

16 (725 ILCS 5/110B-60 new)

17 Sec. 110B-60. Threat made in court. A person who, in the
18 presence of a court, commits or threatens to commit an offense
19 against the person or property of another, may be ordered,
20 without process, to enter into a recognizance to keep the
21 peace for a period not exceeding 12 months, and in case of
22 refusal be committed as in other cases.

1 (725 ILCS 5/110B-65 new)

2 Sec. 110B-65. Remitting recognizance. When, upon an action
3 brought upon a recognizance, the penalty for the action is
4 adjudged forfeited, the court may, on the petition of a
5 defendant, remit the portion of it as the circumstances of the
6 case render just and reasonable.

7 (725 ILCS 5/110B-70 new)

8 Sec. 110B-70. Surrender of principal. The sureties of a
9 person bound to keep the peace may, at any time, surrender
10 their principal to the sheriff of the county in which the
11 principal was bound, under the same rules and regulations
12 governing the surrender of the principal in other criminal
13 cases.

14 (725 ILCS 5/110B-75 new)

15 Sec. 110B-75. New recognizance. The person so surrendered
16 may recognize anew, with sufficient sureties, before a court,
17 for the residue of the time, and shall thereupon be
18 discharged.

19 (725 ILCS 5/110B-80 new)

20 Sec. 110B-80. Amended complaint. No proceeding to prevent
21 a breach of the peace shall be dismissed on account of any
22 informality or insufficiency in the complaint, or any process
23 or proceeding, but the complaint may be amended, by order of

1 the court, to conform to the facts in the case.

2 Section 265. The Firearm Seizure Act is amended by
3 changing Section 4 as follows:

4 (725 ILCS 165/4) (from Ch. 38, par. 161-4)

5 Sec. 4. In lieu of requiring the surrender of any firearm,
6 the court may require the defendant to give a recognizance as
7 provided in Article 110B ~~110A~~ of the Code of Criminal
8 Procedure of 1963.

9 (Source: P.A. 96-328, eff. 8-11-09.)

10 Section 270. The Rights of Crime Victims and Witnesses Act
11 is amended by changing Sections 3, 4 and 4.5 as follows:

12 (725 ILCS 120/3) (from Ch. 38, par. 1403)

13 Sec. 3. The terms used in this Act shall have the following
14 meanings:

15 (a) "Crime victim" or "victim" means: (1) any natural
16 person determined by the prosecutor or the court to have
17 suffered direct physical or psychological harm as a result of
18 a violent crime perpetrated or attempted against that person
19 or direct physical or psychological harm as a result of (i) a
20 violation of Section 11-501 of the Illinois Vehicle Code or
21 similar provision of a local ordinance or (ii) a violation of
22 Section 9-3 of the Criminal Code of 1961 or the Criminal Code

1 of 2012; (2) in the case of a crime victim who is under 18
2 years of age or an adult victim who is incompetent or
3 incapacitated, both parents, legal guardians, foster parents,
4 or a single adult representative; (3) in the case of an adult
5 deceased victim, 2 representatives who may be the spouse,
6 parent, child or sibling of the victim, or the representative
7 of the victim's estate; and (4) an immediate family member of a
8 victim under clause (1) of this paragraph (a) chosen by the
9 victim. If the victim is 18 years of age or over, the victim
10 may choose any person to be the victim's representative. In no
11 event shall the defendant or any person who aided and abetted
12 in the commission of the crime be considered a victim, a crime
13 victim, or a representative of the victim.

14 A board, agency, or other governmental entity making
15 decisions regarding an offender's release, sentence reduction,
16 or clemency can determine additional persons are victims for
17 the purpose of its proceedings.

18 (a-3) "Advocate" means a person whose communications with
19 the victim are privileged under Section 8-802.1 or 8-802.2 of
20 the Code of Civil Procedure, or Section 227 of the Illinois
21 Domestic Violence Act of 1986.

22 (a-5) "Confer" means to consult together, share
23 information, compare opinions and carry on a discussion or
24 deliberation.

25 (a-7) "Sentence" includes, but is not limited to, the
26 imposition of sentence, a request for a reduction in sentence,

1 parole, mandatory supervised release, aftercare release, early
2 release, inpatient treatment, outpatient treatment,
3 conditional release after a finding that the defendant is not
4 guilty by reason of insanity, clemency, or a proposal that
5 would reduce the defendant's sentence or result in the
6 defendant's release. "Early release" refers to a discretionary
7 release.

8 (a-9) "Sentencing" includes, but is not limited to, the
9 imposition of sentence and a request for a reduction in
10 sentence, parole, mandatory supervised release, aftercare
11 release, early release, consideration of inpatient treatment
12 or outpatient treatment, or conditional release after a
13 finding that the defendant is not guilty by reason of
14 insanity.

15 (a-10) "Status hearing" means a hearing designed to
16 provide information to the court, at which no motion of a
17 substantive nature and no constitutional or statutory right of
18 a crime victim is implicated or at issue.

19 (b) "Witness" means: any person who personally observed
20 the commission of a crime and who will testify on behalf of the
21 State of Illinois; or a person who will be called by the
22 prosecution to give testimony establishing a necessary nexus
23 between the offender and the violent crime.

24 (c) "Violent crime" means: (1) any felony in which force
25 or threat of force was used against the victim; (2) any offense
26 involving sexual exploitation, sexual conduct, or sexual

1 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
2 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
3 Criminal Code of 2012; (4) domestic battery or stalking; (5)
4 violation of an order of protection, a civil no contact order,
5 or a stalking no contact order; (6) any misdemeanor which
6 results in death or great bodily harm to the victim; or (7) any
7 violation of Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or Section 11-501 of the Illinois
9 Vehicle Code, or a similar provision of a local ordinance, if
10 the violation resulted in personal injury or death. "Violent
11 crime" includes any action committed by a juvenile that would
12 be a violent crime if committed by an adult. For the purposes
13 of this paragraph, "personal injury" shall include any Type A
14 injury as indicated on the traffic crash report completed by a
15 law enforcement officer that requires immediate professional
16 attention in either a doctor's office or medical facility. A
17 type A injury shall include severely bleeding wounds,
18 distorted extremities, and injuries that require the injured
19 party to be carried from the scene.

20 (d) (Blank).

21 (e) "Court proceedings" includes, but is not limited to,
22 the preliminary hearing, any post-arraignment hearing the
23 effect of which may be the release of the defendant from
24 custody or to alter the conditions of bond, change of plea
25 hearing, the trial, any pretrial or post-trial hearing,
26 sentencing, any oral argument or hearing before an Illinois

1 appellate court, any hearing under the Mental Health and
2 Developmental Disabilities Code or Section 5-2-4 of the
3 Unified Code of Corrections after a finding that the defendant
4 is not guilty by reason of insanity, including a hearing for
5 conditional release, any hearing related to a modification of
6 sentence, probation revocation hearing, aftercare release or
7 parole hearings, post-conviction relief proceedings, habeas
8 corpus proceedings and clemency proceedings related to the
9 defendant's conviction or sentence. For purposes of the
10 victim's right to be present, "court proceedings" does not
11 include (1) hearings under Section 109-1 of the Code of
12 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
13 ~~(2)~~ status hearings, or (4) ~~(3)~~ the issuance of an order or
14 decision of an Illinois court that dismisses a charge,
15 reverses a conviction, reduces a sentence, or releases an
16 offender under a court rule.

17 (f) "Concerned citizen" includes relatives of the victim,
18 friends of the victim, witnesses to the crime, or any other
19 person associated with the victim or prisoner.

20 (g) "Victim's attorney" means an attorney retained by the
21 victim for the purposes of asserting the victim's
22 constitutional and statutory rights. An attorney retained by
23 the victim means an attorney who is hired to represent the
24 victim at the victim's expense or an attorney who has agreed to
25 provide pro bono representation. Nothing in this statute
26 creates a right to counsel at public expense for a victim.

1 (h) "Support person" means a person chosen by a victim to
2 be present at court proceedings.

3 (Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

4 (725 ILCS 120/4) (from Ch. 38, par. 1404)

5 Sec. 4. Rights of crime victims.

6 (a) Crime victims shall have the following rights:

7 (1) The right to be treated with fairness and respect
8 for their dignity and privacy and to be free from
9 harassment, intimidation, and abuse throughout the
10 criminal justice process.

11 (1.5) The right to notice and to a hearing before a
12 court ruling on a request for access to any of the victim's
13 records, information, or communications which are
14 privileged or confidential by law.

15 (2) The right to timely notification of all court
16 proceedings.

17 (3) The right to communicate with the prosecution.

18 (4) The right to be heard at any post-arraignment
19 court proceeding in which a right of the victim is at issue
20 and any court proceeding involving a post-arraignment
21 release decision, plea, or sentencing.

22 (5) The right to be notified of the conviction, the
23 sentence, the imprisonment and the release of the accused.

24 (6) The right to the timely disposition of the case
25 following the arrest of the accused.

1 (7) The right to be reasonably protected from the
2 accused through the criminal justice process.

3 (7.5) The right to have the safety of the victim and
4 the victim's family considered in denying or fixing the
5 amount of bail, determining whether to release the
6 defendant, and setting conditions of release after arrest
7 and conviction.

8 (8) The right to be present at the trial and all other
9 court proceedings on the same basis as the accused, unless
10 the victim is to testify and the court determines that the
11 victim's testimony would be materially affected if the
12 victim hears other testimony at the trial.

13 (9) The right to have present at all court
14 proceedings, including proceedings under the Juvenile
15 Court Act of 1987, subject to the rules of evidence, an
16 advocate and other support person of the victim's choice.

17 (10) The right to restitution.

18 (b) Any law enforcement agency that investigates an
19 offense committed in this State shall provide a crime victim
20 with a written statement and explanation of the rights of
21 crime victims under this amendatory Act of the 99th General
22 Assembly within 48 hours of law enforcement's initial contact
23 with a victim. The statement shall include information about
24 crime victim compensation, including how to contact the Office
25 of the Illinois Attorney General to file a claim, and
26 appropriate referrals to local and State programs that provide

1 victim services. The content of the statement shall be
2 provided to law enforcement by the Attorney General. Law
3 enforcement shall also provide a crime victim with a sign-off
4 sheet that the victim shall sign and date as an
5 acknowledgement that he or she has been furnished with
6 information and an explanation of the rights of crime victims
7 and compensation set forth in this Act.

8 (b-5) Upon the request of the victim, the law enforcement
9 agency having jurisdiction shall provide a free copy of the
10 police report concerning the victim's incident, as soon as
11 practicable, but in no event later than 5 business days from
12 the request.

13 (c) The Clerk of the Circuit Court shall post the rights of
14 crime victims set forth in Article I, Section 8.1(a) of the
15 Illinois Constitution and subsection (a) of this Section
16 within 3 feet of the door to any courtroom where criminal
17 proceedings are conducted. The clerk may also post the rights
18 in other locations in the courthouse.

19 (d) At any point, the victim has the right to retain a
20 victim's attorney who may be present during all stages of any
21 interview, investigation, or other interaction with
22 representatives of the criminal justice system. Treatment of
23 the victim should not be affected or altered in any way as a
24 result of the victim's decision to exercise this right.

25 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

1 (725 ILCS 120/4.5)

2 Sec. 4.5. Procedures to implement the rights of crime
3 victims. To afford crime victims their rights, law
4 enforcement, prosecutors, judges, and corrections will provide
5 information, as appropriate, of the following procedures:

6 (a) At the request of the crime victim, law enforcement
7 authorities investigating the case shall provide notice of the
8 status of the investigation, except where the State's Attorney
9 determines that disclosure of such information would
10 unreasonably interfere with the investigation, until such time
11 as the alleged assailant is apprehended or the investigation
12 is closed.

13 (a-5) When law enforcement authorities reopen a closed
14 case to resume investigating, they shall provide notice of the
15 reopening of the case, except where the State's Attorney
16 determines that disclosure of such information would
17 unreasonably interfere with the investigation.

18 (b) The office of the State's Attorney:

19 (1) shall provide notice of the filing of an
20 information, the return of an indictment, or the filing of
21 a petition to adjudicate a minor as a delinquent for a
22 violent crime;

23 (2) shall provide timely notice of the date, time, and
24 place of court proceedings; of any change in the date,
25 time, and place of court proceedings; and of any
26 cancellation of court proceedings. Notice shall be

1 provided in sufficient time, wherever possible, for the
2 victim to make arrangements to attend or to prevent an
3 unnecessary appearance at court proceedings;

4 (3) or victim advocate personnel shall provide
5 information of social services and financial assistance
6 available for victims of crime, including information of
7 how to apply for these services and assistance;

8 (3.5) or victim advocate personnel shall provide
9 information about available victim services, including
10 referrals to programs, counselors, and agencies that
11 assist a victim to deal with trauma, loss, and grief;

12 (4) shall assist in having any stolen or other
13 personal property held by law enforcement authorities for
14 evidentiary or other purposes returned as expeditiously as
15 possible, pursuant to the procedures set out in Section
16 115-9 of the Code of Criminal Procedure of 1963;

17 (5) or victim advocate personnel shall provide
18 appropriate employer intercession services to ensure that
19 employers of victims will cooperate with the criminal
20 justice system in order to minimize an employee's loss of
21 pay and other benefits resulting from court appearances;

22 (6) shall provide, whenever possible, a secure waiting
23 area during court proceedings that does not require
24 victims to be in close proximity to defendants or
25 juveniles accused of a violent crime, and their families
26 and friends;

1 (7) shall provide notice to the crime victim of the
2 right to have a translator present at all court
3 proceedings and, in compliance with the federal Americans
4 with Disabilities Act of 1990, the right to communications
5 access through a sign language interpreter or by other
6 means;

7 (8) (blank);

8 (8.5) shall inform the victim of the right to be
9 present at all court proceedings, unless the victim is to
10 testify and the court determines that the victim's
11 testimony would be materially affected if the victim hears
12 other testimony at trial;

13 (9) shall inform the victim of the right to have
14 present at all court proceedings, subject to the rules of
15 evidence and confidentiality, an advocate and other
16 support person of the victim's choice;

17 (9.3) shall inform the victim of the right to retain
18 an attorney, at the victim's own expense, who, upon
19 written notice filed with the clerk of the court and
20 State's Attorney, is to receive copies of all notices,
21 motions, and court orders filed thereafter in the case, in
22 the same manner as if the victim were a named party in the
23 case;

24 (9.5) shall inform the victim of (A) the victim's
25 right under Section 6 of this Act to make a statement at
26 the sentencing hearing; (B) the right of the victim's

1 spouse, guardian, parent, grandparent, and other immediate
2 family and household members under Section 6 of this Act
3 to present a statement at sentencing; and (C) if a
4 presentence report is to be prepared, the right of the
5 victim's spouse, guardian, parent, grandparent, and other
6 immediate family and household members to submit
7 information to the preparer of the presentence report
8 about the effect the offense has had on the victim and the
9 person;

10 (10) at the sentencing shall make a good faith attempt
11 to explain the minimum amount of time during which the
12 defendant may actually be physically imprisoned. The
13 Office of the State's Attorney shall further notify the
14 crime victim of the right to request from the Prisoner
15 Review Board or Department of Juvenile Justice information
16 concerning the release of the defendant;

17 (11) shall request restitution at sentencing and as
18 part of a plea agreement if the victim requests
19 restitution;

20 (12) shall, upon the court entering a verdict of not
21 guilty by reason of insanity, inform the victim of the
22 notification services available from the Department of
23 Human Services, including the statewide telephone number,
24 under subparagraph (d) (2) of this Section;

25 (13) shall provide notice within a reasonable time
26 after receipt of notice from the custodian, of the release

1 of the defendant on ~~pretrial release~~ bail or personal
2 recognizance or the release from detention of a minor who
3 has been detained;

4 (14) shall explain in nontechnical language the
5 details of any plea or verdict of a defendant, or any
6 adjudication of a juvenile as a delinquent;

7 (15) shall make all reasonable efforts to consult with
8 the crime victim before the Office of the State's Attorney
9 makes an offer of a plea bargain to the defendant or enters
10 into negotiations with the defendant concerning a possible
11 plea agreement, and shall consider the written statement,
12 if prepared prior to entering into a plea agreement. The
13 right to consult with the prosecutor does not include the
14 right to veto a plea agreement or to insist the case go to
15 trial. If the State's Attorney has not consulted with the
16 victim prior to making an offer or entering into plea
17 negotiations with the defendant, the Office of the State's
18 Attorney shall notify the victim of the offer or the
19 negotiations within 2 business days and confer with the
20 victim;

21 (16) shall provide notice of the ultimate disposition
22 of the cases arising from an indictment or an information,
23 or a petition to have a juvenile adjudicated as a
24 delinquent for a violent crime;

25 (17) shall provide notice of any appeal taken by the
26 defendant and information on how to contact the

1 appropriate agency handling the appeal, and how to request
2 notice of any hearing, oral argument, or decision of an
3 appellate court;

4 (18) shall provide timely notice of any request for
5 post-conviction review filed by the defendant under
6 Article 122 of the Code of Criminal Procedure of 1963, and
7 of the date, time and place of any hearing concerning the
8 petition. Whenever possible, notice of the hearing shall
9 be given within 48 hours of the court's scheduling of the
10 hearing;

11 (19) shall forward a copy of any statement presented
12 under Section 6 to the Prisoner Review Board or Department
13 of Juvenile Justice to be considered in making a
14 determination under Section 3-2.5-85 or subsection (b) of
15 Section 3-3-8 of the Unified Code of Corrections;

16 (20) shall, within a reasonable time, offer to meet
17 with the crime victim regarding the decision of the
18 State's Attorney not to charge an offense, and shall meet
19 with the victim, if the victim agrees. The victim has a
20 right to have an attorney, advocate, and other support
21 person of the victim's choice attend this meeting with the
22 victim; and

23 (21) shall give the crime victim timely notice of any
24 decision not to pursue charges and consider the safety of
25 the victim when deciding how to give such notice.

26 (c) The court shall ensure that the rights of the victim

1 are afforded.

2 (c-5) The following procedures shall be followed to afford
3 victims the rights guaranteed by Article I, Section 8.1 of the
4 Illinois Constitution:

5 (1) Written notice. A victim may complete a written
6 notice of intent to assert rights on a form prepared by the
7 Office of the Attorney General and provided to the victim
8 by the State's Attorney. The victim may at any time
9 provide a revised written notice to the State's Attorney.
10 The State's Attorney shall file the written notice with
11 the court. At the beginning of any court proceeding in
12 which the right of a victim may be at issue, the court and
13 prosecutor shall review the written notice to determine
14 whether the victim has asserted the right that may be at
15 issue.

16 (2) Victim's retained attorney. A victim's attorney
17 shall file an entry of appearance limited to assertion of
18 the victim's rights. Upon the filing of the entry of
19 appearance and service on the State's Attorney and the
20 defendant, the attorney is to receive copies of all
21 notices, motions and court orders filed thereafter in the
22 case.

23 (3) Standing. The victim has standing to assert the
24 rights enumerated in subsection (a) of Article I, Section
25 8.1 of the Illinois Constitution and the statutory rights
26 under Section 4 of this Act in any court exercising

1 jurisdiction over the criminal case. The prosecuting
2 attorney, a victim, or the victim's retained attorney may
3 assert the victim's rights. The defendant in the criminal
4 case has no standing to assert a right of the victim in any
5 court proceeding, including on appeal.

6 (4) Assertion of and enforcement of rights.

7 (A) The prosecuting attorney shall assert a
8 victim's right or request enforcement of a right by
9 filing a motion or by orally asserting the right or
10 requesting enforcement in open court in the criminal
11 case outside the presence of the jury. The prosecuting
12 attorney shall consult with the victim and the
13 victim's attorney regarding the assertion or
14 enforcement of a right. If the prosecuting attorney
15 decides not to assert or enforce a victim's right, the
16 prosecuting attorney shall notify the victim or the
17 victim's attorney in sufficient time to allow the
18 victim or the victim's attorney to assert the right or
19 to seek enforcement of a right.

20 (B) If the prosecuting attorney elects not to
21 assert a victim's right or to seek enforcement of a
22 right, the victim or the victim's attorney may assert
23 the victim's right or request enforcement of a right
24 by filing a motion or by orally asserting the right or
25 requesting enforcement in open court in the criminal
26 case outside the presence of the jury.

1 (C) If the prosecuting attorney asserts a victim's
2 right or seeks enforcement of a right, unless the
3 prosecuting attorney objects or the trial court does
4 not allow it, the victim or the victim's attorney may
5 be heard regarding the prosecuting attorney's motion
6 or may file a simultaneous motion to assert or request
7 enforcement of the victim's right. If the victim or
8 the victim's attorney was not allowed to be heard at
9 the hearing regarding the prosecuting attorney's
10 motion, and the court denies the prosecuting
11 attorney's assertion of the right or denies the
12 request for enforcement of a right, the victim or
13 victim's attorney may file a motion to assert the
14 victim's right or to request enforcement of the right
15 within 10 days of the court's ruling. The motion need
16 not demonstrate the grounds for a motion for
17 reconsideration. The court shall rule on the merits of
18 the motion.

19 (D) The court shall take up and decide any motion
20 or request asserting or seeking enforcement of a
21 victim's right without delay, unless a specific time
22 period is specified by law or court rule. The reasons
23 for any decision denying the motion or request shall
24 be clearly stated on the record.

25 (E) No later than January 1, 2023, the Office of
26 the Attorney General shall:

1 (i) designate an administrative authority
2 within the Office of the Attorney General to
3 receive and investigate complaints relating to the
4 provision or violation of the rights of a crime
5 victim as described in Article I, Section 8.1 of
6 the Illinois Constitution and in this Act;

7 (ii) create and administer a course of
8 training for employees and offices of the State of
9 Illinois that fail to comply with provisions of
10 Illinois law pertaining to the treatment of crime
11 victims as described in Article I, Section 8.1 of
12 the Illinois Constitution and in this Act as
13 required by the court under Section 5 of this Act;
14 and

15 (iii) have the authority to make
16 recommendations to employees and offices of the
17 State of Illinois to respond more effectively to
18 the needs of crime victims, including regarding
19 the violation of the rights of a crime victim.

20 (F) Crime victims' rights may also be asserted by
21 filing a complaint for mandamus, injunctive, or
22 declaratory relief in the jurisdiction in which the
23 victim's right is being violated or where the crime is
24 being prosecuted. For complaints or motions filed by
25 or on behalf of the victim, the clerk of court shall
26 waive filing fees that would otherwise be owed by the

1 victim for any court filing with the purpose of
2 enforcing crime victims' rights. If the court denies
3 the relief sought by the victim, the reasons for the
4 denial shall be clearly stated on the record in the
5 transcript of the proceedings, in a written opinion,
6 or in the docket entry, and the victim may appeal the
7 circuit court's decision to the appellate court. The
8 court shall issue prompt rulings regarding victims'
9 rights. Proceedings seeking to enforce victims' rights
10 shall not be stayed or subject to unreasonable delay
11 via continuances.

12 (5) Violation of rights and remedies.

13 (A) If the court determines that a victim's right
14 has been violated, the court shall determine the
15 appropriate remedy for the violation of the victim's
16 right by hearing from the victim and the parties,
17 considering all factors relevant to the issue, and
18 then awarding appropriate relief to the victim.

19 (A-5) Consideration of an issue of a substantive
20 nature or an issue that implicates the constitutional
21 or statutory right of a victim at a court proceeding
22 labeled as a status hearing shall constitute a per se
23 violation of a victim's right.

24 (B) The appropriate remedy shall include only
25 actions necessary to provide the victim the right to
26 which the victim was entitled. Remedies may include,

1 but are not limited to: injunctive relief requiring
2 the victim's right to be afforded; declaratory
3 judgment recognizing or clarifying the victim's
4 rights; a writ of mandamus; and may include reopening
5 previously held proceedings; however, in no event
6 shall the court vacate a conviction. Any remedy shall
7 be tailored to provide the victim an appropriate
8 remedy without violating any constitutional right of
9 the defendant. In no event shall the appropriate
10 remedy to the victim be a new trial or damages.

11 The court shall impose a mandatory training course
12 provided by the Attorney General for the employee under
13 item (ii) of subparagraph (E) of paragraph (4), which must
14 be successfully completed within 6 months of the entry of
15 the court order.

16 This paragraph (5) takes effect January 2, 2023.

17 (6) Right to be heard. Whenever a victim has the right
18 to be heard, the court shall allow the victim to exercise
19 the right in any reasonable manner the victim chooses.

20 (7) Right to attend trial. A party must file a written
21 motion to exclude a victim from trial at least 60 days
22 prior to the date set for trial. The motion must state with
23 specificity the reason exclusion is necessary to protect a
24 constitutional right of the party, and must contain an
25 offer of proof. The court shall rule on the motion within
26 30 days. If the motion is granted, the court shall set

1 forth on the record the facts that support its finding
2 that the victim's testimony will be materially affected if
3 the victim hears other testimony at trial.

4 (8) Right to have advocate and support person present
5 at court proceedings.

6 (A) A party who intends to call an advocate as a
7 witness at trial must seek permission of the court
8 before the subpoena is issued. The party must file a
9 written motion at least 90 days before trial that sets
10 forth specifically the issues on which the advocate's
11 testimony is sought and an offer of proof regarding
12 (i) the content of the anticipated testimony of the
13 advocate; and (ii) the relevance, admissibility, and
14 materiality of the anticipated testimony. The court
15 shall consider the motion and make findings within 30
16 days of the filing of the motion. If the court finds by
17 a preponderance of the evidence that: (i) the
18 anticipated testimony is not protected by an absolute
19 privilege; and (ii) the anticipated testimony contains
20 relevant, admissible, and material evidence that is
21 not available through other witnesses or evidence, the
22 court shall issue a subpoena requiring the advocate to
23 appear to testify at an in camera hearing. The
24 prosecuting attorney and the victim shall have 15 days
25 to seek appellate review before the advocate is
26 required to testify at an ex parte in camera

1 proceeding.

2 The prosecuting attorney, the victim, and the
3 advocate's attorney shall be allowed to be present at
4 the ex parte in camera proceeding. If, after
5 conducting the ex parte in camera hearing, the court
6 determines that due process requires any testimony
7 regarding confidential or privileged information or
8 communications, the court shall provide to the
9 prosecuting attorney, the victim, and the advocate's
10 attorney a written memorandum on the substance of the
11 advocate's testimony. The prosecuting attorney, the
12 victim, and the advocate's attorney shall have 15 days
13 to seek appellate review before a subpoena may be
14 issued for the advocate to testify at trial. The
15 presence of the prosecuting attorney at the ex parte
16 in camera proceeding does not make the substance of
17 the advocate's testimony that the court has ruled
18 inadmissible subject to discovery.

19 (B) If a victim has asserted the right to have a
20 support person present at the court proceedings, the
21 victim shall provide the name of the person the victim
22 has chosen to be the victim's support person to the
23 prosecuting attorney, within 60 days of trial. The
24 prosecuting attorney shall provide the name to the
25 defendant. If the defendant intends to call the
26 support person as a witness at trial, the defendant

1 must seek permission of the court before a subpoena is
2 issued. The defendant must file a written motion at
3 least 45 days prior to trial that sets forth
4 specifically the issues on which the support person
5 will testify and an offer of proof regarding: (i) the
6 content of the anticipated testimony of the support
7 person; and (ii) the relevance, admissibility, and
8 materiality of the anticipated testimony.

9 If the prosecuting attorney intends to call the
10 support person as a witness during the State's
11 case-in-chief, the prosecuting attorney shall inform
12 the court of this intent in the response to the
13 defendant's written motion. The victim may choose a
14 different person to be the victim's support person.
15 The court may allow the defendant to inquire about
16 matters outside the scope of the direct examination
17 during cross-examination. If the court allows the
18 defendant to do so, the support person shall be
19 allowed to remain in the courtroom after the support
20 person has testified. A defendant who fails to
21 question the support person about matters outside the
22 scope of direct examination during the State's
23 case-in-chief waives the right to challenge the
24 presence of the support person on appeal. The court
25 shall allow the support person to testify if called as
26 a witness in the defendant's case-in-chief or the

1 State's rebuttal.

2 If the court does not allow the defendant to
3 inquire about matters outside the scope of the direct
4 examination, the support person shall be allowed to
5 remain in the courtroom after the support person has
6 been called by the defendant or the defendant has
7 rested. The court shall allow the support person to
8 testify in the State's rebuttal.

9 If the prosecuting attorney does not intend to
10 call the support person in the State's case-in-chief,
11 the court shall verify with the support person whether
12 the support person, if called as a witness, would
13 testify as set forth in the offer of proof. If the
14 court finds that the support person would testify as
15 set forth in the offer of proof, the court shall rule
16 on the relevance, materiality, and admissibility of
17 the anticipated testimony. If the court rules the
18 anticipated testimony is admissible, the court shall
19 issue the subpoena. The support person may remain in
20 the courtroom after the support person testifies and
21 shall be allowed to testify in rebuttal.

22 If the court excludes the victim's support person
23 during the State's case-in-chief, the victim shall be
24 allowed to choose another support person to be present
25 in court.

26 If the victim fails to designate a support person

1 within 60 days of trial and the defendant has
2 subpoenaed the support person to testify at trial, the
3 court may exclude the support person from the trial
4 until the support person testifies. If the court
5 excludes the support person the victim may choose
6 another person as a support person.

7 (9) Right to notice and hearing before disclosure of
8 confidential or privileged information or records.

9 (A) A defendant who seeks to subpoena testimony or
10 records of or concerning the victim that are
11 confidential or privileged by law must seek permission
12 of the court before the subpoena is issued. The
13 defendant must file a written motion and an offer of
14 proof regarding the relevance, admissibility and
15 materiality of the testimony or records. If the court
16 finds by a preponderance of the evidence that:

17 (i) the testimony or records are not protected
18 by an absolute privilege and

19 (ii) the testimony or records contain
20 relevant, admissible, and material evidence that
21 is not available through other witnesses or
22 evidence, the court shall issue a subpoena
23 requiring the witness to appear in camera or a
24 sealed copy of the records be delivered to the
25 court to be reviewed in camera. If, after
26 conducting an in camera review of the witness

1 statement or records, the court determines that
2 due process requires disclosure of any potential
3 testimony or any portion of the records, the court
4 shall provide copies of the records that it
5 intends to disclose to the prosecuting attorney
6 and the victim. The prosecuting attorney and the
7 victim shall have 30 days to seek appellate review
8 before the records are disclosed to the defendant,
9 used in any court proceeding, or disclosed to
10 anyone or in any way that would subject the
11 testimony or records to public review. The
12 disclosure of copies of any portion of the
13 testimony or records to the prosecuting attorney
14 under this Section does not make the records
15 subject to discovery or required to be provided to
16 the defendant.

17 (B) A prosecuting attorney who seeks to subpoena
18 information or records concerning the victim that are
19 confidential or privileged by law must first request
20 the written consent of the crime victim. If the victim
21 does not provide such written consent, including where
22 necessary the appropriate signed document required for
23 waiving privilege, the prosecuting attorney must serve
24 the subpoena at least 21 days prior to the date a
25 response or appearance is required to allow the
26 subject of the subpoena time to file a motion to quash

1 or request a hearing. The prosecuting attorney must
2 also send a written notice to the victim at least 21
3 days prior to the response date to allow the victim to
4 file a motion or request a hearing. The notice to the
5 victim shall inform the victim (i) that a subpoena has
6 been issued for confidential information or records
7 concerning the victim, (ii) that the victim has the
8 right to request a hearing prior to the response date
9 of the subpoena, and (iii) how to request the hearing.
10 The notice to the victim shall also include a copy of
11 the subpoena. If requested, a hearing regarding the
12 subpoena shall occur before information or records are
13 provided to the prosecuting attorney.

14 (10) Right to notice of court proceedings. If the
15 victim is not present at a court proceeding in which a
16 right of the victim is at issue, the court shall ask the
17 prosecuting attorney whether the victim was notified of
18 the time, place, and purpose of the court proceeding and
19 that the victim had a right to be heard at the court
20 proceeding. If the court determines that timely notice was
21 not given or that the victim was not adequately informed
22 of the nature of the court proceeding, the court shall not
23 rule on any substantive issues, accept a plea, or impose a
24 sentence and shall continue the hearing for the time
25 necessary to notify the victim of the time, place and
26 nature of the court proceeding. The time between court

1 proceedings shall not be attributable to the State under
2 Section 103-5 of the Code of Criminal Procedure of 1963.

3 (11) Right to timely disposition of the case. A victim
4 has the right to timely disposition of the case so as to
5 minimize the stress, cost, and inconvenience resulting
6 from the victim's involvement in the case. Before ruling
7 on a motion to continue trial or other court proceeding,
8 the court shall inquire into the circumstances for the
9 request for the delay and, if the victim has provided
10 written notice of the assertion of the right to a timely
11 disposition, and whether the victim objects to the delay.
12 If the victim objects, the prosecutor shall inform the
13 court of the victim's objections. If the prosecutor has
14 not conferred with the victim about the continuance, the
15 prosecutor shall inform the court of the attempts to
16 confer. If the court finds the attempts of the prosecutor
17 to confer with the victim were inadequate to protect the
18 victim's right to be heard, the court shall give the
19 prosecutor at least 3 but not more than 5 business days to
20 confer with the victim. In ruling on a motion to continue,
21 the court shall consider the reasons for the requested
22 continuance, the number and length of continuances that
23 have been granted, the victim's objections and procedures
24 to avoid further delays. If a continuance is granted over
25 the victim's objection, the court shall specify on the
26 record the reasons for the continuance and the procedures

1 that have been or will be taken to avoid further delays.

2 (12) Right to Restitution.

3 (A) If the victim has asserted the right to
4 restitution and the amount of restitution is known at
5 the time of sentencing, the court shall enter the
6 judgment of restitution at the time of sentencing.

7 (B) If the victim has asserted the right to
8 restitution and the amount of restitution is not known
9 at the time of sentencing, the prosecutor shall,
10 within 5 days after sentencing, notify the victim what
11 information and documentation related to restitution
12 is needed and that the information and documentation
13 must be provided to the prosecutor within 45 days
14 after sentencing. Failure to timely provide
15 information and documentation related to restitution
16 shall be deemed a waiver of the right to restitution.
17 The prosecutor shall file and serve within 60 days
18 after sentencing a proposed judgment for restitution
19 and a notice that includes information concerning the
20 identity of any victims or other persons seeking
21 restitution, whether any victim or other person
22 expressly declines restitution, the nature and amount
23 of any damages together with any supporting
24 documentation, a restitution amount recommendation,
25 and the names of any co-defendants and their case
26 numbers. Within 30 days after receipt of the proposed

1 judgment for restitution, the defendant shall file any
2 objection to the proposed judgment, a statement of
3 grounds for the objection, and a financial statement.
4 If the defendant does not file an objection, the court
5 may enter the judgment for restitution without further
6 proceedings. If the defendant files an objection and
7 either party requests a hearing, the court shall
8 schedule a hearing.

9 (13) Access to presentence reports.

10 (A) The victim may request a copy of the
11 presentence report prepared under the Unified Code of
12 Corrections from the State's Attorney. The State's
13 Attorney shall redact the following information before
14 providing a copy of the report:

15 (i) the defendant's mental history and
16 condition;

17 (ii) any evaluation prepared under subsection
18 (b) or (b-5) of Section 5-3-2; and

19 (iii) the name, address, phone number, and
20 other personal information about any other victim.

21 (B) The State's Attorney or the defendant may
22 request the court redact other information in the
23 report that may endanger the safety of any person.

24 (C) The State's Attorney may orally disclose to
25 the victim any of the information that has been
26 redacted if there is a reasonable likelihood that the

1 information will be stated in court at the sentencing.

2 (D) The State's Attorney must advise the victim
3 that the victim must maintain the confidentiality of
4 the report and other information. Any dissemination of
5 the report or information that was not stated at a
6 court proceeding constitutes indirect criminal
7 contempt of court.

8 (14) Appellate relief. If the trial court denies the
9 relief requested, the victim, the victim's attorney, or
10 the prosecuting attorney may file an appeal within 30 days
11 of the trial court's ruling. The trial or appellate court
12 may stay the court proceedings if the court finds that a
13 stay would not violate a constitutional right of the
14 defendant. If the appellate court denies the relief
15 sought, the reasons for the denial shall be clearly stated
16 in a written opinion. In any appeal in a criminal case, the
17 State may assert as error the court's denial of any crime
18 victim's right in the proceeding to which the appeal
19 relates.

20 (15) Limitation on appellate relief. In no case shall
21 an appellate court provide a new trial to remedy the
22 violation of a victim's right.

23 (16) The right to be reasonably protected from the
24 accused throughout the criminal justice process and the
25 right to have the safety of the victim and the victim's
26 family considered in denying or fixing the amount of bail,

1 determining whether to release the defendant, and setting
2 conditions of release after arrest and conviction. A
3 victim of domestic violence, a sexual offense, or stalking
4 may request the entry of a protective order under Article
5 112A of the Code of Criminal Procedure of 1963.

6 (d) Procedures after the imposition of sentence.

7 (1) The Prisoner Review Board shall inform a victim or
8 any other concerned citizen, upon written request, of the
9 prisoner's release on parole, mandatory supervised
10 release, electronic detention, work release, international
11 transfer or exchange, or by the custodian, other than the
12 Department of Juvenile Justice, of the discharge of any
13 individual who was adjudicated a delinquent for a crime
14 from State custody and by the sheriff of the appropriate
15 county of any such person's final discharge from county
16 custody. The Prisoner Review Board, upon written request,
17 shall provide to a victim or any other concerned citizen a
18 recent photograph of any person convicted of a felony,
19 upon his or her release from custody. The Prisoner Review
20 Board, upon written request, shall inform a victim or any
21 other concerned citizen when feasible at least 7 days
22 prior to the prisoner's release on furlough of the times
23 and dates of such furlough. Upon written request by the
24 victim or any other concerned citizen, the State's
25 Attorney shall notify the person once of the times and
26 dates of release of a prisoner sentenced to periodic

1 imprisonment. Notification shall be based on the most
2 recent information as to the victim's or other concerned
3 citizen's residence or other location available to the
4 notifying authority.

5 (2) When the defendant has been committed to the
6 Department of Human Services pursuant to Section 5-2-4 or
7 any other provision of the Unified Code of Corrections,
8 the victim may request to be notified by the releasing
9 authority of the approval by the court of an on-grounds
10 pass, a supervised off-grounds pass, an unsupervised
11 off-grounds pass, or conditional release; the release on
12 an off-grounds pass; the return from an off-grounds pass;
13 transfer to another facility; conditional release; escape;
14 death; or final discharge from State custody. The
15 Department of Human Services shall establish and maintain
16 a statewide telephone number to be used by victims to make
17 notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile
22 Justice immediately shall notify the Prisoner Review Board
23 of the escape and the Prisoner Review Board shall notify
24 the victim. The notification shall be based upon the most
25 recent information as to the victim's residence or other
26 location available to the Board. When no such information

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall
6 notify the victim.

7 (4) The victim of the crime for which the prisoner has
8 been sentenced has the right to register with the Prisoner
9 Review Board's victim registry. Victims registered with
10 the Board shall receive reasonable written notice not less
11 than 30 days prior to the parole hearing or target
12 aftercare release date. The victim has the right to submit
13 a victim statement for consideration by the Prisoner
14 Review Board or the Department of Juvenile Justice in
15 writing, on film, videotape, or other electronic means, or
16 in the form of a recording prior to the parole hearing or
17 target aftercare release date, or in person at the parole
18 hearing or aftercare release protest hearing, or by
19 calling the toll-free number established in subsection (f)
20 of this Section. The victim shall be notified within 7
21 days after the prisoner has been granted parole or
22 aftercare release and shall be informed of the right to
23 inspect the registry of parole decisions, established
24 under subsection (g) of Section 3-3-5 of the Unified Code
25 of Corrections. The provisions of this paragraph (4) are
26 subject to the Open Parole Hearings Act. Victim statements

1 provided to the Board shall be confidential and
2 privileged, including any statements received prior to
3 January 1, 2020 (the effective date of Public Act
4 101-288), except if the statement was an oral statement
5 made by the victim at a hearing open to the public.

6 (4-1) The crime victim has the right to submit a
7 victim statement for consideration by the Prisoner Review
8 Board or the Department of Juvenile Justice prior to or at
9 a hearing to determine the conditions of mandatory
10 supervised release of a person sentenced to a determinate
11 sentence or at a hearing on revocation of mandatory
12 supervised release of a person sentenced to a determinate
13 sentence. A victim statement may be submitted in writing,
14 on film, videotape, or other electronic means, or in the
15 form of a recording, or orally at a hearing, or by calling
16 the toll-free number established in subsection (f) of this
17 Section. Victim statements provided to the Board shall be
18 confidential and privileged, including any statements
19 received prior to January 1, 2020 (the effective date of
20 Public Act 101-288), except if the statement was an oral
21 statement made by the victim at a hearing open to the
22 public.

23 (4-2) The crime victim has the right to submit a
24 victim statement to the Prisoner Review Board for
25 consideration at an executive clemency hearing as provided
26 in Section 3-3-13 of the Unified Code of Corrections. A

1 victim statement may be submitted in writing, on film,
2 videotape, or other electronic means, or in the form of a
3 recording prior to a hearing, or orally at a hearing, or by
4 calling the toll-free number established in subsection (f)
5 of this Section. Victim statements provided to the Board
6 shall be confidential and privileged, including any
7 statements received prior to January 1, 2020 (the
8 effective date of Public Act 101-288), except if the
9 statement was an oral statement made by the victim at a
10 hearing open to the public.

11 (5) If a statement is presented under Section 6, the
12 Prisoner Review Board or Department of Juvenile Justice
13 shall inform the victim of any order of discharge pursuant
14 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
15 Corrections.

16 (6) At the written or oral request of the victim of the
17 crime for which the prisoner was sentenced or the State's
18 Attorney of the county where the person seeking parole or
19 aftercare release was prosecuted, the Prisoner Review
20 Board or Department of Juvenile Justice shall notify the
21 victim and the State's Attorney of the county where the
22 person seeking parole or aftercare release was prosecuted
23 of the death of the prisoner if the prisoner died while on
24 parole or aftercare release or mandatory supervised
25 release.

26 (7) When a defendant who has been committed to the

1 Department of Corrections, the Department of Juvenile
2 Justice, or the Department of Human Services is released
3 or discharged and subsequently committed to the Department
4 of Human Services as a sexually violent person and the
5 victim had requested to be notified by the releasing
6 authority of the defendant's discharge, conditional
7 release, death, or escape from State custody, the
8 releasing authority shall provide to the Department of
9 Human Services such information that would allow the
10 Department of Human Services to contact the victim.

11 (8) When a defendant has been convicted of a sex
12 offense as defined in Section 2 of the Sex Offender
13 Registration Act and has been sentenced to the Department
14 of Corrections or the Department of Juvenile Justice, the
15 Prisoner Review Board or the Department of Juvenile
16 Justice shall notify the victim of the sex offense of the
17 prisoner's eligibility for release on parole, aftercare
18 release, mandatory supervised release, electronic
19 detention, work release, international transfer or
20 exchange, or by the custodian of the discharge of any
21 individual who was adjudicated a delinquent for a sex
22 offense from State custody and by the sheriff of the
23 appropriate county of any such person's final discharge
24 from county custody. The notification shall be made to the
25 victim at least 30 days, whenever possible, before release
26 of the sex offender.

1 (e) The officials named in this Section may satisfy some
2 or all of their obligations to provide notices and other
3 information through participation in a statewide victim and
4 witness notification system established by the Attorney
5 General under Section 8.5 of this Act.

6 (f) The Prisoner Review Board shall establish a toll-free
7 number that may be accessed by the crime victim to present a
8 victim statement to the Board in accordance with paragraphs
9 (4), (4-1), and (4-2) of subsection (d).

10 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
11 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
12 8-20-21; 102-813, eff. 5-13-22.)

13 Section 275. The Pretrial Services Act is amended by
14 changing Sections 7, 11, 19, 20, 22, and 34 as follows:

15 (725 ILCS 185/7) (from Ch. 38, par. 307)

16 Sec. 7. Pretrial services agencies shall perform the
17 following duties for the circuit court:

18 (a) Interview and assemble verified information and data
19 concerning the community ties, employment, residency, criminal
20 record, and social background of arrested persons who are to
21 be, or have been, presented in court for first appearance on
22 felony charges, to assist the court in determining the
23 appropriate terms and conditions of bail ~~pretrial release~~;

24 (b) Submit written reports of those investigations to the

1 court along with such findings and recommendations, if any, as
2 may be necessary to assess ~~appropriate conditions which shall~~
3 ~~be imposed to protect against the risks of nonappearance and~~
4 ~~commission of new offenses or other interference with the~~
5 ~~orderly administration of justice before trial;~~

6 (1) the need for financial security to assure the
7 defendant's appearance at later proceedings; and

8 (2) appropriate conditions which shall be imposed to
9 protect against the risks of nonappearance and commission of
10 new offenses or other interference with the orderly
11 administration of justice before trial;

12 (c) Supervise compliance with bail ~~pretrial release~~
13 conditions, and promptly report violations of those conditions
14 to the court and prosecutor to ~~ensure~~ assure effective
15 enforcement;

16 (d) Cooperate with the court and all other criminal
17 justice agencies in the development of programs to minimize
18 unnecessary pretrial detention and protect the public against
19 breaches of bail ~~pretrial release~~ conditions; and

20 (e) Monitor the local operations of the bail ~~pretrial~~
21 ~~release~~ system and maintain accurate and comprehensive records
22 of program activities.

23 (Source: P.A. 102-1104, eff. 1-1-23.)

24 (725 ILCS 185/11) (from Ch. 38, par. 311)

25 Sec. 11. No person shall be interviewed by a pretrial

1 services agency unless he or she has first been apprised of the
2 identity and purpose of the interviewer, the scope of the
3 interview, the right to secure legal advice, and the right to
4 refuse cooperation. Inquiry of the defendant shall carefully
5 exclude questions concerning the details of the current
6 charge. Statements made by the defendant during the interview,
7 or evidence derived therefrom, are admissible in evidence only
8 when the court is considering the imposition of pretrial or
9 posttrial conditions to bail or recognizance ~~of release,~~
10 ~~denial of pretrial release,~~ or when considering the
11 modification of a prior release order.

12 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

13 (725 ILCS 185/19) (from Ch. 38, par. 319)

14 Sec. 19. Written reports under Section 17 shall set forth
15 all factual findings on which any recommendation and
16 conclusions contained therein are based together with the
17 source of each fact, and shall contain information and data
18 relevant to ~~appropriate conditions imposed to protect against~~
19 ~~the risk of nonappearance and commission of new offenses or~~
20 ~~other interference with the orderly administration of justice~~
21 ~~before trial.~~ the following issues:

22 (a) The need for financial security to assure the
23 defendant's appearance for later court proceedings; and

24 (b) Appropriate conditions imposed to protect against the
25 risk of nonappearance and commission of new offenses or other

1 interference with the orderly administration of justice before
2 trial.

3 (Source: P.A. 102-1104, eff. 1-1-23.)

4 (725 ILCS 185/20) (from Ch. 38, par. 320)

5 Sec. 20. In preparing and presenting its written reports
6 under Sections 17 and 19, pretrial services agencies shall in
7 appropriate cases include specific recommendations for the
8 setting, increase, or decrease ~~the conditions of bail pretrial~~
9 ~~release~~; the release of the interviewee on his own
10 recognizance in sums certain; and the imposition of pretrial
11 conditions to bail ~~of pretrial release~~ or recognizance
12 designed to minimize the risks of nonappearance, the
13 commission of new offenses while awaiting trial, and other
14 potential interference with the orderly administration of
15 justice. In establishing objective internal criteria of any
16 such recommendation policies, the agency may utilize so-called
17 "point scales" for evaluating the aforementioned risks, but no
18 interviewee shall be considered as ineligible for particular
19 agency recommendations by sole reference to such procedures.

20 (Source: P.A. 101-652, eff. 1-1-23.)

21 (725 ILCS 185/22) (from Ch. 38, par. 322)

22 Sec. 22. If so ordered by the court, the pretrial services
23 agency shall prepare and submit for the court's approval and
24 signature a uniform release order on the uniform form

1 established by the Supreme Court in all cases where an
2 interviewee may be released from custody under conditions
3 contained in an agency report. Such conditions shall become
4 part of the conditions of the bail bond ~~pretrial release~~. A
5 copy of the uniform release order shall be provided to the
6 defendant and defendant's attorney of record, and the
7 prosecutor.

8 (Source: P.A. 101-652, eff. 1-1-23.)

9 (725 ILCS 185/34)

10 Sec. 34. Probation and court services departments
11 considered pretrial services agencies. For the purposes of
12 administering the provisions of Public Act 95-773, known as
13 the Cindy Bischof Law, all probation and court services
14 departments are to be considered pretrial services agencies
15 under this Act and under the bail bond ~~pretrial release~~
16 provisions of the Code of Criminal Procedure of 1963.

17 (Source: P.A. 101-652, eff. 1-1-23.)

18 Section 285. The Quasi-criminal and Misdemeanor Bail Act
19 is amended by changing the title of the Act and Sections 0.01,
20 1, 2, 3, and 5 as follows:

21 (725 ILCS 195/Act title)

22 An Act to authorize designated officers to let persons
23 charged with quasi-criminal offenses and misdemeanors to

1 ~~pretrial release~~ bail and to accept and receipt for fines on
2 pleas of guilty in minor offenses, in accordance with
3 schedules established by rule of court.

4 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

5 Sec. 0.01. Short title. This Act may be cited as the
6 Quasi-criminal and Misdemeanor Bail ~~Pretrial Release~~ Act.

7 (Source: P.A. 101-652, eff. 1-1-23.)

8 (725 ILCS 195/1) (from Ch. 16, par. 81)

9 Sec. 1. Whenever in any circuit there shall be in force a
10 rule or order of the Supreme Court establishing a uniform
11 schedule ~~form~~ prescribing the amounts of bail ~~conditions of~~
12 ~~pretrial release~~ for specified conservation cases, traffic
13 cases, quasi-criminal offenses and misdemeanors, any general
14 superintendent, chief, captain, lieutenant, or sergeant of
15 police, or other police officer, the sheriff, the circuit
16 clerk, and any deputy sheriff or deputy circuit clerk
17 designated by the Circuit Court for the purpose, are
18 authorized to let to bail ~~pretrial release~~ any person charged
19 with a quasi-criminal offense or misdemeanor and to accept and
20 receipt for bonds or cash bail in accordance with regulations
21 established by rule or order of the Supreme Court. Unless
22 otherwise provided by Supreme Court Rule, no such bail may be
23 posted or accepted in any place other than a police station,
24 sheriff's office or jail, or other county, municipal or other

1 building housing governmental units, or a division
2 headquarters building of the Illinois State Police. Bonds and
3 cash so received shall be delivered to the office of the
4 circuit clerk or that of his designated deputy as provided by
5 regulation. Such cash and securities so received shall be
6 delivered to the office of such clerk or deputy clerk within at
7 least 48 hours of receipt or within the time set for the
8 accused's appearance in court whichever is earliest.

9 In all cases where a person is admitted to bail under a
10 uniform schedule prescribing the amount of bail for specified
11 conservation cases, traffic cases, quasi-criminal offenses and
12 misdemeanors the provisions of Section 110-15.1 of the Code of
13 Criminal Procedure of 1963 shall be applicable.

14 (Source: P.A. 101-652, eff. 1-1-23.)

15 (725 ILCS 195/2) (from Ch. 16, par. 82)

16 Sec. 2. The conditions of the bail bond or deposit of cash
17 bail ~~pretrial release~~ shall be that the accused will appear to
18 answer the charge in court at a time and place specified in the
19 bond ~~pretrial release form~~ and thereafter as ordered by the
20 court until discharged on final order of the court and to
21 submit himself to the orders and process of the court. The
22 accused shall be furnished with an official receipt on a form
23 prescribed by rule of court for any cash or other security
24 deposited, and shall receive a copy of the bond ~~pretrial~~
25 ~~release form~~ specifying the time and place of his court

1 appearance.

2 Upon performance of the conditions of the bond ~~pretrial~~
3 ~~release~~, the bond ~~pretrial release form~~ shall be null and void
4 any cash bail or other security shall be returned to the
5 accused and any cash bail or other security shall be returned
6 to the accused ~~the accused shall be released from the~~
7 ~~conditions of pretrial release.~~

8 (Source: P.A. 101-652, eff. 1-1-23.)

9 (725 ILCS 195/3) (from Ch. 16, par. 83)

10 Sec. 3. In lieu of making bond or depositing cash bail as
11 provided in this Act or the deposit of other security
12 authorized by law ~~complying with the conditions of pretrial~~
13 ~~release~~, any accused person has the right to be brought
14 without unnecessary delay before the nearest or most
15 accessible judge of the circuit to be dealt with according to
16 law.

17 (Source: P.A. 101-652, eff. 1-1-23.)

18 (725 ILCS 195/5) (from Ch. 16, par. 85)

19 Sec. 5. Any person authorized to accept bail ~~pretrial~~
20 ~~release~~ or pleas of guilty by this Act who violates any
21 provision of this Act is guilty of a Class B misdemeanor.

22 (Source: P.A. 101-652, eff. 1-1-23.)

23 Section 290. The Unified Code of Corrections is amended by

1 changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and
2 8-2-1 as follows:

3 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)
4 Sec. 5-3-2. Presentence report.

5 (a) In felony cases, the presentence report shall set
6 forth:

7 (1) the defendant's history of delinquency or
8 criminality, physical and mental history and condition,
9 family situation and background, economic status,
10 education, occupation and personal habits;

11 (2) information about special resources within the
12 community which might be available to assist the
13 defendant's rehabilitation, including treatment centers,
14 residential facilities, vocational training services,
15 correctional manpower programs, employment opportunities,
16 special educational programs, alcohol and drug abuse
17 programming, psychiatric and marriage counseling, and
18 other programs and facilities which could aid the
19 defendant's successful reintegration into society;

20 (3) the effect the offense committed has had upon the
21 victim or victims thereof, and any compensatory benefit
22 that various sentencing alternatives would confer on such
23 victim or victims;

24 (3.5) information provided by the victim's spouse,
25 guardian, parent, grandparent, and other immediate family

1 and household members about the effect the offense
2 committed has had on the victim and on the person
3 providing the information; if the victim's spouse,
4 guardian, parent, grandparent, or other immediate family
5 or household member has provided a written statement, the
6 statement shall be attached to the report;

7 (4) information concerning the defendant's status
8 since arrest, including his record if released on his own
9 recognizance, or the defendant's achievement record if
10 released on a conditional pre-trial supervision program;

11 (5) when appropriate, a plan, based upon the personal,
12 economic and social adjustment needs of the defendant,
13 utilizing public and private community resources as an
14 alternative to institutional sentencing;

15 (6) any other matters that the investigatory officer
16 deems relevant or the court directs to be included;

17 (7) information concerning the defendant's eligibility
18 for a sentence to a county impact incarceration program
19 under Section 5-8-1.2 of this Code; and

20 (8) information concerning the defendant's eligibility
21 for a sentence to an impact incarceration program
22 administered by the Department under Section 5-8-1.1.

23 (b) The investigation shall include a physical and mental
24 examination of the defendant when so ordered by the court. If
25 the court determines that such an examination should be made,
26 it shall issue an order that the defendant submit to

1 examination at such time and place as designated by the court
2 and that such examination be conducted by a physician,
3 psychologist or psychiatrist designated by the court. Such an
4 examination may be conducted in a court clinic if so ordered by
5 the court. The cost of such examination shall be paid by the
6 county in which the trial is held.

7 (b-5) In cases involving felony sex offenses in which the
8 offender is being considered for probation only or any felony
9 offense that is sexually motivated as defined in the Sex
10 Offender Management Board Act in which the offender is being
11 considered for probation only, the investigation shall include
12 a sex offender evaluation by an evaluator approved by the
13 Board and conducted in conformance with the standards
14 developed under the Sex Offender Management Board Act. In
15 cases in which the offender is being considered for any
16 mandatory prison sentence, the investigation shall not include
17 a sex offender evaluation.

18 (c) In misdemeanor, business offense or petty offense
19 cases, except as specified in subsection (d) of this Section,
20 when a presentence report has been ordered by the court, such
21 presentence report shall contain information on the
22 defendant's history of delinquency or criminality and shall
23 further contain only those matters listed in any of paragraphs
24 (1) through (6) of subsection (a) or in subsection (b) of this
25 Section as are specified by the court in its order for the
26 report.

1 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
2 12-30 of the Criminal Code of 1961 or the Criminal Code of
3 2012, the presentence report shall set forth information about
4 alcohol, drug abuse, psychiatric, and marriage counseling or
5 other treatment programs and facilities, information on the
6 defendant's history of delinquency or criminality, and shall
7 contain those additional matters listed in any of paragraphs
8 (1) through (6) of subsection (a) or in subsection (b) of this
9 Section as are specified by the court.

10 (e) Nothing in this Section shall cause the defendant to
11 be held without ~~pretrial release~~ bail or to have his ~~pretrial~~
12 ~~release~~ bail revoked for the purpose of preparing the
13 presentence report or making an examination.

14 (Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23;
15 102-558, eff. 8-20-21.)

16 (730 ILCS 5/5-5-3.2)

17 Sec. 5-5-3.2. Factors in aggravation and extended-term
18 sentencing.

19 (a) The following factors shall be accorded weight in
20 favor of imposing a term of imprisonment or may be considered
21 by the court as reasons to impose a more severe sentence under
22 Section 5-8-1 or Article 4.5 of Chapter V:

23 (1) the defendant's conduct caused or threatened
24 serious harm;

25 (2) the defendant received compensation for committing

1 the offense;

2 (3) the defendant has a history of prior delinquency
3 or criminal activity;

4 (4) the defendant, by the duties of his office or by
5 his position, was obliged to prevent the particular
6 offense committed or to bring the offenders committing it
7 to justice;

8 (5) the defendant held public office at the time of
9 the offense, and the offense related to the conduct of
10 that office;

11 (6) the defendant utilized his professional reputation
12 or position in the community to commit the offense, or to
13 afford him an easier means of committing it;

14 (7) the sentence is necessary to deter others from
15 committing the same crime;

16 (8) the defendant committed the offense against a
17 person 60 years of age or older or such person's property;

18 (9) the defendant committed the offense against a
19 person who has a physical disability or such person's
20 property;

21 (10) by reason of another individual's actual or
22 perceived race, color, creed, religion, ancestry, gender,
23 sexual orientation, physical or mental disability, or
24 national origin, the defendant committed the offense
25 against (i) the person or property of that individual;
26 (ii) the person or property of a person who has an

1 association with, is married to, or has a friendship with
2 the other individual; or (iii) the person or property of a
3 relative (by blood or marriage) of a person described in
4 clause (i) or (ii). For the purposes of this Section,
5 "sexual orientation" has the meaning ascribed to it in
6 paragraph (0-1) of Section 1-103 of the Illinois Human
7 Rights Act;

8 (11) the offense took place in a place of worship or on
9 the grounds of a place of worship, immediately prior to,
10 during or immediately following worship services. For
11 purposes of this subparagraph, "place of worship" shall
12 mean any church, synagogue or other building, structure or
13 place used primarily for religious worship;

14 (12) the defendant was convicted of a felony committed
15 while he was released on bail ~~on pretrial release~~ or his
16 own recognizance pending trial for a prior felony and was
17 convicted of such prior felony, or the defendant was
18 convicted of a felony committed while he was serving a
19 period of probation, conditional discharge, or mandatory
20 supervised release under subsection (d) of Section 5-8-1
21 for a prior felony;

22 (13) the defendant committed or attempted to commit a
23 felony while he was wearing a bulletproof vest. For the
24 purposes of this paragraph (13), a bulletproof vest is any
25 device which is designed for the purpose of protecting the
26 wearer from bullets, shot or other lethal projectiles;

1 (14) the defendant held a position of trust or
2 supervision such as, but not limited to, family member as
3 defined in Section 11-0.1 of the Criminal Code of 2012,
4 teacher, scout leader, baby sitter, or day care worker, in
5 relation to a victim under 18 years of age, and the
6 defendant committed an offense in violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
8 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
10 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
11 or 12-16 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 against that victim;

13 (15) the defendant committed an offense related to the
14 activities of an organized gang. For the purposes of this
15 factor, "organized gang" has the meaning ascribed to it in
16 Section 10 of the Streetgang Terrorism Omnibus Prevention
17 Act;

18 (16) the defendant committed an offense in violation
19 of one of the following Sections while in a school,
20 regardless of the time of day or time of year; on any
21 conveyance owned, leased, or contracted by a school to
22 transport students to or from school or a school related
23 activity; on the real property of a school; or on a public
24 way within 1,000 feet of the real property comprising any
25 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,

1 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
2 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
3 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
4 for subdivision (a)(4) or (g)(1), of the Criminal Code of
5 1961 or the Criminal Code of 2012;

6 (16.5) the defendant committed an offense in violation
7 of one of the following Sections while in a day care
8 center, regardless of the time of day or time of year; on
9 the real property of a day care center, regardless of the
10 time of day or time of year; or on a public way within
11 1,000 feet of the real property comprising any day care
12 center, regardless of the time of day or time of year:
13 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
14 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 18-2, or 33A-2, or Section 12-3.05 except for subdivision
18 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
19 Criminal Code of 2012;

20 (17) the defendant committed the offense by reason of
21 any person's activity as a community policing volunteer or
22 to prevent any person from engaging in activity as a
23 community policing volunteer. For the purpose of this
24 Section, "community policing volunteer" has the meaning
25 ascribed to it in Section 2-3.5 of the Criminal Code of
26 2012;

1 (18) the defendant committed the offense in a nursing
2 home or on the real property comprising a nursing home.
3 For the purposes of this paragraph (18), "nursing home"
4 means a skilled nursing or intermediate long term care
5 facility that is subject to license by the Illinois
6 Department of Public Health under the Nursing Home Care
7 Act, the Specialized Mental Health Rehabilitation Act of
8 2013, the ID/DD Community Care Act, or the MC/DD Act;

9 (19) the defendant was a federally licensed firearm
10 dealer and was previously convicted of a violation of
11 subsection (a) of Section 3 of the Firearm Owners
12 Identification Card Act and has now committed either a
13 felony violation of the Firearm Owners Identification Card
14 Act or an act of armed violence while armed with a firearm;

15 (20) the defendant (i) committed the offense of
16 reckless homicide under Section 9-3 of the Criminal Code
17 of 1961 or the Criminal Code of 2012 or the offense of
18 driving under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds or any
20 combination thereof under Section 11-501 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance
22 and (ii) was operating a motor vehicle in excess of 20
23 miles per hour over the posted speed limit as provided in
24 Article VI of Chapter 11 of the Illinois Vehicle Code;

25 (21) the defendant (i) committed the offense of
26 reckless driving or aggravated reckless driving under

1 Section 11-503 of the Illinois Vehicle Code and (ii) was
2 operating a motor vehicle in excess of 20 miles per hour
3 over the posted speed limit as provided in Article VI of
4 Chapter 11 of the Illinois Vehicle Code;

5 (22) the defendant committed the offense against a
6 person that the defendant knew, or reasonably should have
7 known, was a member of the Armed Forces of the United
8 States serving on active duty. For purposes of this clause
9 (22), the term "Armed Forces" means any of the Armed
10 Forces of the United States, including a member of any
11 reserve component thereof or National Guard unit called to
12 active duty;

13 (23) the defendant committed the offense against a
14 person who was elderly or infirm or who was a person with a
15 disability by taking advantage of a family or fiduciary
16 relationship with the elderly or infirm person or person
17 with a disability;

18 (24) the defendant committed any offense under Section
19 11-20.1 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 and possessed 100 or more images;

21 (25) the defendant committed the offense while the
22 defendant or the victim was in a train, bus, or other
23 vehicle used for public transportation;

24 (26) the defendant committed the offense of child
25 pornography or aggravated child pornography, specifically
26 including paragraph (1), (2), (3), (4), (5), or (7) of

1 subsection (a) of Section 11-20.1 of the Criminal Code of
2 1961 or the Criminal Code of 2012 where a child engaged in,
3 solicited for, depicted in, or posed in any act of sexual
4 penetration or bound, fettered, or subject to sadistic,
5 masochistic, or sadomasochistic abuse in a sexual context
6 and specifically including paragraph (1), (2), (3), (4),
7 (5), or (7) of subsection (a) of Section 11-20.1B or
8 Section 11-20.3 of the Criminal Code of 1961 where a child
9 engaged in, solicited for, depicted in, or posed in any
10 act of sexual penetration or bound, fettered, or subject
11 to sadistic, masochistic, or sadomasochistic abuse in a
12 sexual context;

13 (27) the defendant committed the offense of first
14 degree murder, assault, aggravated assault, battery,
15 aggravated battery, robbery, armed robbery, or aggravated
16 robbery against a person who was a veteran and the
17 defendant knew, or reasonably should have known, that the
18 person was a veteran performing duties as a representative
19 of a veterans' organization. For the purposes of this
20 paragraph (27), "veteran" means an Illinois resident who
21 has served as a member of the United States Armed Forces, a
22 member of the Illinois National Guard, or a member of the
23 United States Reserve Forces; and "veterans' organization"
24 means an organization comprised of members of which
25 substantially all are individuals who are veterans or
26 spouses, widows, or widowers of veterans, the primary

1 purpose of which is to promote the welfare of its members
2 and to provide assistance to the general public in such a
3 way as to confer a public benefit;

4 (28) the defendant committed the offense of assault,
5 aggravated assault, battery, aggravated battery, robbery,
6 armed robbery, or aggravated robbery against a person that
7 the defendant knew or reasonably should have known was a
8 letter carrier or postal worker while that person was
9 performing his or her duties delivering mail for the
10 United States Postal Service;

11 (29) the defendant committed the offense of criminal
12 sexual assault, aggravated criminal sexual assault,
13 criminal sexual abuse, or aggravated criminal sexual abuse
14 against a victim with an intellectual disability, and the
15 defendant holds a position of trust, authority, or
16 supervision in relation to the victim;

17 (30) the defendant committed the offense of promoting
18 juvenile prostitution, patronizing a prostitute, or
19 patronizing a minor engaged in prostitution and at the
20 time of the commission of the offense knew that the
21 prostitute or minor engaged in prostitution was in the
22 custody or guardianship of the Department of Children and
23 Family Services;

24 (31) the defendant (i) committed the offense of
25 driving while under the influence of alcohol, other drug
26 or drugs, intoxicating compound or compounds or any

1 combination thereof in violation of Section 11-501 of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance and (ii) the defendant during the commission of
4 the offense was driving his or her vehicle upon a roadway
5 designated for one-way traffic in the opposite direction
6 of the direction indicated by official traffic control
7 devices;

8 (32) the defendant committed the offense of reckless
9 homicide while committing a violation of Section 11-907 of
10 the Illinois Vehicle Code;

11 (33) the defendant was found guilty of an
12 administrative infraction related to an act or acts of
13 public indecency or sexual misconduct in the penal
14 institution. In this paragraph (33), "penal institution"
15 has the same meaning as in Section 2-14 of the Criminal
16 Code of 2012; or

17 (34) the defendant committed the offense of leaving
18 the scene of a crash in violation of subsection (b) of
19 Section 11-401 of the Illinois Vehicle Code and the crash
20 resulted in the death of a person and at the time of the
21 offense, the defendant was: (i) driving under the
22 influence of alcohol, other drug or drugs, intoxicating
23 compound or compounds or any combination thereof as
24 defined by Section 11-501 of the Illinois Vehicle Code; or
25 (ii) operating the motor vehicle while using an electronic
26 communication device as defined in Section 12-610.2 of the

1 Illinois Vehicle Code.

2 For the purposes of this Section:

3 "School" is defined as a public or private elementary or
4 secondary school, community college, college, or university.

5 "Day care center" means a public or private State
6 certified and licensed day care center as defined in Section
7 2.09 of the Child Care Act of 1969 that displays a sign in
8 plain view stating that the property is a day care center.

9 "Intellectual disability" means significantly subaverage
10 intellectual functioning which exists concurrently with
11 impairment in adaptive behavior.

12 "Public transportation" means the transportation or
13 conveyance of persons by means available to the general
14 public, and includes paratransit services.

15 "Traffic control devices" means all signs, signals,
16 markings, and devices that conform to the Illinois Manual on
17 Uniform Traffic Control Devices, placed or erected by
18 authority of a public body or official having jurisdiction,
19 for the purpose of regulating, warning, or guiding traffic.

20 (b) The following factors, related to all felonies, may be
21 considered by the court as reasons to impose an extended term
22 sentence under Section 5-8-2 upon any offender:

23 (1) When a defendant is convicted of any felony, after
24 having been previously convicted in Illinois or any other
25 jurisdiction of the same or similar class felony or
26 greater class felony, when such conviction has occurred

1 within 10 years after the previous conviction, excluding
2 time spent in custody, and such charges are separately
3 brought and tried and arise out of different series of
4 acts; or

5 (2) When a defendant is convicted of any felony and
6 the court finds that the offense was accompanied by
7 exceptionally brutal or heinous behavior indicative of
8 wanton cruelty; or

9 (3) When a defendant is convicted of any felony
10 committed against:

11 (i) a person under 12 years of age at the time of
12 the offense or such person's property;

13 (ii) a person 60 years of age or older at the time
14 of the offense or such person's property; or

15 (iii) a person who had a physical disability at
16 the time of the offense or such person's property; or

17 (4) When a defendant is convicted of any felony and
18 the offense involved any of the following types of
19 specific misconduct committed as part of a ceremony, rite,
20 initiation, observance, performance, practice or activity
21 of any actual or ostensible religious, fraternal, or
22 social group:

23 (i) the brutalizing or torturing of humans or
24 animals;

25 (ii) the theft of human corpses;

26 (iii) the kidnapping of humans;

1 (iv) the desecration of any cemetery, religious,
2 fraternal, business, governmental, educational, or
3 other building or property; or

4 (v) ritualized abuse of a child; or

5 (5) When a defendant is convicted of a felony other
6 than conspiracy and the court finds that the felony was
7 committed under an agreement with 2 or more other persons
8 to commit that offense and the defendant, with respect to
9 the other individuals, occupied a position of organizer,
10 supervisor, financier, or any other position of management
11 or leadership, and the court further finds that the felony
12 committed was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's leadership in an organized gang; or

15 (6) When a defendant is convicted of an offense
16 committed while using a firearm with a laser sight
17 attached to it. For purposes of this paragraph, "laser
18 sight" has the meaning ascribed to it in Section 26-7 of
19 the Criminal Code of 2012; or

20 (7) When a defendant who was at least 17 years of age
21 at the time of the commission of the offense is convicted
22 of a felony and has been previously adjudicated a
23 delinquent minor under the Juvenile Court Act of 1987 for
24 an act that if committed by an adult would be a Class X or
25 Class 1 felony when the conviction has occurred within 10
26 years after the previous adjudication, excluding time

1 spent in custody; or

2 (8) When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged; or

8 (9) When a defendant commits any felony and the
9 defendant knowingly video or audio records the offense
10 with the intent to disseminate the recording.

11 (c) The following factors may be considered by the court
12 as reasons to impose an extended term sentence under Section
13 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
14 offenses:

15 (1) When a defendant is convicted of first degree
16 murder, after having been previously convicted in Illinois
17 of any offense listed under paragraph (c)(2) of Section
18 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
19 occurred within 10 years after the previous conviction,
20 excluding time spent in custody, and the charges are
21 separately brought and tried and arise out of different
22 series of acts.

23 (1.5) When a defendant is convicted of first degree
24 murder, after having been previously convicted of domestic
25 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
26 (720 ILCS 5/12-3.3) committed on the same victim or after

1 having been previously convicted of violation of an order
2 of protection (720 ILCS 5/12-30) in which the same victim
3 was the protected person.

4 (2) When a defendant is convicted of voluntary
5 manslaughter, second degree murder, involuntary
6 manslaughter, or reckless homicide in which the defendant
7 has been convicted of causing the death of more than one
8 individual.

9 (3) When a defendant is convicted of aggravated
10 criminal sexual assault or criminal sexual assault, when
11 there is a finding that aggravated criminal sexual assault
12 or criminal sexual assault was also committed on the same
13 victim by one or more other individuals, and the defendant
14 voluntarily participated in the crime with the knowledge
15 of the participation of the others in the crime, and the
16 commission of the crime was part of a single course of
17 conduct during which there was no substantial change in
18 the nature of the criminal objective.

19 (4) If the victim was under 18 years of age at the time
20 of the commission of the offense, when a defendant is
21 convicted of aggravated criminal sexual assault or
22 predatory criminal sexual assault of a child under
23 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
24 of Section 12-14.1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

26 (5) When a defendant is convicted of a felony

1 violation of Section 24-1 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
3 finding that the defendant is a member of an organized
4 gang.

5 (6) When a defendant was convicted of unlawful use of
6 weapons under Section 24-1 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
8 a weapon that is not readily distinguishable as one of the
9 weapons enumerated in Section 24-1 of the Criminal Code of
10 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

11 (7) When a defendant is convicted of an offense
12 involving the illegal manufacture of a controlled
13 substance under Section 401 of the Illinois Controlled
14 Substances Act (720 ILCS 570/401), the illegal manufacture
15 of methamphetamine under Section 25 of the Methamphetamine
16 Control and Community Protection Act (720 ILCS 646/25), or
17 the illegal possession of explosives and an emergency
18 response officer in the performance of his or her duties
19 is killed or injured at the scene of the offense while
20 responding to the emergency caused by the commission of
21 the offense. In this paragraph, "emergency" means a
22 situation in which a person's life, health, or safety is
23 in jeopardy; and "emergency response officer" means a
24 peace officer, community policing volunteer, fireman,
25 emergency medical technician-ambulance, emergency medical
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical
2 assistance or first aid personnel, or hospital emergency
3 room personnel.

4 (8) When the defendant is convicted of attempted mob
5 action, solicitation to commit mob action, or conspiracy
6 to commit mob action under Section 8-1, 8-2, or 8-4 of the
7 Criminal Code of 2012, where the criminal object is a
8 violation of Section 25-1 of the Criminal Code of 2012,
9 and an electronic communication is used in the commission
10 of the offense. For the purposes of this paragraph (8),
11 "electronic communication" shall have the meaning provided
12 in Section 26.5-0.1 of the Criminal Code of 2012.

13 (d) For the purposes of this Section, "organized gang" has
14 the meaning ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (e) The court may impose an extended term sentence under
17 Article 4.5 of Chapter V upon an offender who has been
18 convicted of a felony violation of Section 11-1.20, 11-1.30,
19 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
20 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
21 when the victim of the offense is under 18 years of age at the
22 time of the commission of the offense and, during the
23 commission of the offense, the victim was under the influence
24 of alcohol, regardless of whether or not the alcohol was
25 supplied by the offender; and the offender, at the time of the
26 commission of the offense, knew or should have known that the

1 victim had consumed alcohol.

2 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
3 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
4 8-20-21; 102-982, eff. 7-1-23.)

5 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

6 Sec. 5-6-4. Violation, modification or revocation of
7 probation, of conditional discharge or supervision or of a
8 sentence of county impact incarceration - hearing.

9 (a) Except in cases where conditional discharge or
10 supervision was imposed for a petty offense as defined in
11 Section 5-1-17, when a petition is filed charging a violation
12 of a condition, the court may:

13 (1) in the case of probation violations, order the
14 issuance of a notice to the offender to be present by the
15 County Probation Department or such other agency
16 designated by the court to handle probation matters; and
17 in the case of conditional discharge or supervision
18 violations, such notice to the offender shall be issued by
19 the Circuit Court Clerk; and in the case of a violation of
20 a sentence of county impact incarceration, such notice
21 shall be issued by the Sheriff;

22 (2) order a summons to the offender to be present for
23 hearing; or

24 (3) order a warrant for the offender's arrest where
25 there is danger of his fleeing the jurisdiction or causing

1 serious harm to others or when the offender fails to
2 answer a summons or notice from the clerk of the court or
3 Sheriff.

4 Personal service of the petition for violation of
5 probation or the issuance of such warrant, summons or notice
6 shall toll the period of probation, conditional discharge,
7 supervision, or sentence of county impact incarceration until
8 the final determination of the charge, and the term of
9 probation, conditional discharge, supervision, or sentence of
10 county impact incarceration shall not run until the hearing
11 and disposition of the petition for violation.

12 (b) The court shall conduct a hearing of the alleged
13 violation. The court shall admit the offender to bail ~~pretrial~~
14 ~~release~~ pending the hearing unless the alleged violation is
15 itself a criminal offense in which case the offender shall be
16 admitted to bail ~~pretrial—release~~ on such terms as are
17 provided in the Code of Criminal Procedure of 1963, as
18 amended. In any case where an offender remains incarcerated
19 only as a result of his alleged violation of the court's
20 earlier order of probation, supervision, conditional
21 discharge, or county impact incarceration such hearing shall
22 be held within 14 days of the onset of said incarceration,
23 unless the alleged violation is the commission of another
24 offense by the offender during the period of probation,
25 supervision or conditional discharge in which case such
26 hearing shall be held within the time limits described in

1 Section 103-5 of the Code of Criminal Procedure of 1963, as
2 amended.

3 (c) The State has the burden of going forward with the
4 evidence and proving the violation by the preponderance of the
5 evidence. The evidence shall be presented in open court with
6 the right of confrontation, cross-examination, and
7 representation by counsel.

8 (d) Probation, conditional discharge, periodic
9 imprisonment and supervision shall not be revoked for failure
10 to comply with conditions of a sentence or supervision, which
11 imposes financial obligations upon the offender unless such
12 failure is due to his willful refusal to pay.

13 (e) If the court finds that the offender has violated a
14 condition at any time prior to the expiration or termination
15 of the period, it may continue him on the existing sentence,
16 with or without modifying or enlarging the conditions, or may
17 impose any other sentence that was available under Article 4.5
18 of Chapter V of this Code or Section 11-501 of the Illinois
19 Vehicle Code at the time of initial sentencing. If the court
20 finds that the person has failed to successfully complete his
21 or her sentence to a county impact incarceration program, the
22 court may impose any other sentence that was available under
23 Article 4.5 of Chapter V of this Code or Section 11-501 of the
24 Illinois Vehicle Code at the time of initial sentencing,
25 except for a sentence of probation or conditional discharge.
26 If the court finds that the offender has violated paragraph

1 (8.6) of subsection (a) of Section 5-6-3, the court shall
2 revoke the probation of the offender. If the court finds that
3 the offender has violated subsection (o) of Section 5-6-3.1,
4 the court shall revoke the supervision of the offender.

5 (f) The conditions of probation, of conditional discharge,
6 of supervision, or of a sentence of county impact
7 incarceration may be modified by the court on motion of the
8 supervising agency or on its own motion or at the request of
9 the offender after notice and a hearing.

10 (g) A judgment revoking supervision, probation,
11 conditional discharge, or a sentence of county impact
12 incarceration is a final appealable order.

13 (h) Resentencing after revocation of probation,
14 conditional discharge, supervision, or a sentence of county
15 impact incarceration shall be under Article 4. The term on
16 probation, conditional discharge or supervision shall not be
17 credited by the court against a sentence of imprisonment or
18 periodic imprisonment unless the court orders otherwise. The
19 amount of credit to be applied against a sentence of
20 imprisonment or periodic imprisonment when the defendant
21 served a term or partial term of periodic imprisonment shall
22 be calculated upon the basis of the actual days spent in
23 confinement rather than the duration of the term.

24 (i) Instead of filing a violation of probation,
25 conditional discharge, supervision, or a sentence of county
26 impact incarceration, an agent or employee of the supervising

1 agency with the concurrence of his or her supervisor may serve
2 on the defendant a Notice of Intermediate Sanctions. The
3 Notice shall contain the technical violation or violations
4 involved, the date or dates of the violation or violations,
5 and the intermediate sanctions to be imposed. Upon receipt of
6 the Notice, the defendant shall immediately accept or reject
7 the intermediate sanctions. If the sanctions are accepted,
8 they shall be imposed immediately. If the intermediate
9 sanctions are rejected or the defendant does not respond to
10 the Notice, a violation of probation, conditional discharge,
11 supervision, or a sentence of county impact incarceration
12 shall be immediately filed with the court. The State's
13 Attorney and the sentencing court shall be notified of the
14 Notice of Sanctions. Upon successful completion of the
15 intermediate sanctions, a court may not revoke probation,
16 conditional discharge, supervision, or a sentence of county
17 impact incarceration or impose additional sanctions for the
18 same violation. A notice of intermediate sanctions may not be
19 issued for any violation of probation, conditional discharge,
20 supervision, or a sentence of county impact incarceration
21 which could warrant an additional, separate felony charge. The
22 intermediate sanctions shall include a term of home detention
23 as provided in Article 8A of Chapter V of this Code for
24 multiple or repeat violations of the terms and conditions of a
25 sentence of probation, conditional discharge, or supervision.

26 (j) When an offender is re-sentenced after revocation of

1 probation that was imposed in combination with a sentence of
2 imprisonment for the same offense, the aggregate of the
3 sentences may not exceed the maximum term authorized under
4 Article 4.5 of Chapter V.

5 (k) (1) On and after the effective date of this amendatory
6 Act of the 101st General Assembly, this subsection (k) shall
7 apply to arrest warrants in Cook County only. An arrest
8 warrant issued under paragraph (3) of subsection (a) when the
9 underlying conviction is for the offense of theft, retail
10 theft, or possession of a controlled substance shall remain
11 active for a period not to exceed 10 years from the date the
12 warrant was issued unless a motion to extend the warrant is
13 filed by the office of the State's Attorney or by, or on behalf
14 of, the agency supervising the wanted person. A motion to
15 extend the warrant shall be filed within one year before the
16 warrant expiration date and notice shall be provided to the
17 office of the sheriff.

18 (2) If a motion to extend a warrant issued under paragraph
19 (3) of subsection (a) is not filed, the warrant shall be
20 quashed and recalled as a matter of law under paragraph (1) of
21 this subsection (k) and the wanted person's period of
22 probation, conditional discharge, or supervision shall
23 terminate unsatisfactorily as a matter of law.

24 (Source: P.A. 101-406, eff. 1-1-20; 101-652, eff. 1-1-23.)

25 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

1 Sec. 5-6-4.1. Violation, modification or revocation of
2 conditional discharge or supervision - hearing.)

3 (a) In cases where a defendant was placed upon supervision
4 or conditional discharge for the commission of a petty
5 offense, upon the oral or written motion of the State, or on
6 the court's own motion, which charges that a violation of a
7 condition of that conditional discharge or supervision has
8 occurred, the court may:

9 (1) conduct a hearing instanter if the offender is
10 present in court;

11 (2) order the issuance by the court clerk of a notice
12 to the offender to be present for a hearing for violation;

13 (3) order summons to the offender to be present; or

14 (4) order a warrant for the offender's arrest.

15 The oral motion, if the defendant is present, or the
16 issuance of such warrant, summons or notice shall toll the
17 period of conditional discharge or supervision until the final
18 determination of the charge, and the term of conditional
19 discharge or supervision shall not run until the hearing and
20 disposition of the petition for violation.

21 (b) The Court shall admit the offender to bail ~~pretrial~~
22 ~~release~~ pending the hearing.

23 (c) The State has the burden of going forward with the
24 evidence and proving the violation by the preponderance of the
25 evidence. The evidence shall be presented in open court with
26 the right of confrontation, cross-examination, and

1 representation by counsel.

2 (d) Conditional discharge or supervision shall not be
3 revoked for failure to comply with the conditions of the
4 discharge or supervision which imposed financial obligations
5 upon the offender unless such failure is due to his wilful
6 refusal to pay.

7 (e) If the court finds that the offender has violated a
8 condition at any time prior to the expiration or termination
9 of the period, it may continue him on the existing sentence or
10 supervision with or without modifying or enlarging the
11 conditions, or may impose any other sentence that was
12 available under Article 4.5 of Chapter V of this Code or
13 Section 11-501 of the Illinois Vehicle Code at the time of
14 initial sentencing.

15 (f) The conditions of conditional discharge and of
16 supervision may be modified by the court on motion of the
17 probation officer or on its own motion or at the request of the
18 offender after notice to the defendant and a hearing.

19 (g) A judgment revoking supervision is a final appealable
20 order.

21 (h) Resentencing after revocation of conditional discharge
22 or of supervision shall be under Article 4. Time served on
23 conditional discharge or supervision shall be credited by the
24 court against a sentence of imprisonment or periodic
25 imprisonment unless the court orders otherwise.

26 (Source: P.A. 101-652, eff. 1-1-23.)

1 (730 ILCS 5/5-8A-7)

2 Sec. 5-8A-7. Domestic violence surveillance program. If
3 the Prisoner Review Board, Department of Corrections,
4 Department of Juvenile Justice, or court (the supervising
5 authority) orders electronic surveillance as a condition of
6 parole, aftercare release, mandatory supervised release, early
7 release, probation, or conditional discharge for a violation
8 of an order of protection or as a condition of bail ~~pretrial~~
9 ~~release~~ for a person charged with a violation of an order of
10 protection, the supervising authority shall use the best
11 available global positioning technology to track domestic
12 violence offenders. Best available technology must have
13 real-time and interactive capabilities that facilitate the
14 following objectives: (1) immediate notification to the
15 supervising authority of a breach of a court ordered exclusion
16 zone; (2) notification of the breach to the offender; and (3)
17 communication between the supervising authority, law
18 enforcement, and the victim, regarding the breach. The
19 supervising authority may also require that the electronic
20 surveillance ordered under this Section monitor the
21 consumption of alcohol or drugs.

22 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

23 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

24 Sec. 8-2-1. Saving clause. The repeal of Acts or parts of

1 Acts enumerated in Section 8-5-1 does not: (1) affect any
2 offense committed, act done, prosecution pending, penalty,
3 punishment or forfeiture incurred, or rights, powers or
4 remedies accrued under any law in effect immediately prior to
5 the effective date of this Code; (2) impair, avoid, or affect
6 any grant or conveyance made or right acquired or cause of
7 action then existing under any such repealed Act or amendment
8 thereto; (3) affect or impair the validity of any bail or other
9 bond ~~pretrial release~~ or other obligation issued or sold and
10 constituting a valid obligation of the issuing authority
11 immediately prior to the effective date of this Code; (4) the
12 validity of any contract; or (5) the validity of any tax levied
13 under any law in effect prior to the effective date of this
14 Code. The repeal of any validating Act or part thereof shall
15 not avoid the effect of the validation. No Act repealed by
16 Section 8-5-1 shall repeal any Act or part thereof which
17 embraces the same or a similar subject matter as the Act
18 repealed.

19 (Source: P.A. 101-652, eff. 1-1-23.)

20 Section 295. The Unified Code of Corrections is amended by
21 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
22 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

23 (730 ILCS 5/3-6-3)

24 Sec. 3-6-3. Rules and regulations for sentence credit.

1 (a) (1) The Department of Corrections shall prescribe rules
2 and regulations for awarding and revoking sentence credit for
3 persons committed to the Department of Corrections and the
4 Department of Juvenile Justice shall prescribe rules and
5 regulations for awarding and revoking sentence credit for
6 persons committed to the Department of Juvenile Justice under
7 Section 5-8-6 of the Unified Code of Corrections, which shall
8 be subject to review by the Prisoner Review Board.

9 (1.5) As otherwise provided by law, sentence credit may be
10 awarded for the following:

11 (A) successful completion of programming while in
12 custody of the Department of Corrections or the Department
13 of Juvenile Justice or while in custody prior to
14 sentencing;

15 (B) compliance with the rules and regulations of the
16 Department; or

17 (C) service to the institution, service to a
18 community, or service to the State.

19 (2) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide, with respect to offenses listed in clause (i),
22 (ii), or (iii) of this paragraph (2) committed on or after June
23 19, 1998 or with respect to the offense listed in clause (iv)
24 of this paragraph (2) committed on or after June 23, 2005 (the
25 effective date of Public Act 94-71) or with respect to offense
26 listed in clause (vi) committed on or after June 1, 2008 (the

1 effective date of Public Act 95-625) or with respect to the
2 offense of being an armed habitual criminal committed on or
3 after August 2, 2005 (the effective date of Public Act 94-398)
4 or with respect to the offenses listed in clause (v) of this
5 paragraph (2) committed on or after August 13, 2007 (the
6 effective date of Public Act 95-134) or with respect to the
7 offense of aggravated domestic battery committed on or after
8 July 23, 2010 (the effective date of Public Act 96-1224) or
9 with respect to the offense of attempt to commit terrorism
10 committed on or after January 1, 2013 (the effective date of
11 Public Act 97-990), the following:

12 (i) that a prisoner who is serving a term of
13 imprisonment for first degree murder or for the offense of
14 terrorism shall receive no sentence credit and shall serve
15 the entire sentence imposed by the court;

16 (ii) that a prisoner serving a sentence for attempt to
17 commit terrorism, attempt to commit first degree murder,
18 solicitation of murder, solicitation of murder for hire,
19 intentional homicide of an unborn child, predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, criminal sexual assault, aggravated
22 kidnapping, aggravated battery with a firearm as described
23 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
24 or (e) (4) of Section 12-3.05, heinous battery as described
25 in Section 12-4.1 or subdivision (a) (2) of Section
26 12-3.05, being an armed habitual criminal, aggravated

1 battery of a senior citizen as described in Section 12-4.6
2 or subdivision (a)(4) of Section 12-3.05, or aggravated
3 battery of a child as described in Section 12-4.3 or
4 subdivision (b)(1) of Section 12-3.05 shall receive no
5 more than 4.5 days of sentence credit for each month of his
6 or her sentence of imprisonment;

7 (iii) that a prisoner serving a sentence for home
8 invasion, armed robbery, aggravated vehicular hijacking,
9 aggravated discharge of a firearm, or armed violence with
10 a category I weapon or category II weapon, when the court
11 has made and entered a finding, pursuant to subsection
12 (c-1) of Section 5-4-1 of this Code, that the conduct
13 leading to conviction for the enumerated offense resulted
14 in great bodily harm to a victim, shall receive no more
15 than 4.5 days of sentence credit for each month of his or
16 her sentence of imprisonment;

17 (iv) that a prisoner serving a sentence for aggravated
18 discharge of a firearm, whether or not the conduct leading
19 to conviction for the offense resulted in great bodily
20 harm to the victim, shall receive no more than 4.5 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment;

23 (v) that a person serving a sentence for gunrunning,
24 narcotics racketeering, controlled substance trafficking,
25 methamphetamine trafficking, drug-induced homicide,
26 aggravated methamphetamine-related child endangerment,

1 money laundering pursuant to clause (c) (4) or (5) of
2 Section 29B-1 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, or a Class X felony conviction for delivery
4 of a controlled substance, possession of a controlled
5 substance with intent to manufacture or deliver,
6 calculated criminal drug conspiracy, criminal drug
7 conspiracy, street gang criminal drug conspiracy,
8 participation in methamphetamine manufacturing,
9 aggravated participation in methamphetamine
10 manufacturing, delivery of methamphetamine, possession
11 with intent to deliver methamphetamine, aggravated
12 delivery of methamphetamine, aggravated possession with
13 intent to deliver methamphetamine, methamphetamine
14 conspiracy when the substance containing the controlled
15 substance or methamphetamine is 100 grams or more shall
16 receive no more than 7.5 days sentence credit for each
17 month of his or her sentence of imprisonment;

18 (vi) that a prisoner serving a sentence for a second
19 or subsequent offense of luring a minor shall receive no
20 more than 4.5 days of sentence credit for each month of his
21 or her sentence of imprisonment; and

22 (vii) that a prisoner serving a sentence for
23 aggravated domestic battery shall receive no more than 4.5
24 days of sentence credit for each month of his or her
25 sentence of imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a)(2)(i), (ii), or (iii) committed on or after
2 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 subdivision (a)(2)(v) committed on or after August 13, 2007
5 (the effective date of Public Act 95-134) or subdivision
6 (a)(2)(vi) committed on or after June 1, 2008 (the effective
7 date of Public Act 95-625) or subdivision (a)(2)(vii)
8 committed on or after July 23, 2010 (the effective date of
9 Public Act 96-1224), and other than the offense of aggravated
10 driving under the influence of alcohol, other drug or drugs,
11 or intoxicating compound or compounds, or any combination
12 thereof as defined in subparagraph (F) of paragraph (1) of
13 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
14 and other than 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 as defined
17 in subparagraph (C) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code committed on or
19 after January 1, 2011 (the effective date of Public Act
20 96-1230), the rules and regulations shall provide that a
21 prisoner who is serving a term of imprisonment shall receive
22 one day of sentence credit for each day of his or her sentence
23 of imprisonment or recommitment under Section 3-3-9. Each day
24 of sentence credit shall reduce by one day the prisoner's
25 period of imprisonment or recommitment under Section 3-3-9.

26 (2.2) A prisoner serving a term of natural life

1 imprisonment shall receive no sentence credit.

2 (2.3) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations on sentence credit
4 shall provide that a prisoner who is serving a sentence for
5 aggravated driving under the influence of alcohol, other drug
6 or drugs, or intoxicating compound or compounds, or any
7 combination thereof as defined in subparagraph (F) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code, shall receive no more than 4.5 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment.

12 (2.4) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide with respect to the offenses of aggravated
15 battery with a machine gun or a firearm equipped with any
16 device or attachment designed or used for silencing the report
17 of a firearm or aggravated discharge of a machine gun or a
18 firearm equipped with any device or attachment designed or
19 used for silencing the report of a firearm, committed on or
20 after July 15, 1999 (the effective date of Public Act 91-121),
21 that a prisoner serving a sentence for any of these offenses
22 shall receive no more than 4.5 days of sentence credit for each
23 month of his or her sentence of imprisonment.

24 (2.5) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit
26 shall provide that a prisoner who is serving a sentence for

1 aggravated arson committed on or after July 27, 2001 (the
2 effective date of Public Act 92-176) shall receive no more
3 than 4.5 days of sentence credit for each month of his or her
4 sentence of imprisonment.

5 (2.6) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds or any
10 combination thereof as defined in subparagraph (C) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code committed on or after January 1, 2011
13 (the effective date of Public Act 96-1230) shall receive no
14 more than 4.5 days of sentence credit for each month of his or
15 her sentence of imprisonment.

16 (3) In addition to the sentence credits earned under
17 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this
18 subsection (a), ~~the rules and regulations shall also provide~~
19 ~~that the Director of Corrections or the Director of Juvenile~~
20 ~~Justice may award up to 180 days of earned sentence credit for~~
21 ~~prisoners serving a sentence of incarceration of less than 5~~
22 ~~years, and up to 365 days of earned sentence credit for~~
23 ~~prisoners serving a sentence of 5 years or longer. The~~
24 ~~Director may grant this credit~~ for good conduct in specific
25 instances as the ~~either~~ Director deems proper ~~for eligible~~
26 ~~persons in the custody of each Director's respective~~

1 ~~Department~~. The good conduct may include, but is not limited
2 to, compliance with the rules and regulations of the
3 Department, service to the Department, service to a community,
4 or service to the State.

5 Eligible inmates for an award of earned sentence credit
6 under this paragraph (3) may be selected to receive the credit
7 at the ~~either~~ Director's or his or her designee's sole
8 discretion. Eligibility for the additional earned sentence
9 credit under this paragraph (3) shall ~~may~~ be based on, but is
10 not limited to, ~~participation in programming offered by the~~
11 ~~Department as appropriate for the prisoner based on the~~
12 results of any available risk/needs assessment or other
13 relevant assessments or evaluations administered by the
14 Department using a validated instrument, the circumstances of
15 the crime, any ~~demonstrated commitment to rehabilitation by a~~
16 prisoner with a history of conviction for a forcible felony
17 enumerated in Section 2-8 of the Criminal Code of 2012, the
18 inmate's behavior and ~~improvements in~~ disciplinary history
19 while incarcerated, and the inmate's commitment to
20 rehabilitation, including participation in programming offered
21 by the Department.

22 The Director of Corrections or the Director of Juvenile
23 Justice shall not award sentence credit under this paragraph
24 (3) to an inmate unless the inmate has served a minimum of 60
25 days of the sentence, including time served in a county jail;
26 except nothing in this paragraph shall be construed to permit

1 either Director to extend an inmate's sentence beyond that
2 which was imposed by the court. Prior to awarding credit under
3 this paragraph (3), each Director shall make a written
4 determination that the inmate:

5 (A) is eligible for the earned sentence credit;

6 (B) has served a minimum of 60 days, or as close to 60
7 days as the sentence will allow;

8 (B-1) has received a risk/needs assessment or other
9 relevant evaluation or assessment administered by the
10 Department using a validated instrument; and

11 (C) has met the eligibility criteria established by
12 rule for earned sentence credit.

13 The Director of Corrections or the Director of Juvenile
14 Justice shall determine the form and content of the written
15 determination required in this subsection.

16 (3.5) The Department shall provide annual written reports
17 to the Governor and the General Assembly on the award of earned
18 sentence credit no later than February 1 of each year. The
19 Department must publish both reports on its website within 48
20 hours of transmitting the reports to the Governor and the
21 General Assembly. The reports must include:

22 (A) the number of inmates awarded earned sentence
23 credit;

24 (B) the average amount of earned sentence credit
25 awarded;

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

2 (D) the number of earned sentence credit revocations.

3 (4)(A) Except as provided in paragraph (4.7) of this
4 subsection (a), the rules and regulations shall also provide
5 that the sentence credit accumulated and retained under
6 paragraph (2.1) of subsection (a) of this Section by any
7 inmate during specific periods of time in which such inmate
8 ~~any prisoner who~~ is engaged full-time in substance abuse
9 programs, correctional industry assignments, educational
10 programs, work-release programs or activities in accordance
11 with Article 13 of Chapter III of this Code, behavior
12 modification programs, life skills courses, or re-entry
13 planning provided by the Department under this paragraph (4)
14 and satisfactorily completes the assigned program as
15 determined by the standards of the Department, shall receive
16 be multiplied by a factor of 1.25 for program participation
17 before August 11, 1993 and 1.50 for program participation on
18 or after that date ~~one day of sentence credit for each day in~~
19 ~~which that prisoner is engaged in the activities described in~~
20 ~~this paragraph.~~ The rules and regulations shall also provide
21 that sentence credit, subject to the same offense limits and
22 multiplier provided in this paragraph, may be provided to an
23 inmate who was held in pre-trial detention prior to his or her
24 current commitment to the Department of Corrections and
25 successfully completed a full-time, 60-day or longer substance
26 abuse program, educational program, behavior modification

1 program, life skills course, or re-entry planning provided by
2 the county department of corrections or county jail.
3 Calculation of this county program credit shall be done at
4 sentencing as provided in Section 5-4.5-100 of this Code and
5 shall be included in the sentencing order. However, no inmate
6 shall be eligible for the additional sentence credit under
7 this paragraph (4) or (4.1) of this subsection (a) while
8 assigned to a boot camp or electronic detention. ~~The rules and~~
9 ~~regulations shall also provide that sentence credit may be~~
10 ~~provided to an inmate who is in compliance with programming~~
11 ~~requirements in an adult transition center.~~

12 (B) The Department shall award sentence credit under this
13 paragraph (4) accumulated prior to January 1, 2020 (the
14 effective date of Public Act 101-440) in an amount specified
15 in subparagraph (C) of this paragraph (4) to an inmate serving
16 a sentence for an offense committed prior to June 19, 1998, if
17 the Department determines that the inmate is entitled to this
18 sentence credit, based upon:

19 (i) documentation provided by the Department that the
20 inmate engaged in any full-time substance abuse programs,
21 correctional industry assignments, educational programs,
22 behavior modification programs, life skills courses, or
23 re-entry planning provided by the Department under this
24 paragraph (4) and satisfactorily completed the assigned
25 program as determined by the standards of the Department
26 during the inmate's current term of incarceration; or

1 (ii) the inmate's own testimony in the form of an
2 affidavit or documentation, or a third party's
3 documentation or testimony in the form of an affidavit
4 that the inmate likely engaged in any full-time substance
5 abuse programs, correctional industry assignments,
6 educational programs, behavior modification programs, life
7 skills courses, or re-entry planning provided by the
8 Department under paragraph (4) and satisfactorily
9 completed the assigned program as determined by the
10 standards of the Department during the inmate's current
11 term of incarceration.

12 (C) If the inmate can provide documentation that he or she
13 is entitled to sentence credit under subparagraph (B) in
14 excess of 45 days of participation in those programs, the
15 inmate shall receive 90 days of sentence credit. If the inmate
16 cannot provide documentation of more than 45 days of
17 participation in those programs, the inmate shall receive 45
18 days of sentence credit. In the event of a disagreement
19 between the Department and the inmate as to the amount of
20 credit accumulated under subparagraph (B), if the Department
21 provides documented proof of a lesser amount of days of
22 participation in those programs, that proof shall control. If
23 the Department provides no documentary proof, the inmate's
24 proof as set forth in clause (ii) of subparagraph (B) shall
25 control as to the amount of sentence credit provided.

26 (D) If the inmate has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act,
2 sentencing credits under subparagraph (B) of this paragraph
3 (4) shall be awarded by the Department only if the conditions
4 set forth in paragraph (4.6) of subsection (a) are satisfied.
5 No inmate serving a term of natural life imprisonment shall
6 receive sentence credit under subparagraph (B) of this
7 paragraph (4).

8 (E) The rules and regulations shall provide for the
9 recalculation of program credits awarded pursuant to this
10 paragraph (4) prior to July 1, 2021 (the effective date of
11 Public Act 101-652) at the rate set for such credits on and
12 after July 1, 2021.

13 Educational, vocational, substance abuse, behavior
14 modification programs, life skills courses, re-entry planning,
15 and correctional industry programs under which sentence credit
16 may be earned under this paragraph (4) and paragraph (4.1) of
17 this subsection (a) shall be evaluated by the Department on
18 the basis of documented standards. The Department shall report
19 the results of these evaluations to the Governor and the
20 General Assembly by September 30th of each year. The reports
21 shall include data relating to the recidivism rate among
22 program participants.

23 Availability of these programs shall be subject to the
24 limits of fiscal resources appropriated by the General
25 Assembly for these purposes. Eligible inmates who are denied
26 immediate admission shall be placed on a waiting list under

1 criteria established by the Department. ~~The rules and~~
2 ~~regulations shall provide that a prisoner who has been placed~~
3 ~~on a waiting list but is transferred for non-disciplinary~~
4 ~~reasons before beginning a program shall receive priority~~
5 ~~placement on the waitlist for appropriate programs at the new~~
6 ~~facility.~~ The inability of any inmate to become engaged in any
7 such programs by reason of insufficient program resources or
8 for any other reason established under the rules and
9 regulations of the Department shall not be deemed a cause of
10 action under which the Department or any employee or agent of
11 the Department shall be liable for damages to the inmate. ~~The~~
12 ~~rules and regulations shall provide that a prisoner who begins~~
13 ~~an educational, vocational, substance abuse, work release~~
14 ~~programs or activities in accordance with Article 13 of~~
15 ~~Chapter III of this Code, behavior modification program, life~~
16 ~~skills course, re entry planning, or correctional industry~~
17 ~~programs but is unable to complete the program due to illness,~~
18 ~~disability, transfer, lockdown, or another reason outside of~~
19 ~~the prisoner's control shall receive prorated sentence credits~~
20 ~~for the days in which the prisoner did participate.~~

21 (4.1) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that an additional 90 days of sentence credit shall be awarded
24 to any prisoner who passes high school equivalency testing
25 while the prisoner is committed to the Department of
26 Corrections. The sentence credit awarded under this paragraph

1 (4.1) shall be in addition to, and shall not affect, the award
2 of sentence credit under any other paragraph of this Section,
3 but shall also be pursuant to the guidelines and restrictions
4 set forth in paragraph (4) of subsection (a) of this Section.
5 The sentence credit provided for in this paragraph shall be
6 available only to those prisoners who have not previously
7 earned a high school diploma or a State of Illinois High School
8 Diploma. If, after an award of the high school equivalency
9 testing sentence credit has been made, the Department
10 determines that the prisoner was not eligible, then the award
11 shall be revoked. The Department may also award 90 days of
12 sentence credit to any committed person who passed high school
13 equivalency testing while he or she was held in pre-trial
14 detention prior to the current commitment to the Department of
15 Corrections. ~~Except as provided in paragraph (4.7) of this~~
16 ~~subsection (a), the rules and regulations shall provide that~~
17 ~~an additional 120 days of sentence credit shall be awarded to~~
18 ~~any prisoner who obtains an associate degree while the~~
19 ~~prisoner is committed to the Department of Corrections,~~
20 ~~regardless of the date that the associate degree was obtained,~~
21 ~~including if prior to July 1, 2021 (the effective date of~~
22 ~~Public Act 101-652). The sentence credit awarded under this~~
23 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~
24 ~~the award of sentence credit under any other paragraph of this~~
25 ~~Section, but shall also be under the guidelines and~~
26 ~~restrictions set forth in paragraph (4) of subsection (a) of~~

1 ~~this Section. The sentence credit provided for in this~~
2 ~~paragraph (4.1) shall be available only to those prisoners who~~
3 ~~have not previously earned an associate degree prior to the~~
4 ~~current commitment to the Department of Corrections. If, after~~
5 ~~an award of the associate degree sentence credit has been made~~
6 ~~and the Department determines that the prisoner was not~~
7 ~~eligible, then the award shall be revoked. The Department may~~
8 ~~also award 120 days of sentence credit to any committed person~~
9 ~~who earned an associate degree while he or she was held in~~
10 ~~pre trial detention prior to the current commitment to the~~
11 ~~Department of Corrections.~~

12 Except as provided in paragraph (4.7) of this subsection
13 (a), the rules and regulations shall provide that an
14 additional 180 days of sentence credit shall be awarded to any
15 prisoner who obtains a bachelor's degree while the prisoner is
16 committed to the Department of Corrections. The sentence
17 credit awarded under this paragraph (4.1) shall be in addition
18 to, and shall not affect, the award of sentence credit under
19 any other paragraph of this Section, but shall also be under
20 the guidelines and restrictions set forth in paragraph (4) of
21 this subsection (a). The sentence credit provided for in this
22 paragraph shall be available only to those prisoners who have
23 not earned a bachelor's degree prior to the current commitment
24 to the Department of Corrections. If, after an award of the
25 bachelor's degree sentence credit has been made, the
26 Department determines that the prisoner was not eligible, then

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 bachelor's degree while he or she was held in pre-trial
4 detention prior to the current commitment to the Department of
5 Corrections.

6 Except as provided in paragraph (4.7) of this subsection
7 (a), the rules and regulations shall provide that an
8 additional 180 days of sentence credit shall be awarded to any
9 prisoner who obtains a master's or professional degree while
10 the prisoner is committed to the Department of Corrections.
11 The sentence credit awarded under this paragraph (4.1) shall
12 be in addition to, and shall not affect, the award of sentence
13 credit under any other paragraph of this Section, but shall
14 also be under the guidelines and restrictions set forth in
15 paragraph (4) of this subsection (a). The sentence credit
16 provided for in this paragraph shall be available only to
17 those prisoners who have not previously earned a master's or
18 professional degree prior to the current commitment to the
19 Department of Corrections. If, after an award of the master's
20 or professional degree sentence credit has been made, the
21 Department determines that the prisoner was not eligible, then
22 the award shall be revoked. The Department may also award 180
23 days of sentence credit to any committed person who earned a
24 master's or professional degree while he or she was held in
25 pre-trial detention prior to the current commitment to the
26 Department of Corrections.

1 ~~(4.2) (A) The rules and regulations shall also provide that~~
2 ~~any prisoner engaged in self-improvement programs, volunteer~~
3 ~~work, or work assignments that are not otherwise eligible~~
4 ~~activities under paragraph (4), shall receive up to 0.5 days~~
5 ~~of sentence credit for each day in which the prisoner is~~
6 ~~engaged in activities described in this paragraph.~~

7 ~~(B) The rules and regulations shall provide for the award~~
8 ~~of sentence credit under this paragraph (4.2) for qualifying~~
9 ~~days of engagement in eligible activities occurring prior to~~
10 ~~July 1, 2021 (the effective date of Public Act 101-652).~~

11 (4.5) The rules and regulations on sentence credit shall
12 also provide that when the court's sentencing order recommends
13 a prisoner for substance abuse treatment and the crime was
14 committed on or after September 1, 2003 (the effective date of
15 Public Act 93-354), the prisoner shall receive no sentence
16 credit awarded under clause (3) of this subsection (a) unless
17 he or she participates in and completes a substance abuse
18 treatment program. The Director of Corrections may waive the
19 requirement to participate in or complete a substance abuse
20 treatment program in specific instances if the prisoner is not
21 a good candidate for a substance abuse treatment program for
22 medical, programming, or operational reasons. Availability of
23 substance abuse treatment shall be subject to the limits of
24 fiscal resources appropriated by the General Assembly for
25 these purposes. If treatment is not available and the
26 requirement to participate and complete the treatment has not

1 been waived by the Director, the prisoner shall be placed on a
2 waiting list under criteria established by the Department. The
3 Director may allow a prisoner placed on a waiting list to
4 participate in and complete a substance abuse education class
5 or attend substance abuse self-help meetings in lieu of a
6 substance abuse treatment program. A prisoner on a waiting
7 list who is not placed in a substance abuse program prior to
8 release may be eligible for a waiver and receive sentence
9 credit under clause (3) of this subsection (a) at the
10 discretion of the Director.

11 (4.6) The rules and regulations on sentence credit shall
12 also provide that a prisoner who has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act shall receive no sentence credit unless he or
15 she either has successfully completed or is participating in
16 sex offender treatment as defined by the Sex Offender
17 Management Board. However, prisoners who are waiting to
18 receive treatment, but who are unable to do so due solely to
19 the lack of resources on the part of the Department, may, at
20 either Director's sole discretion, be awarded sentence credit
21 at a rate as the Director shall determine.

22 (4.7) On or after January 1, 2018 (the effective date of
23 Public Act 100-3), sentence credit under paragraph (3), (4),
24 or (4.1) of this subsection (a) may be awarded to a prisoner
25 who is serving a sentence for an offense described in
26 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned

1 on or after January 1, 2018 (the effective date of Public Act
2 100-3); provided, the award of the credits under this
3 paragraph (4.7) shall not reduce the sentence of the prisoner
4 to less than the following amounts:

5 (i) 85% of his or her sentence if the prisoner is
6 required to serve 85% of his or her sentence; or

7 (ii) 60% of his or her sentence if the prisoner is
8 required to serve 75% of his or her sentence, except if the
9 prisoner is serving a sentence for gunrunning his or her
10 sentence shall not be reduced to less than 75%.

11 (iii) 100% of his or her sentence if the prisoner is
12 required to serve 100% of his or her sentence.

13 (5) Whenever the Department is to release any inmate
14 earlier than it otherwise would because of a grant of earned
15 sentence credit under paragraph (3) of subsection (a) of this
16 Section given at any time during the term, the Department
17 shall give reasonable notice of the impending release not less
18 than 14 days prior to the date of the release to the State's
19 Attorney of the county where the prosecution of the inmate
20 took place, and if applicable, the State's Attorney of the
21 county into which the inmate will be released. The Department
22 must also make identification information and a recent photo
23 of the inmate being released accessible on the Internet by
24 means of a hyperlink labeled "Community Notification of Inmate
25 Early Release" on the Department's World Wide Web homepage.
26 The identification information shall include the inmate's:

1 name, any known alias, date of birth, physical
2 characteristics, commitment offense, and county where
3 conviction was imposed. The identification information shall
4 be placed on the website within 3 days of the inmate's release
5 and the information may not be removed until either:
6 completion of the first year of mandatory supervised release
7 or return of the inmate to custody of the Department.

8 (b) Whenever a person is or has been committed under
9 several convictions, with separate sentences, the sentences
10 shall be construed under Section 5-8-4 in granting and
11 forfeiting of sentence credit.

12 (c) ~~(1)~~ The Department shall prescribe rules and
13 regulations for revoking sentence credit, including revoking
14 sentence credit awarded under paragraph (3) of subsection (a)
15 of this Section. ~~The Department shall prescribe rules and~~
16 ~~regulations establishing and requiring the use of a sanctions~~
17 ~~matrix for revoking sentence credit.~~ The Department shall
18 prescribe rules and regulations for suspending or reducing the
19 rate of accumulation of sentence credit for specific rule
20 violations, during imprisonment. These rules and regulations
21 shall provide that no inmate may be penalized more than one
22 year of sentence credit for any one infraction.

23 ~~(2)~~ When the Department seeks to revoke, suspend, or
24 reduce the rate of accumulation of any sentence credits for an
25 alleged infraction of its rules, it shall bring charges
26 therefor against the prisoner sought to be so deprived of

1 sentence credits before the Prisoner Review Board as provided
2 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
3 amount of credit at issue exceeds 30 days, ~~whether from one~~
4 ~~infraction or cumulatively from multiple infractions arising~~
5 ~~out of a single event,~~ or when, during any 12-month period, the
6 cumulative amount of credit revoked exceeds 30 days except
7 where the infraction is committed or discovered within 60 days
8 of scheduled release. In those cases, the Department of
9 Corrections may revoke up to 30 days of sentence credit. The
10 Board may subsequently approve the revocation of additional
11 sentence credit, if the Department seeks to revoke sentence
12 credit in excess of 30 days. However, the Board shall not be
13 empowered to review the Department's decision with respect to
14 the loss of 30 days of sentence credit within any calendar year
15 for any prisoner or to increase any penalty beyond the length
16 requested by the Department.

17 ~~(3)~~ The Director of Corrections ~~or the Director of~~
18 ~~Juvenile Justice,~~ in appropriate cases, may restore up to 30
19 days of sentence credits which have been revoked, suspended,
20 or reduced. Any restoration of sentence credits in excess of
21 30 days shall be subject to review by the Prisoner Review
22 Board. However, the Board may not restore sentence credit in
23 excess of the amount requested by the Director. ~~The Department~~
24 ~~shall prescribe rules and regulations governing the~~
25 ~~restoration of sentence credits. These rules and regulations~~
26 ~~shall provide for the automatic restoration of sentence~~

1 ~~credits following a period in which the prisoner maintains a~~
2 ~~record without a disciplinary violation.~~

3 Nothing contained in this Section shall prohibit the
4 Prisoner Review Board from ordering, pursuant to Section
5 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
6 sentence imposed by the court that was not served due to the
7 accumulation of sentence credit.

8 (d) If a lawsuit is filed by a prisoner in an Illinois or
9 federal court against the State, the Department of
10 Corrections, or the Prisoner Review Board, or against any of
11 their officers or employees, and the court makes a specific
12 finding that a pleading, motion, or other paper filed by the
13 prisoner is frivolous, the Department of Corrections shall
14 conduct a hearing to revoke up to 180 days of sentence credit
15 by bringing charges against the prisoner sought to be deprived
16 of the sentence credits before the Prisoner Review Board as
17 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
18 If the prisoner has not accumulated 180 days of sentence
19 credit at the time of the finding, then the Prisoner Review
20 Board may revoke all sentence credit accumulated by the
21 prisoner.

22 For purposes of this subsection (d):

23 (1) "Frivolous" means that a pleading, motion, or
24 other filing which purports to be a legal document filed
25 by a prisoner in his or her lawsuit meets any or all of the
26 following criteria:

1 (A) it lacks an arguable basis either in law or in
2 fact;

3 (B) it is being presented for any improper
4 purpose, such as to harass or to cause unnecessary
5 delay or needless increase in the cost of litigation;

6 (C) the claims, defenses, and other legal
7 contentions therein are not warranted by existing law
8 or by a nonfrivolous argument for the extension,
9 modification, or reversal of existing law or the
10 establishment of new law;

11 (D) the allegations and other factual contentions
12 do not have evidentiary support or, if specifically so
13 identified, are not likely to have evidentiary support
14 after a reasonable opportunity for further
15 investigation or discovery; or

16 (E) the denials of factual contentions are not
17 warranted on the evidence, or if specifically so
18 identified, are not reasonably based on a lack of
19 information or belief.

20 (2) "Lawsuit" means a motion pursuant to Section 116-3
21 of the Code of Criminal Procedure of 1963, a habeas corpus
22 action under Article X of the Code of Civil Procedure or
23 under federal law (28 U.S.C. 2254), a petition for claim
24 under the Court of Claims Act, an action under the federal
25 Civil Rights Act (42 U.S.C. 1983), or a second or
26 subsequent petition for post-conviction relief under

1 Article 122 of the Code of Criminal Procedure of 1963
2 whether filed with or without leave of court or a second or
3 subsequent petition for relief from judgment under Section
4 2-1401 of the Code of Civil Procedure.

5 (e) Nothing in Public Act 90-592 or 90-593 affects the
6 validity of Public Act 89-404.

7 (f) Whenever the Department is to release any inmate who
8 has been convicted of a violation of an order of protection
9 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, earlier than it otherwise would
11 because of a grant of sentence credit, the Department, as a
12 condition of release, shall require that the person, upon
13 release, be placed under electronic surveillance as provided
14 in Section 5-8A-7 of this Code.

15 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
16 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
17 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised
18 12-15-23.)

19 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

20 Sec. 5-4-1. Sentencing hearing.

21 (a) After a determination of guilt, a hearing shall be
22 held to impose the sentence. However, prior to the imposition
23 of sentence on an individual being sentenced for an offense
24 based upon a charge for a violation of Section 11-501 of the
25 Illinois Vehicle Code or a similar provision of a local

1 ordinance, the individual must undergo a professional
2 evaluation to determine if an alcohol or other drug abuse
3 problem exists and the extent of such a problem. Programs
4 conducting these evaluations shall be licensed by the
5 Department of Human Services. However, if the individual is
6 not a resident of Illinois, the court may, in its discretion,
7 accept an evaluation from a program in the state of such
8 individual's residence. The court shall make a specific
9 finding about whether the defendant is eligible for
10 participation in a Department impact incarceration program as
11 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
12 explanation as to why a sentence to impact incarceration is
13 not an appropriate sentence. The court may in its sentencing
14 order recommend a defendant for placement in a Department of
15 Corrections substance abuse treatment program as provided in
16 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
17 upon the defendant being accepted in a program by the
18 Department of Corrections. At the hearing the court shall:

19 (1) consider the evidence, if any, received upon the
20 trial;

21 (2) consider any presentence reports;

22 (3) consider the financial impact of incarceration
23 based on the financial impact statement filed with the
24 clerk of the court by the Department of Corrections;

25 (4) consider evidence and information offered by the
26 parties in aggravation and mitigation;

1 (4.5) consider substance abuse treatment, eligibility
2 screening, and an assessment, if any, of the defendant by
3 an agent designated by the State of Illinois to provide
4 assessment services for the Illinois courts;

5 (5) hear arguments as to sentencing alternatives;

6 (6) afford the defendant the opportunity to make a
7 statement in his own behalf;

8 (7) afford the victim of a violent crime or a
9 violation of Section 11-501 of the Illinois Vehicle Code,
10 or a similar provision of a local ordinance, the
11 opportunity to present an oral or written statement, as
12 guaranteed by Article I, Section 8.1 of the Illinois
13 Constitution and provided in Section 6 of the Rights of
14 Crime Victims and Witnesses Act. The court shall allow a
15 victim to make an oral statement if the victim is present
16 in the courtroom and requests to make an oral or written
17 statement. An oral or written statement includes the
18 victim or a representative of the victim reading the
19 written statement. The court may allow persons impacted by
20 the crime who are not victims under subsection (a) of
21 Section 3 of the Rights of Crime Victims and Witnesses Act
22 to present an oral or written statement. A victim and any
23 person making an oral statement shall not be put under
24 oath or subject to cross-examination. All statements
25 offered under this paragraph (7) shall become part of the
26 record of the court. In this paragraph (7), "victim of a

1 violent crime" means a person who is a victim of a violent
2 crime for which the defendant has been convicted after a
3 bench or jury trial or a person who is the victim of a
4 violent crime with which the defendant was charged and the
5 defendant has been convicted under a plea agreement of a
6 crime that is not a violent crime as defined in subsection
7 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

8 (7.5) afford a qualified person affected by: (i) a
9 violation of Section 405, 405.1, 405.2, or 407 of the
10 Illinois Controlled Substances Act or a violation of
11 Section 55 or Section 65 of the Methamphetamine Control
12 and Community Protection Act; or (ii) a Class 4 felony
13 violation of Section 11-14, 11-14.3 except as described in
14 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
15 11-18.1, or 11-19 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, committed by the defendant the
17 opportunity to make a statement concerning the impact on
18 the qualified person and to offer evidence in aggravation
19 or mitigation; provided that the statement and evidence
20 offered in aggravation or mitigation shall first be
21 prepared in writing in conjunction with the State's
22 Attorney before it may be presented orally at the hearing.
23 Sworn testimony offered by the qualified person is subject
24 to the defendant's right to cross-examine. All statements
25 and evidence offered under this paragraph (7.5) shall
26 become part of the record of the court. In this paragraph

1 (7.5), "qualified person" means any person who: (i) lived
2 or worked within the territorial jurisdiction where the
3 offense took place when the offense took place; or (ii) is
4 familiar with various public places within the territorial
5 jurisdiction where the offense took place when the offense
6 took place. "Qualified person" includes any peace officer
7 or any member of any duly organized State, county, or
8 municipal peace officer unit assigned to the territorial
9 jurisdiction where the offense took place when the offense
10 took place;

11 (8) in cases of reckless homicide afford the victim's
12 spouse, guardians, parents or other immediate family
13 members an opportunity to make oral statements;

14 (9) in cases involving a felony sex offense as defined
15 under the Sex Offender Management Board Act, consider the
16 results of the sex offender evaluation conducted pursuant
17 to Section 5-3-2 of this Act; and

18 (10) make a finding of whether a motor vehicle was
19 used in the commission of the offense for which the
20 defendant is being sentenced.

21 (b) All sentences shall be imposed by the judge based upon
22 his independent assessment of the elements specified above and
23 any agreement as to sentence reached by the parties. The judge
24 who presided at the trial or the judge who accepted the plea of
25 guilty shall impose the sentence unless he is no longer
26 sitting as a judge in that court. Where the judge does not

1 impose sentence at the same time on all defendants who are
2 convicted as a result of being involved in the same offense,
3 the defendant or the State's Attorney may advise the
4 sentencing court of the disposition of any other defendants
5 who have been sentenced.

6 (b-1) In imposing a sentence of imprisonment or periodic
7 imprisonment for a Class 3 or Class 4 felony for which a
8 sentence of probation or conditional discharge is an available
9 sentence, if the defendant has no prior sentence of probation
10 or conditional discharge and no prior conviction for a violent
11 crime, the defendant shall not be sentenced to imprisonment
12 before review and consideration of a presentence report and
13 determination and explanation of why the particular evidence,
14 information, factor in aggravation, factual finding, or other
15 reasons support a sentencing determination that one or more of
16 the factors under subsection (a) of Section 5-6-1 of this Code
17 apply and that probation or conditional discharge is not an
18 appropriate sentence.

19 (c) In imposing a sentence for a violent crime or for an
20 offense of operating or being in physical control of a vehicle
21 while under the influence of alcohol, any other drug or any
22 combination thereof, or a similar provision of a local
23 ordinance, when such offense resulted in the personal injury
24 to someone other than the defendant, the trial judge shall
25 specify on the record the particular evidence, information,
26 factors in mitigation and aggravation or other reasons that

1 led to his sentencing determination. The full verbatim record
2 of the sentencing hearing shall be filed with the clerk of the
3 court and shall be a public record.

4 (c-1) In imposing a sentence for the offense of aggravated
5 kidnapping for ransom, home invasion, armed robbery,
6 aggravated vehicular hijacking, aggravated discharge of a
7 firearm, or armed violence with a category I weapon or
8 category II weapon, the trial judge shall make a finding as to
9 whether the conduct leading to conviction for the offense
10 resulted in great bodily harm to a victim, and shall enter that
11 finding and the basis for that finding in the record.

12 (c-1.5) (Blank). ~~Notwithstanding any other provision of~~
13 ~~law to the contrary, in imposing a sentence for an offense that~~
14 ~~requires a mandatory minimum sentence of imprisonment, the~~
15 ~~court may instead sentence the offender to probation,~~
16 ~~conditional discharge, or a lesser term of imprisonment it~~
17 ~~deems appropriate if: (1) the offense involves the use or~~
18 ~~possession of drugs, retail theft, or driving on a revoked~~
19 ~~license due to unpaid financial obligations; (2) the court~~
20 ~~finds that the defendant does not pose a risk to public safety;~~
21 ~~and (3) the interest of justice requires imposing a term of~~
22 ~~probation, conditional discharge, or a lesser term of~~
23 ~~imprisonment. The court must state on the record its reasons~~
24 ~~for imposing probation, conditional discharge, or a lesser~~
25 ~~term of imprisonment.~~

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment is imposed, at
2 the time the sentence is imposed the judge shall state on the
3 record in open court the approximate period of time the
4 defendant will serve in custody according to the then current
5 statutory rules and regulations for sentence credit found in
6 Section 3-6-3 and other related provisions of this Code. This
7 statement is intended solely to inform the public, has no
8 legal effect on the defendant's actual release, and may not be
9 relied on by the defendant on appeal.

10 The judge's statement, to be given after pronouncing the
11 sentence, other than when the sentence is imposed for one of
12 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois
18 as applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her
21 sentence credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional earned
23 sentence credit. If the defendant, because of his or her own
24 misconduct or failure to comply with the institutional
25 regulations, does not receive those credits, the actual time
26 served in prison will be longer. The defendant may also

1 receive an additional one-half day sentence credit for each
2 day of participation in vocational, industry, substance abuse,
3 and educational programs as provided for by Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(2) of Section 3-6-3, other than
6 first degree murder, and the offense was committed on or after
7 June 19, 1998, and when the sentence is imposed for reckless
8 homicide as defined in subsection (e) of Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 offense was committed on or after January 1, 1999, and when the
11 sentence is imposed for aggravated driving under the influence
12 of alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of the Illinois Vehicle Code, and when the sentence is
16 imposed for aggravated arson if the offense was committed on
17 or after July 27, 2001 (the effective date of Public Act
18 92-176), and when the sentence is imposed for aggravated
19 driving under the influence of alcohol, other drug or drugs,
20 or intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (C) of paragraph (1) of
22 subsection (d) of Section 11-501 of the Illinois Vehicle Code
23 committed on or after January 1, 2011 (the effective date of
24 Public Act 96-1230), the judge's statement, to be given after
25 pronouncing the sentence, shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois
4 as applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant is entitled to no more than 4 1/2 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment. Therefore, this defendant will serve at least
9 85% of his or her sentence. Assuming the defendant receives 4
10 1/2 days credit for each month of his or her sentence, the
11 period of estimated actual custody is ... years and ...
12 months. If the defendant, because of his or her own misconduct
13 or failure to comply with the institutional regulations
14 receives lesser credit, the actual time served in prison will
15 be longer."

16 When a sentence of imprisonment is imposed for first
17 degree murder and the offense was committed on or after June
18 19, 1998, the judge's statement, to be given after pronouncing
19 the sentence, shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois
24 as applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, the defendant is not entitled to sentence credit.

1 Therefore, this defendant will serve 100% of his or her
2 sentence."

3 When the sentencing order recommends placement in a
4 substance abuse program for any offense that results in
5 incarceration in a Department of Corrections facility and the
6 crime was committed on or after September 1, 2003 (the
7 effective date of Public Act 93-354), the judge's statement,
8 in addition to any other judge's statement required under this
9 Section, to be given after pronouncing the sentence, shall
10 include the following:

11 "The purpose of this statement is to inform the public of
12 the actual period of time this defendant is likely to spend in
13 prison as a result of this sentence. The actual period of
14 prison time served is determined by the statutes of Illinois
15 as applied to this sentence by the Illinois Department of
16 Corrections and the Illinois Prisoner Review Board. In this
17 case, the defendant shall receive no earned sentence credit
18 under clause (3) of subsection (a) of Section 3-6-3 until he or
19 she participates in and completes a substance abuse treatment
20 program or receives a waiver from the Director of Corrections
21 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

22 (c-4) Before the sentencing hearing and as part of the
23 presentence investigation under Section 5-3-1, the court shall
24 inquire of the defendant whether the defendant is currently
25 serving in or is a veteran of the Armed Forces of the United
26 States. If the defendant is currently serving in the Armed

1 Forces of the United States or is a veteran of the Armed Forces
2 of the United States and has been diagnosed as having a mental
3 illness by a qualified psychiatrist or clinical psychologist
4 or physician, the court may:

5 (1) order that the officer preparing the presentence
6 report consult with the United States Department of
7 Veterans Affairs, Illinois Department of Veterans'
8 Affairs, or another agency or person with suitable
9 knowledge or experience for the purpose of providing the
10 court with information regarding treatment options
11 available to the defendant, including federal, State, and
12 local programming; and

13 (2) consider the treatment recommendations of any
14 diagnosing or treating mental health professionals
15 together with the treatment options available to the
16 defendant in imposing sentence.

17 For the purposes of this subsection (c-4), "qualified
18 psychiatrist" means a reputable physician licensed in Illinois
19 to practice medicine in all its branches, who has specialized
20 in the diagnosis and treatment of mental and nervous disorders
21 for a period of not less than 5 years.

22 (c-6) In imposing a sentence, the trial judge shall
23 specify, on the record, the particular evidence and other
24 reasons which led to his or her determination that a motor
25 vehicle was used in the commission of the offense.

26 (c-7) (Blank). ~~In imposing a sentence for a Class 3 or 4~~

1 ~~felony, other than a violent crime as defined in Section 3 of~~
2 ~~the Rights of Crime Victims and Witnesses Act, the court shall~~
3 ~~determine and indicate in the sentencing order whether the~~
4 ~~defendant has 4 or more or fewer than 4 months remaining on his~~
5 ~~or her sentence accounting for time served.~~

6 (d) When the defendant is committed to the Department of
7 Corrections, the State's Attorney shall and counsel for the
8 defendant may file a statement with the clerk of the court to
9 be transmitted to the department, agency or institution to
10 which the defendant is committed to furnish such department,
11 agency or institution with the facts and circumstances of the
12 offense for which the person was committed together with all
13 other factual information accessible to them in regard to the
14 person prior to his commitment relative to his habits,
15 associates, disposition and reputation and any other facts and
16 circumstances which may aid such department, agency or
17 institution during its custody of such person. The clerk shall
18 within 10 days after receiving any such statements transmit a
19 copy to such department, agency or institution and a copy to
20 the other party, provided, however, that this shall not be
21 cause for delay in conveying the person to the department,
22 agency or institution to which he has been committed.

23 (e) The clerk of the court shall transmit to the
24 department, agency or institution, if any, to which the
25 defendant is committed, the following:

- 26 (1) the sentence imposed;

1 (2) any statement by the court of the basis for
2 imposing the sentence;

3 (3) any presentence reports;

4 (3.3) the person's last known complete street address
5 prior to incarceration or legal residence, the person's
6 race, whether the person is of Hispanic or Latino origin,
7 and whether the person is 18 years of age or older;

8 (3.5) any sex offender evaluations;

9 (3.6) any substance abuse treatment eligibility
10 screening and assessment of the defendant by an agent
11 designated by the State of Illinois to provide assessment
12 services for the Illinois courts;

13 (4) the number of days, if any, which the defendant
14 has been in custody and for which he is entitled to credit
15 against the sentence, which information shall be provided
16 to the clerk by the sheriff;

17 (4.1) any finding of great bodily harm made by the
18 court with respect to an offense enumerated in subsection
19 (c-1);

20 (5) all statements filed under subsection (d) of this
21 Section;

22 (6) any medical or mental health records or summaries
23 of the defendant;

24 (7) the municipality where the arrest of the offender
25 or the commission of the offense has occurred, where such
26 municipality has a population of more than 25,000 persons;

1 (8) all statements made and evidence offered under
2 paragraph (7) of subsection (a) of this Section; and

3 (9) all additional matters which the court directs the
4 clerk to transmit.

5 (f) In cases in which the court finds that a motor vehicle
6 was used in the commission of the offense for which the
7 defendant is being sentenced, the clerk of the court shall,
8 within 5 days thereafter, forward a report of such conviction
9 to the Secretary of State.

10 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;
11 103-51, eff. 1-1-24; revised 12-15-23.)

12 (730 ILCS 5/5-4.5-95)

13 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

14 (a) HABITUAL CRIMINALS.

15 (1) Every person who has been twice convicted in any
16 state or federal court of an offense that contains the
17 same elements as an offense now (the date of the offense
18 committed after the 2 prior convictions) classified in
19 Illinois as a Class X felony, criminal sexual assault,
20 aggravated kidnapping, or first degree murder, and who is
21 thereafter convicted of a Class X felony, criminal sexual
22 assault, or first degree murder, committed after the 2
23 prior convictions, shall be adjudged an habitual criminal.

24 (2) The 2 prior convictions need not have been for the
25 same offense.

1 (3) Any convictions that result from or are connected
2 with the same transaction, or result from offenses
3 committed at the same time, shall be counted for the
4 purposes of this Section as one conviction.

5 (4) This Section does not apply unless each of the
6 following requirements are satisfied:

7 (A) The third offense was committed after July 3,
8 1980.

9 (B) The third offense was committed within 20
10 years of the date that judgment was entered on the
11 first conviction; provided, however, that time spent
12 in custody shall not be counted.

13 (C) The third offense was committed after
14 conviction on the second offense.

15 (D) The second offense was committed after
16 conviction on the first offense.

17 (E) (Blank). ~~The first offense was committed when~~
18 ~~the person was 21 years of age or older.~~

19 (5) Anyone who, having attained the age of 18 at the
20 time of the third offense, is adjudged an habitual
21 criminal shall be sentenced to a term of natural life
22 imprisonment.

23 (6) A prior conviction shall not be alleged in the
24 indictment, and no evidence or other disclosure of that
25 conviction shall be presented to the court or the jury
26 during the trial of an offense set forth in this Section

1 unless otherwise permitted by the issues properly raised
2 in that trial. After a plea or verdict or finding of guilty
3 and before sentence is imposed, the prosecutor may file
4 with the court a verified written statement signed by the
5 State's Attorney concerning any former conviction of an
6 offense set forth in this Section rendered against the
7 defendant. The court shall then cause the defendant to be
8 brought before it; shall inform the defendant of the
9 allegations of the statement so filed, and of his or her
10 right to a hearing before the court on the issue of that
11 former conviction and of his or her right to counsel at
12 that hearing; and unless the defendant admits such
13 conviction, shall hear and determine the issue, and shall
14 make a written finding thereon. If a sentence has
15 previously been imposed, the court may vacate that
16 sentence and impose a new sentence in accordance with this
17 Section.

18 (7) A duly authenticated copy of the record of any
19 alleged former conviction of an offense set forth in this
20 Section shall be prima facie evidence of that former
21 conviction; and a duly authenticated copy of the record of
22 the defendant's final release or discharge from probation
23 granted, or from sentence and parole supervision (if any)
24 imposed pursuant to that former conviction, shall be prima
25 facie evidence of that release or discharge.

26 (8) Any claim that a previous conviction offered by

1 the prosecution is not a former conviction of an offense
2 set forth in this Section because of the existence of any
3 exceptions described in this Section, is waived unless
4 duly raised at the hearing on that conviction, or unless
5 the prosecution's proof shows the existence of the
6 exceptions described in this Section.

7 (9) If the person so convicted shows to the
8 satisfaction of the court before whom that conviction was
9 had that he or she was released from imprisonment, upon
10 either of the sentences upon a pardon granted for the
11 reason that he or she was innocent, that conviction and
12 sentence shall not be considered under this Section.

13 (b) When a defendant, over the age of 21 years, is
14 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
15 an offense listed in subsection (c-5) of this Section, after
16 having twice been convicted in any state or federal court of an
17 offense that contains the same elements as an offense now (the
18 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
19 classified in Illinois as a Class 2 or greater Class ~~forcible~~
20 felony, except for an offense listed in subsection (c-5) of
21 this Section, and those charges are separately brought and
22 tried and arise out of different series of acts, that
23 defendant shall be sentenced as a Class X offender. This
24 subsection does not apply unless:

25 (1) the first ~~forcible~~ felony was committed after
26 February 1, 1978 (the effective date of Public Act

1 80-1099);

2 (2) the second ~~forcible~~ felony was committed after
3 conviction on the first;

4 (3) the third ~~forcible~~ felony was committed after
5 conviction on the second; and

6 (4) (blank). ~~the first offense was committed when the~~
7 ~~person was 21 years of age or older.~~

8 (c) (Blank).

9 (c-5) Subsection (b) of this Section does not apply to
10 Class 1 or Class 2 felony convictions for a violation of
11 Section 16-1 of the Criminal Code of 2012.

12 A person sentenced as a Class X offender under this
13 subsection (b) is not eligible to apply for treatment as a
14 condition of probation as provided by Section 40-10 of the
15 Substance Use Disorder Act (20 ILCS 301/40-10).

16 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
17 101-652, eff. 7-1-21.)

18 (730 ILCS 5/5-4.5-100)

19 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

20 (a) COMMENCEMENT. A sentence of imprisonment shall
21 commence on the date on which the offender is received by the
22 Department or the institution at which the sentence is to be
23 served.

24 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
25 forth in subsection (e), the offender shall be given credit on

1 the determinate sentence or maximum term and the minimum
2 period of imprisonment for the number of days spent in custody
3 as a result of the offense for which the sentence was imposed.
4 The Department shall calculate the credit at the rate
5 specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. Except when
6 prohibited by subsection (d-5), the ~~The~~ trial court shall give
7 credit to the defendant for time spent in home detention on the
8 same sentencing terms as incarceration as provided in Section
9 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~. ~~Home detention for purposes of~~
10 ~~credit includes restrictions on liberty such as curfews~~
11 ~~restricting movement for 12 hours or more per day and~~
12 ~~electronic monitoring that restricts travel or movement.~~
13 ~~Electronic monitoring is not required for home detention to be~~
14 ~~considered custodial for purposes of sentencing credit.~~ The
15 trial court may give credit to the defendant for the number of
16 days spent confined for psychiatric or substance abuse
17 treatment prior to judgment, if the court finds that the
18 detention or confinement was custodial.

19 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
20 arrested on one charge and prosecuted on another charge for
21 conduct that occurred prior to his or her arrest shall be given
22 credit on the determinate sentence or maximum term and the
23 minimum term of imprisonment for time spent in custody under
24 the former charge not credited against another sentence.

25 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
26 defendant credit for successfully completing county

1 programming while in custody prior to imposition of sentence
2 at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. For
3 the purposes of this subsection, "custody" includes time spent
4 in home detention.

5 (d) (Blank).

6 (d-5) NO CREDIT; SOME HOME DETENTION. An offender
7 sentenced to a term of imprisonment for an offense listed in
8 paragraph (2) of subsection (c) of Section 5-5-3 or in
9 paragraph (3) of subsection (c-1) of Section 11-501 of the
10 Illinois Vehicle Code shall not receive credit for time spent
11 in home detention prior to judgment.

12 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
13 RELEASE, OR PROBATION. An offender charged with the commission
14 of an offense committed while on parole, mandatory supervised
15 release, or probation shall not be given credit for time spent
16 in custody under subsection (b) for that offense for any time
17 spent in custody as a result of a revocation of parole,
18 mandatory supervised release, or probation where such
19 revocation is based on a sentence imposed for a previous
20 conviction, regardless of the facts upon which the revocation
21 of parole, mandatory supervised release, or probation is
22 based, unless both the State and the defendant agree that the
23 time served for a violation of mandatory supervised release,
24 parole, or probation shall be credited towards the sentence
25 for the current offense.

26 (Source: P.A. 101-652, eff. 7-1-21.)

1 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

2 Sec. 5-8-1. Natural life imprisonment; enhancements for
3 use of a firearm; mandatory supervised release terms.

4 (a) Except as otherwise provided in the statute defining
5 the offense or in Article 4.5 of Chapter V, a sentence of
6 imprisonment for a felony shall be a determinate sentence set
7 by the court under this Section, subject to Section 5-4.5-115
8 of this Code, according to the following limitations:

9 (1) for first degree murder,

10 (a) (blank),

11 (b) if a trier of fact finds beyond a reasonable
12 doubt that the murder was accompanied by exceptionally
13 brutal or heinous behavior indicative of wanton
14 cruelty or, except as set forth in subsection
15 (a)(1)(c) of this Section, that any of the aggravating
16 factors listed in subparagraph (b-5) are present, the
17 court may sentence the defendant, subject to Section
18 5-4.5-105, to a term of natural life imprisonment, or

19 (b-5) A defendant who at the time of the
20 commission of the offense has attained the age of 18 or
21 more and who has been found guilty of first degree
22 murder may be sentenced to a term of natural life
23 imprisonment if:

24 (1) the murdered individual was an inmate at
25 an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency and was killed on the grounds thereof, or
3 the murdered individual was otherwise present in
4 such institution or facility with the knowledge
5 and approval of the chief administrative officer
6 thereof;

7 (2) the murdered individual was killed as a
8 result of the hijacking of an airplane, train,
9 ship, bus, or other public conveyance;

10 (3) the defendant committed the murder
11 pursuant to a contract, agreement, or
12 understanding by which he or she was to receive
13 money or anything of value in return for
14 committing the murder or procured another to
15 commit the murder for money or anything of value;

16 (4) the murdered individual was killed in the
17 course of another felony if:

18 (A) the murdered individual:

19 (i) was actually killed by the
20 defendant, or

21 (ii) received physical injuries
22 personally inflicted by the defendant
23 substantially contemporaneously with
24 physical injuries caused by one or more
25 persons for whose conduct the defendant is
26 legally accountable under Section 5-2 of

1 this Code, and the physical injuries
2 inflicted by either the defendant or the
3 other person or persons for whose conduct
4 he is legally accountable caused the death
5 of the murdered individual; and (B) in
6 performing the acts which caused the death
7 of the murdered individual or which
8 resulted in physical injuries personally
9 inflicted by the defendant on the murdered
10 individual under the circumstances of
11 subdivision (ii) of clause (A) of this
12 clause (4), the defendant acted with the
13 intent to kill the murdered individual or
14 with the knowledge that his or her acts
15 created a strong probability of death or
16 great bodily harm to the murdered
17 individual or another; and

18 (B) in performing the acts which caused
19 the death of the murdered individual or which
20 resulted in physical injuries personally
21 inflicted by the defendant on the murdered
22 individual under the circumstances of
23 subdivision (ii) of clause (A) of this clause
24 (4), the defendant acted with the intent to
25 kill the murdered individual or with the
26 knowledge that his or her acts created a

1 strong probability of death or great bodily
2 harm to the murdered individual or another;
3 and

4 (C) the other felony was an inherently
5 violent crime or the attempt to commit an
6 inherently violent crime. In this clause (C),
7 "inherently violent crime" includes, but is
8 not limited to, armed robbery, robbery,
9 predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, aggravated
11 kidnapping, aggravated vehicular hijacking,
12 aggravated arson, aggravated stalking,
13 residential burglary, and home invasion;

14 (5) the defendant committed the murder with
15 intent to prevent the murdered individual from
16 testifying or participating in any criminal
17 investigation or prosecution or giving material
18 assistance to the State in any investigation or
19 prosecution, either against the defendant or
20 another; or the defendant committed the murder
21 because the murdered individual was a witness in
22 any prosecution or gave material assistance to the
23 State in any investigation or prosecution, either
24 against the defendant or another; for purposes of
25 this clause (5), "participating in any criminal
26 investigation or prosecution" is intended to

1 include those appearing in the proceedings in any
2 capacity such as trial judges, prosecutors,
3 defense attorneys, investigators, witnesses, or
4 jurors;

5 (6) the defendant, while committing an offense
6 punishable under Section 401, 401.1, 401.2, 405,
7 405.2, 407 or 407.1 or subsection (b) of Section
8 404 of the Illinois Controlled Substances Act, or
9 while engaged in a conspiracy or solicitation to
10 commit such offense, intentionally killed an
11 individual or counseled, commanded, induced,
12 procured or caused the intentional killing of the
13 murdered individual;

14 (7) the defendant was incarcerated in an
15 institution or facility of the Department of
16 Corrections at the time of the murder, and while
17 committing an offense punishable as a felony under
18 Illinois law, or while engaged in a conspiracy or
19 solicitation to commit such offense, intentionally
20 killed an individual or counseled, commanded,
21 induced, procured or caused the intentional
22 killing of the murdered individual;

23 (8) the murder was committed in a cold,
24 calculated and premeditated manner pursuant to a
25 preconceived plan, scheme or design to take a
26 human life by unlawful means, and the conduct of

1 the defendant created a reasonable expectation
2 that the death of a human being would result
3 therefrom;

4 (9) the defendant was a principal
5 administrator, organizer, or leader of a
6 calculated criminal drug conspiracy consisting of
7 a hierarchical position of authority superior to
8 that of all other members of the conspiracy, and
9 the defendant counseled, commanded, induced,
10 procured, or caused the intentional killing of the
11 murdered person;

12 (10) the murder was intentional and involved
13 the infliction of torture. For the purpose of this
14 clause (10), torture means the infliction of or
15 subjection to extreme physical pain, motivated by
16 an intent to increase or prolong the pain,
17 suffering or agony of the victim;

18 (11) the murder was committed as a result of
19 the intentional discharge of a firearm by the
20 defendant from a motor vehicle and the victim was
21 not present within the motor vehicle;

22 (12) the murdered individual was a person with
23 a disability and the defendant knew or should have
24 known that the murdered individual was a person
25 with a disability. For purposes of this clause
26 (12), "person with a disability" means a person

1 who suffers from a permanent physical or mental
2 impairment resulting from disease, an injury, a
3 functional disorder, or a congenital condition
4 that renders the person incapable of adequately
5 providing for his or her own health or personal
6 care;

7 (13) the murdered individual was subject to an
8 order of protection and the murder was committed
9 by a person against whom the same order of
10 protection was issued under the Illinois Domestic
11 Violence Act of 1986;

12 (14) the murdered individual was known by the
13 defendant to be a teacher or other person employed
14 in any school and the teacher or other employee is
15 upon the grounds of a school or grounds adjacent
16 to a school, or is in any part of a building used
17 for school purposes;

18 (15) the murder was committed by the defendant
19 in connection with or as a result of the offense of
20 terrorism as defined in Section 29D-14.9 of this
21 Code;

22 (16) the murdered individual was a member of a
23 congregation engaged in prayer or other religious
24 activities at a church, synagogue, mosque, or
25 other building, structure, or place used for
26 religious worship; or

1 (17)(i) the murdered individual was a
2 physician, physician assistant, psychologist,
3 nurse, or advanced practice registered nurse;

4 (ii) the defendant knew or should have known
5 that the murdered individual was a physician,
6 physician assistant, psychologist, nurse, or
7 advanced practice registered nurse; and

8 (iii) the murdered individual was killed in
9 the course of acting in his or her capacity as a
10 physician, physician assistant, psychologist,
11 nurse, or advanced practice registered nurse, or
12 to prevent him or her from acting in that
13 capacity, or in retaliation for his or her acting
14 in that capacity.

15 (c) the court shall sentence the defendant to a
16 term of natural life imprisonment if the defendant, at
17 the time of the commission of the murder, had attained
18 the age of 18, and:

19 (i) has previously been convicted of first
20 degree murder under any state or federal law, or

21 (ii) is found guilty of murdering more than
22 one victim, or

23 (iii) is found guilty of murdering a peace
24 officer, fireman, or emergency management worker
25 when the peace officer, fireman, or emergency
26 management worker was killed in the course of

1 performing his official duties, or to prevent the
2 peace officer or fireman from performing his
3 official duties, or in retaliation for the peace
4 officer, fireman, or emergency management worker
5 from performing his official duties, and the
6 defendant knew or should have known that the
7 murdered individual was a peace officer, fireman,
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee
10 of an institution or facility of the Department of
11 Corrections, or any similar local correctional
12 agency, when the employee was killed in the course
13 of performing his official duties, or to prevent
14 the employee from performing his official duties,
15 or in retaliation for the employee performing his
16 official duties, or

17 (v) is found guilty of murdering an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver or other
21 medical assistance or first aid person while
22 employed by a municipality or other governmental
23 unit when the person was killed in the course of
24 performing official duties or to prevent the
25 person from performing official duties or in
26 retaliation for performing official duties and the

1 defendant knew or should have known that the
2 murdered individual was an emergency medical
3 technician - ambulance, emergency medical
4 technician - intermediate, emergency medical
5 technician - paramedic, ambulance driver, or other
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

8 (vii) is found guilty of first degree murder
9 and the murder was committed by reason of any
10 person's activity as a community policing
11 volunteer or to prevent any person from engaging
12 in activity as a community policing volunteer. For
13 the purpose of this Section, "community policing
14 volunteer" has the meaning ascribed to it in
15 Section 2-3.5 of the Criminal Code of 2012.

16 For purposes of clause (v), "emergency medical
17 technician - ambulance", "emergency medical technician
18 - intermediate", "emergency medical technician -
19 paramedic", have the meanings ascribed to them in the
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while
22 armed with a firearm, 15 years shall be added to
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense, the
25 person personally discharged a firearm, 20 years shall
26 be added to the term of imprisonment imposed by the

1 court;

2 (iii) if, during the commission of the offense,
3 the person personally discharged a firearm that
4 proximately caused great bodily harm, permanent
5 disability, permanent disfigurement, or death to
6 another person, 25 years or up to a term of natural
7 life shall be added to the term of imprisonment
8 imposed by the court.

9 (2) (blank);

10 (2.5) for a person who has attained the age of 18 years
11 at the time of the commission of the offense and who is
12 convicted under the circumstances described in subdivision
13 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
14 subsection (b) of Section 12-13, subdivision (d)(2) of
15 Section 11-1.30 or paragraph (2) of subsection (d) of
16 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
17 paragraph (1.2) of subsection (b) of Section 12-14.1,
18 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
19 subsection (b) of Section 12-14.1 of the Criminal Code of
20 1961 or the Criminal Code of 2012, the sentence shall be a
21 term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8,
25 the parole or mandatory supervised release term shall be
26 written as part of the sentencing order and shall be as

1 follows:

2 (1) for first degree murder or a Class X felony except
3 for the offenses of predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, and criminal
5 sexual assault and except for the offense of aggravated
6 child pornography under Section 11-20.1B, 11-20.3, or
7 11-20.1 with sentencing under subsection (c-5) of Section
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, if committed on or after January 1, 2009, 3 years;

10 (2) for a Class 1 felony or a Class 2 felony except for
11 the offense of criminal sexual assault and except for the
12 offenses of manufacture and dissemination of child
13 pornography under clauses (a)(1) and (a)(2) of Section
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012, if committed on or after January 1, 2009, 2 years;

16 (3) for a Class 3 felony or a Class 4 felony, 1 year;

17 (4) for defendants who commit the offense of predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, or criminal sexual assault, on or after
20 December 13, 2005 (the effective date of Public Act
21 94-715), or who commit the offense of aggravated child
22 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
23 with sentencing under subsection (c-5) of Section 11-20.1
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 manufacture of child pornography, or dissemination of
26 child pornography after January 1, 2009, the term of

1 mandatory supervised release shall range from a minimum of
2 3 years to a maximum of the natural life of the defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic monitoring or home detention program under
8 Article 8A of Chapter V of this Code;

9 (6) for a felony domestic battery, aggravated domestic
10 battery, stalking, aggravated stalking, and a felony
11 violation of an order of protection, 4 years.

12 ~~Subject to earlier termination under Section 3-3-8, the parole~~
13 ~~or mandatory supervised release term shall be written as part~~
14 ~~of the sentencing order and shall be as follows:~~

15 ~~(1) for first degree murder or for the offenses of~~
16 ~~predatory criminal sexual assault of a child, aggravated~~
17 ~~criminal sexual assault, and criminal sexual assault if~~
18 ~~committed on or before December 12, 2005, 3 years;~~

19 ~~(1.5) except as provided in paragraph (7) of this~~
20 ~~subsection (d), for a Class X felony except for the~~
21 ~~offenses of predatory criminal sexual assault of a child,~~
22 ~~aggravated criminal sexual assault, and criminal sexual~~
23 ~~assault if committed on or after December 13, 2005 (the~~
24 ~~effective date of Public Act 94-715) and except for the~~
25 ~~offense of aggravated child pornography under Section~~
26 ~~11 20.1B, 11 20.3, or 11 20.1 with sentencing under~~

1 ~~subsection (c-5) of Section 11-20.1 of the Criminal Code~~
2 ~~of 1961 or the Criminal Code of 2012, if committed on or~~
3 ~~after January 1, 2009, 18 months;~~

4 ~~(2) except as provided in paragraph (7) of this~~
5 ~~subsection (d), for a Class 1 felony or a Class 2 felony~~
6 ~~except for the offense of criminal sexual assault if~~
7 ~~committed on or after December 13, 2005 (the effective~~
8 ~~date of Public Act 94-715) and except for the offenses of~~
9 ~~manufacture and dissemination of child pornography under~~
10 ~~clauses (a)(1) and (a)(2) of Section 11-20.1 of the~~
11 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
12 ~~committed on or after January 1, 2009, 12 months;~~

13 ~~(3) except as provided in paragraph (4), (6), or (7)~~
14 ~~of this subsection (d), for a Class 3 felony or a Class 4~~
15 ~~felony, 6 months; no later than 45 days after the onset of~~
16 ~~the term of mandatory supervised release, the Prisoner~~
17 ~~Review Board shall conduct a discretionary discharge~~
18 ~~review pursuant to the provisions of Section 3-3-8, which~~
19 ~~shall include the results of a standardized risk and needs~~
20 ~~assessment tool administered by the Department of~~
21 ~~Corrections; the changes to this paragraph (3) made by~~
22 ~~this amendatory Act of the 102nd General Assembly apply to~~
23 ~~all individuals released on mandatory supervised release~~
24 ~~on or after the effective date of this amendatory Act of~~
25 ~~the 102nd General Assembly, including those individuals~~
26 ~~whose sentences were imposed prior to the effective date~~

1 ~~of this amendatory Act of the 102nd General Assembly;~~

2 ~~(4) for defendants who commit the offense of predatory~~
3 ~~criminal sexual assault of a child, aggravated criminal~~
4 ~~sexual assault, or criminal sexual assault, on or after~~
5 ~~December 13, 2005 (the effective date of Public Act~~
6 ~~94-715), or who commit the offense of aggravated child~~
7 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
8 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
9 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
10 ~~manufacture of child pornography, or dissemination of~~
11 ~~child pornography after January 1, 2009, the term of~~
12 ~~mandatory supervised release shall range from a minimum of~~
13 ~~3 years to a maximum of the natural life of the defendant;~~

14 ~~(5) if the victim is under 18 years of age, for a~~
15 ~~second or subsequent offense of aggravated criminal sexual~~
16 ~~abuse or felony criminal sexual abuse, 4 years, at least~~
17 ~~the first 2 years of which the defendant shall serve in an~~
18 ~~electronic monitoring or home detention program under~~
19 ~~Article 8A of Chapter V of this Code;~~

20 ~~(6) for a felony domestic battery, aggravated domestic~~
21 ~~battery, stalking, aggravated stalking, and a felony~~
22 ~~violation of an order of protection, 4 years;~~

23 ~~(7) for any felony described in paragraph (a)(2)(ii),~~
24 ~~(a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),~~
25 ~~(a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section~~
26 ~~3-6-3 of the Unified Code of Corrections requiring an~~

1 ~~inmate to serve a minimum of 85% of their court-imposed~~
2 ~~sentence, except for the offenses of predatory criminal~~
3 ~~sexual assault of a child, aggravated criminal sexual~~
4 ~~assault, and criminal sexual assault if committed on or~~
5 ~~after December 13, 2005 (the effective date of Public Act~~
6 ~~94-715) and except for the offense of aggravated child~~
7 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
8 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
9 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
10 ~~if committed on or after January 1, 2009 and except as~~
11 ~~provided in paragraph (4) or paragraph (6) of this~~
12 ~~subsection (d), the term of mandatory supervised release~~
13 ~~shall be as follows:~~

14 ~~(A) Class X felony, 3 years;~~

15 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

16 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

17 (e) (Blank).

18 (f) (Blank).

19 (g) Notwithstanding any other provisions of this Act and
20 of Public Act 101-652: (i) the provisions of paragraph (3) of
21 subsection (d) are effective on July 1, 2022 and shall apply to
22 all individuals convicted on or after the effective date of
23 paragraph (3) of subsection (d); and (ii) the provisions of
24 paragraphs (1.5) and (2) of subsection (d) are effective on
25 July 1, 2021 and shall apply to all individuals convicted on or
26 after the effective date of paragraphs (1.5) and (2) of

1 subsection (d).

2 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
3 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
4 1-1-24.)

5 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

6 Sec. 5-8-4. Concurrent and consecutive terms of
7 imprisonment.

8 (a) Concurrent terms; multiple or additional sentences.

9 When an Illinois court (i) imposes multiple sentences of
10 imprisonment on a defendant at the same time or (ii) imposes a
11 sentence of imprisonment on a defendant who is already subject
12 to a sentence of imprisonment imposed by an Illinois court, a
13 court of another state, or a federal court, then the sentences
14 shall run concurrently unless otherwise determined by the
15 Illinois court under this Section.

16 (b) Concurrent terms; misdemeanor and felony. A defendant
17 serving a sentence for a misdemeanor who is convicted of a
18 felony and sentenced to imprisonment shall be transferred to
19 the Department of Corrections, and the misdemeanor sentence
20 shall be merged in and run concurrently with the felony
21 sentence.

22 (c) Consecutive terms; permissive. The court may impose
23 consecutive sentences in any of the following circumstances:

24 (1) If, having regard to the nature and circumstances
25 of the offense and the history and character of the

1 defendant, it is the opinion of the court that consecutive
2 sentences are required to protect the public from further
3 criminal conduct by the defendant, the basis for which the
4 court shall set forth in the record.

5 (2) If one of the offenses for which a defendant was
6 convicted was a violation of Section 32-5.2 (aggravated
7 false personation of a peace officer) of the Criminal Code
8 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
9 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
10 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
11 offense was committed in attempting or committing a
12 forcible felony.

13 ~~(3) If a person charged with a felony commits a~~
14 ~~separate felony while on pretrial release or in pretrial~~
15 ~~detention in a county jail facility or county detention~~
16 ~~facility, then the sentences imposed upon conviction of~~
17 ~~these felonies may be served consecutively regardless of~~
18 ~~the order in which the judgments of conviction are~~
19 ~~entered.~~

20 ~~(4) If a person commits a battery against a county~~
21 ~~correctional officer or sheriff's employee while serving a~~
22 ~~sentence or in pretrial detention in a county jail~~
23 ~~facility, then the sentence imposed upon conviction of the~~
24 ~~battery may be served consecutively with the sentence~~
25 ~~imposed upon conviction of the earlier misdemeanor or~~
26 ~~felony, regardless of the order in which the judgments of~~

1 ~~conviction are entered.~~

2 ~~(5) If a person admitted to pretrial release following~~
3 ~~conviction of a felony commits a separate felony while~~
4 ~~released pretrial or if a person detained in a county jail~~
5 ~~facility or county detention facility following conviction~~
6 ~~of a felony commits a separate felony while in detention,~~
7 ~~then any sentence following conviction of the separate~~
8 ~~felony may be consecutive to that of the original sentence~~
9 ~~for which the defendant was released pretrial or detained.~~

10 ~~(6) If a person is found to be in possession of an item~~
11 ~~of contraband, as defined in Section 31A-0.1 of the~~
12 ~~Criminal Code of 2012, while serving a sentence in a~~
13 ~~county jail or while in pretrial detention in a county~~
14 ~~jail, the sentence imposed upon conviction for the offense~~
15 ~~of possessing contraband in a penal institution may be~~
16 ~~served consecutively to the sentence imposed for the~~
17 ~~offense for which the person is serving a sentence in the~~
18 ~~county jail or while in pretrial detention, regardless of~~
19 ~~the order in which the judgments of conviction are~~
20 ~~entered.~~

21 ~~(7) If a person is sentenced for a violation of a~~
22 ~~condition of pretrial release under Section 32-10 of the~~
23 ~~Criminal Code of 1961 or the Criminal Code of 2012, any~~
24 ~~sentence imposed for that violation may be served~~
25 ~~consecutive to the sentence imposed for the charge for~~
26 ~~which pretrial release had been granted and with respect~~

1 ~~to which the defendant has been convicted.~~

2 (d) Consecutive terms; mandatory. The court shall impose
3 consecutive sentences in each of the following circumstances:

4 (1) One of the offenses for which the defendant was
5 convicted was first degree murder or a Class X or Class 1
6 felony and the defendant inflicted severe bodily injury.

7 (2) The defendant was convicted of a violation of
8 Section 11-1.20 or 12-13 (criminal sexual assault),
9 11-1.30 or 12-14 (aggravated criminal sexual assault), or
10 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
11 child) of the Criminal Code of 1961 or the Criminal Code of
12 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
13 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
14 5/12-14.1).

15 (2.5) The defendant was convicted of a violation of
16 paragraph (1), (2), (3), (4), (5), or (7) of subsection
17 (a) of Section 11-20.1 (child pornography) or of paragraph
18 (1), (2), (3), (4), (5), or (7) of subsection (a) of
19 Section 11-20.1B or 11-20.3 (aggravated child pornography)
20 of the Criminal Code of 1961 or the Criminal Code of 2012;
21 or the defendant was convicted of a violation of paragraph
22 (6) of subsection (a) of Section 11-20.1 (child
23 pornography) or of paragraph (6) of subsection (a) of
24 Section 11-20.1B or 11-20.3 (aggravated child pornography)
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 when the child depicted is under the age of 13.

1 (3) The defendant was convicted of armed violence
2 based upon the predicate offense of any of the following:
3 solicitation of murder, solicitation of murder for hire,
4 heinous battery as described in Section 12-4.1 or
5 subdivision (a)(2) of Section 12-3.05, aggravated battery
6 of a senior citizen as described in Section 12-4.6 or
7 subdivision (a)(4) of Section 12-3.05, criminal sexual
8 assault, a violation of subsection (g) of Section 5 of the
9 Cannabis Control Act (720 ILCS 550/5), cannabis
10 trafficking, a violation of subsection (a) of Section 401
11 of the Illinois Controlled Substances Act (720 ILCS
12 570/401), controlled substance trafficking involving a
13 Class X felony amount of controlled substance under
14 Section 401 of the Illinois Controlled Substances Act (720
15 ILCS 570/401), a violation of the Methamphetamine Control
16 and Community Protection Act (720 ILCS 646/), calculated
17 criminal drug conspiracy, or streetgang criminal drug
18 conspiracy.

19 (4) The defendant was convicted of the offense of
20 leaving the scene of a motor vehicle crash involving death
21 or personal injuries under Section 11-401 of the Illinois
22 Vehicle Code (625 ILCS 5/11-401) and either: (A)
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof under Section 11-501 of the
26 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless

1 homicide under Section 9-3 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
3 offense described in item (A) and an offense described in
4 item (B).

5 (5) The defendant was convicted of a violation of
6 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
7 death) or Section 12-20.5 (dismembering a human body) of
8 the Criminal Code of 1961 or the Criminal Code of 2012 (720
9 ILCS 5/9-3.1 or 5/12-20.5).

10 (5.5) The defendant was convicted of a violation of
11 Section 24-3.7 (use of a stolen firearm in the commission
12 of an offense) of the Criminal Code of 1961 or the Criminal
13 Code of 2012.

14 (6) If the defendant was in the custody of the
15 Department of Corrections at the time of the commission of
16 the offense, the sentence shall be served consecutive to
17 the sentence under which the defendant is held by the
18 Department of Corrections. If, however, the defendant is
19 sentenced to punishment by death, the sentence shall be
20 executed at such time as the court may fix without regard
21 to the sentence under which the defendant may be held by
22 the Department.

23 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
24 for escape or attempted escape shall be served consecutive
25 to the terms under which the offender is held by the
26 Department of Corrections.

1 (8) (Blank).

2 (8.1) If a person charged with a felony commits a
3 separate felony while on bond or in pretrial detention in
4 a county jail facility or county detention facility, then
5 the sentences imposed upon conviction of these felonies
6 shall be served consecutively regardless of the order in
7 which the judgments of conviction are entered.

8 (8.5) (Blank).

9 (8.6) If a person commits a battery against a county
10 correctional officer or sheriff's employee while serving a
11 sentence or in pretrial detention in a county jail
12 facility, then the sentence imposed upon conviction of the
13 battery shall be served consecutively with the sentence
14 imposed upon conviction of the earlier misdemeanor or
15 felony, regardless of the order in which the judgments of
16 conviction are entered.

17 (9) (Blank).

18 (9.1) If a person admitted to bail following
19 conviction of a felony commits a separate felony while
20 free on bond or if a person detained in a county jail
21 facility or county detention facility following conviction
22 of a felony commits a separate felony while in detention,
23 then any sentence following conviction of the separate
24 felony shall be consecutive to that of the original
25 sentence for which the defendant was on bond or detained.

26 (10) (Blank).

1 (10.1) If a person is found to be in possession of an
2 item of contraband, as defined in Section 31A-0.1 of the
3 Criminal Code of 2012, while serving a sentence in a
4 county jail or while in pre-trial detention in a county
5 jail, the sentence imposed upon conviction for the offense
6 of possessing contraband in a penal institution shall be
7 served consecutively to the sentence imposed for the
8 offense in which the person is serving sentence in the
9 county jail or serving pretrial detention, regardless of
10 the order in which the judgments of conviction are
11 entered.

12 (11) (Blank).

13 (11.1) If a person is sentenced for a violation of
14 bail bond under Section 32-10 of the Criminal Code of 1961
15 or the Criminal Code of 2012, any sentence imposed for
16 that violation shall be served consecutive to the sentence
17 imposed for the charge for which bail had been granted and
18 with respect to which the defendant has been convicted.

19 (e) Consecutive terms; subsequent non-Illinois term. If an
20 Illinois court has imposed a sentence of imprisonment on a
21 defendant and the defendant is subsequently sentenced to a
22 term of imprisonment by a court of another state or a federal
23 court, then the Illinois sentence shall run consecutively to
24 the sentence imposed by the court of the other state or the
25 federal court. That same Illinois court, however, may order
26 that the Illinois sentence run concurrently with the sentence

1 imposed by the court of the other state or the federal court,
2 but only if the defendant applies to that same Illinois court
3 within 30 days after the sentence imposed by the court of the
4 other state or the federal court is finalized.

5 (f) Consecutive terms; aggregate maximums and minimums.
6 The aggregate maximum and aggregate minimum of consecutive
7 sentences shall be determined as follows:

8 (1) For sentences imposed under law in effect prior to
9 February 1, 1978, the aggregate maximum of consecutive
10 sentences shall not exceed the maximum term authorized
11 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
12 Chapter V for the 2 most serious felonies involved. The
13 aggregate minimum period of consecutive sentences shall
14 not exceed the highest minimum term authorized under
15 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
16 V for the 2 most serious felonies involved. When sentenced
17 only for misdemeanors, a defendant shall not be
18 consecutively sentenced to more than the maximum for one
19 Class A misdemeanor.

20 (2) For sentences imposed under the law in effect on
21 or after February 1, 1978, the aggregate of consecutive
22 sentences for offenses that were committed as part of a
23 single course of conduct during which there was no
24 substantial change in the nature of the criminal objective
25 shall not exceed the sum of the maximum terms authorized
26 under Article 4.5 of Chapter V for the 2 most serious

1 felonies involved, but no such limitation shall apply for
2 offenses that were not committed as part of a single
3 course of conduct during which there was no substantial
4 change in the nature of the criminal objective. When
5 sentenced only for misdemeanors, a defendant shall not be
6 consecutively sentenced to more than the maximum for one
7 Class A misdemeanor.

8 (g) Consecutive terms; manner served. In determining the
9 manner in which consecutive sentences of imprisonment, one or
10 more of which is for a felony, will be served, the Department
11 of Corrections shall treat the defendant as though he or she
12 had been committed for a single term subject to each of the
13 following:

14 (1) The maximum period of a term of imprisonment shall
15 consist of the aggregate of the maximums of the imposed
16 indeterminate terms, if any, plus the aggregate of the
17 imposed determinate sentences for felonies, plus the
18 aggregate of the imposed determinate sentences for
19 misdemeanors, subject to subsection (f) of this Section.

20 (2) The parole or mandatory supervised release term
21 shall be as provided in paragraph (e) of Section 5-4.5-50
22 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
23 involved.

24 (3) The minimum period of imprisonment shall be the
25 aggregate of the minimum and determinate periods of
26 imprisonment imposed by the court, subject to subsection

1 (f) of this Section.

2 (4) The defendant shall be awarded credit against the
3 aggregate maximum term and the aggregate minimum term of
4 imprisonment for all time served in an institution since
5 the commission of the offense or offenses and as a
6 consequence thereof at the rate specified in Section 3-6-3
7 (730 ILCS 5/3-6-3).

8 (h) Notwithstanding any other provisions of this Section,
9 all sentences imposed by an Illinois court under this Code
10 shall run concurrent to any and all sentences imposed under
11 the Juvenile Court Act of 1987.

12 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
13 102-1104, eff. 12-6-22.)

14 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

15 Sec. 5-8-6. Place of confinement.

16 (a) Offenders ~~Except as otherwise provided in this~~
17 ~~subsection (a),~~ offenders sentenced to a term of imprisonment
18 for a felony shall be committed to the penitentiary system of
19 the Department of Corrections. However, such sentence shall
20 not limit the powers of the Department of Children and Family
21 Services in relation to any child under the age of one year in
22 the sole custody of a person so sentenced, nor in relation to
23 any child delivered by a female so sentenced while she is so
24 confined as a consequence of such sentence. A ~~Except as~~
25 ~~otherwise provided in this subsection (a),~~ a person sentenced

1 for a felony may be assigned by the Department of Corrections
2 to any of its institutions, facilities or programs. ~~An~~
3 ~~offender sentenced to a term of imprisonment for a Class 3 or 4~~
4 ~~felony, other than a violent crime as defined in Section 3 of~~
5 ~~the Rights of Crime Victims and Witnesses Act, in which the~~
6 ~~sentencing order indicates that the offender has less than 4~~
7 ~~months remaining on his or her sentence accounting for time~~
8 ~~served may not be confined in the penitentiary system of the~~
9 ~~Department of Corrections but may be assigned to electronic~~
10 ~~home detention under Article 8A of this Chapter V, an adult~~
11 ~~transition center, or another facility or program within the~~
12 ~~Department of Corrections.~~

13 (b) Offenders sentenced to a term of imprisonment for less
14 than one year shall be committed to the custody of the sheriff.
15 A person committed to the Department of Corrections, prior to
16 July 14, 1983, for less than one year may be assigned by the
17 Department to any of its institutions, facilities or programs.

18 (c) All offenders under 18 years of age when sentenced to
19 imprisonment shall be committed to the Department of Juvenile
20 Justice and the court in its order of commitment shall set a
21 definite term. The provisions of Section 3-3-3 shall be a part
22 of such commitment as fully as though written in the order of
23 commitment. The place of confinement for sentences imposed
24 before the effective date of this amendatory Act of the 99th
25 General Assembly are not affected or abated by this amendatory
26 Act of the 99th General Assembly.

1 (d) No defendant shall be committed to the Department of
2 Corrections for the recovery of a fine or costs.

3 (e) When a court sentences a defendant to a term of
4 imprisonment concurrent with a previous and unexpired sentence
5 of imprisonment imposed by any district court of the United
6 States, it may commit the offender to the custody of the
7 Attorney General of the United States. The Attorney General of
8 the United States, or the authorized representative of the
9 Attorney General of the United States, shall be furnished with
10 the warrant of commitment from the court imposing sentence,
11 which warrant of commitment shall provide that, when the
12 offender is released from federal confinement, whether by
13 parole or by termination of sentence, the offender shall be
14 transferred by the Sheriff of the committing county to the
15 Department of Corrections. The court shall cause the
16 Department to be notified of such sentence at the time of
17 commitment and to be provided with copies of all records
18 regarding the sentence.

19 (Source: P.A. 101-652, eff. 7-1-21.)

20 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

21 Sec. 5-8A-2. Definitions. As used in this Article:

22 (A) "Approved electronic monitoring device" means a device
23 approved by the supervising authority which is primarily
24 intended to record or transmit information as to the
25 defendant's presence or nonpresence in the home, consumption

1 of alcohol, consumption of drugs, location as determined
2 through GPS, cellular triangulation, Wi-Fi, or other
3 electronic means.

4 An approved electronic monitoring device may record or
5 transmit: oral or wire communications or an auditory sound;
6 visual images; or information regarding the offender's
7 activities while inside the offender's home. These devices are
8 subject to the required consent as set forth in Section 5-8A-5
9 of this Article.

10 An approved electronic monitoring device may be used to
11 record a conversation between the participant and the
12 monitoring device, or the participant and the person
13 supervising the participant solely for the purpose of
14 identification and not for the purpose of eavesdropping or
15 conducting any other illegally intrusive monitoring.

16 (A-10) "Department" means the Department of Corrections or
17 the Department of Juvenile Justice.

18 (A-20) "Electronic monitoring" means the monitoring of an
19 inmate, person, or offender with an electronic device both
20 within and outside of their home under the terms and
21 conditions established by the supervising authority.

22 (B) "Excluded offenses" means first degree murder, escape,
23 predatory criminal sexual assault of a child, aggravated
24 criminal sexual assault, criminal sexual assault, aggravated
25 battery with a firearm as described in Section 12-4.2 or
26 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section

1 12-3.05, bringing or possessing a firearm, ammunition or
2 explosive in a penal institution, any "Super-X" drug offense
3 or calculated criminal drug conspiracy or streetgang criminal
4 drug conspiracy, or any predecessor or successor offenses with
5 the same or substantially the same elements, or any inchoate
6 offenses relating to the foregoing offenses.

7 (B-10) "GPS" means a device or system which utilizes the
8 Global Positioning Satellite system for determining the
9 location of a person, inmate or offender.

10 (C) "Home detention" means the confinement of a person
11 convicted or charged with an offense to his or her place of
12 residence under the terms and conditions established by the
13 supervising authority. ~~Confinement need not be 24 hours per~~
14 ~~day to qualify as home detention, and significant restrictions~~
15 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~
16 ~~confinement may or may not be accompanied by electronic~~
17 ~~monitoring, and electronic monitoring is not required for~~
18 ~~purposes of sentencing credit.~~

19 (D) "Participant" means an inmate or offender placed into
20 an electronic monitoring program.

21 (E) "Supervising authority" means the Department of
22 Corrections, the Department of Juvenile Justice, probation
23 department, ~~a Chief Judge's office, pretrial services division~~
24 ~~or department,~~ sheriff, superintendent of municipal house of
25 corrections or any other officer or agency charged with
26 authorizing and supervising electronic monitoring and home

1 detention.

2 (F) "Super-X drug offense" means a violation of Section
3 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
4 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
5 (C), or (D) of the Illinois Controlled Substances Act.

6 (G) "Wi-Fi" or "WiFi" means a device or system which
7 utilizes a wireless local area network for determining the
8 location of a person, inmate or offender.

9 (Source: P.A. 101-652, eff. 7-1-21.)

10 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

11 Sec. 5-8A-4. Program description. The supervising
12 authority may promulgate rules that prescribe reasonable
13 guidelines under which an electronic monitoring and home
14 detention program shall operate. When using electronic
15 monitoring for home detention these rules shall ~~may~~ include,
16 but not be limited to, the following:

17 (A) The participant ~~may be instructed to~~ shall remain
18 within the interior premises or within the property
19 boundaries of his or her residence at all times during the
20 hours designated by the supervising authority. Such
21 instances of approved absences from the home ~~shall~~ may
22 include, but are not limited to, the following:

23 (1) working or employment approved by the court or
24 traveling to or from approved employment;

25 (2) unemployed and seeking employment approved for

1 the participant by the court;

2 (3) undergoing medical, psychiatric, mental health
3 treatment, counseling, or other treatment programs
4 approved for the participant by the court;

5 (4) attending an educational institution or a
6 program approved for the participant by the court;

7 (5) attending a regularly scheduled religious
8 service at a place of worship;

9 (6) participating in community work release or
10 community service programs approved for the
11 participant by the supervising authority; ~~or~~

12 (7) for another compelling reason consistent with
13 the public interest, as approved by the supervising
14 authority; or.

15 ~~(8) purchasing groceries, food, or other basic~~
16 ~~necessities.~~

17 ~~(A 1) At a minimum, any person ordered to pretrial~~
18 ~~home confinement with or without electronic monitoring~~
19 ~~must be provided with movement spread out over no fewer~~
20 ~~than two days per week, to participate in basic activities~~
21 ~~such as those listed in paragraph (A). In this subdivision~~
22 ~~(A 1), "days" means a reasonable time period during a~~
23 ~~calendar day, as outlined by the court in the order~~
24 ~~placing the person on home confinement.~~

25 (B) The participant shall admit any person or agent
26 designated by the supervising authority into his or her

1 residence at any time for purposes of verifying the
2 participant's compliance with the conditions of his or her
3 detention.

4 (C) The participant shall make the necessary
5 arrangements to allow for any person or agent designated
6 by the supervising authority to visit the participant's
7 place of education or employment at any time, based upon
8 the approval of the educational institution employer or
9 both, for the purpose of verifying the participant's
10 compliance with the conditions of his or her detention.

11 (D) The participant shall acknowledge and participate
12 with the approved electronic monitoring device as
13 designated by the supervising authority at any time for
14 the purpose of verifying the participant's compliance with
15 the conditions of his or her detention.

16 (E) The participant shall maintain the following:

17 (1) ~~access to~~ a working telephone in the
18 participant's home;

19 (2) a monitoring device in the participant's home,
20 or on the participant's person, or both; and

21 (3) a monitoring device in the participant's home
22 and on the participant's person in the absence of a
23 telephone.

24 (F) The participant shall obtain approval from the
25 supervising authority before the participant changes
26 residence or the schedule described in subsection (A) of

1 this Section. ~~Such approval shall not be unreasonably~~
2 ~~withheld.~~

3 (G) The participant shall not commit another crime
4 during the period of home detention ordered by the Court.

5 (H) Notice to the participant that violation of the
6 order for home detention may subject the participant to
7 prosecution for the crime of escape as described in
8 Section 5-8A-4.1.

9 (I) The participant shall abide by other conditions as
10 set by the supervising authority.

11 (J) This Section takes effect January 1, 2022.

12 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
13 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

14 (730 ILCS 5/5-8A-4.1)

15 Sec. 5-8A-4.1. Escape; failure to comply with a condition
16 of the electronic monitoring or home detention program.

17 (a) A person charged with or convicted of a felony, or
18 charged with or adjudicated delinquent for an act which, if
19 committed by an adult, would constitute a felony,
20 conditionally released from the supervising authority through
21 an electronic monitoring or home detention program, who
22 knowingly ~~escapes or leaves from the geographic boundaries of~~
23 ~~an electronic monitoring or home detention program with the~~
24 ~~intent to evade prosecution~~ violates a condition of the
25 electronic monitoring or home detention program is guilty of a

1 Class 3 felony.

2 (b) A person charged with or convicted of a misdemeanor,
3 or charged with or adjudicated delinquent for an act which, if
4 committed by an adult, would constitute a misdemeanor,
5 conditionally released from the supervising authority through
6 an electronic monitoring or home detention program, who
7 knowingly ~~escapes or leaves from the geographic boundaries of~~
8 ~~an electronic monitoring or home detention program with the~~
9 ~~intent to evade prosecution~~ violates a condition of the
10 electronic monitoring or home detention program is guilty of a
11 Class B misdemeanor.

12 (c) A person who violates this Section while armed with a
13 dangerous weapon is guilty of a Class 1 felony.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

15 (730 ILCS 5/5-6-3.8 rep.)

16 (730 ILCS 5/5-8A-4.15 rep.)

17 Section 300. The Unified Code of Corrections is amended by
18 repealing Sections 5-6-3.8 and 5-8A-4.15.

19 Section 305. The Probation and Probation Officers Act is
20 amended by changing Section 18 as follows:

21 (730 ILCS 110/18)

22 Sec. 18. Probation and court services departments
23 considered pretrial services agencies. For the purposes of

1 administering the provisions of Public Act 95-773, known as
2 the Cindy Bischof Law, all probation and court services
3 departments are to be considered pretrial services agencies
4 under the Pretrial Services Act and under the bail bond
5 ~~pretrial release~~ provisions of the Code of Criminal Procedure
6 of 1963.

7 (Source: P.A. 101-652, eff. 1-1-23.)

8 Section 310. The County Jail Act is amended by changing
9 Section 5 as follows:

10 (730 ILCS 125/5) (from Ch. 75, par. 105)

11 Sec. 5. Costs of maintaining prisoners.

12 (a) Except as provided in subsections (b) and (c), all
13 costs of maintaining persons committed for violations of
14 Illinois law, shall be the responsibility of the county.
15 Except as provided in subsection (b), all costs of maintaining
16 persons committed under any ordinance or resolution of a unit
17 of local government, including medical costs, is the
18 responsibility of the unit of local government enacting the
19 ordinance or resolution, and arresting the person.

20 (b) If a person who is serving a term of mandatory
21 supervised release for a felony is incarcerated in a county
22 jail, the Illinois Department of Corrections shall pay the
23 county in which that jail is located one-half of the cost of
24 incarceration, as calculated by the Governor's Office of

1 Management and Budget and the county's chief financial
2 officer, for each day that the person remains in the county
3 jail after notice of the incarceration is given to the
4 Illinois Department of Corrections by the county, provided
5 that (i) the Illinois Department of Corrections has issued a
6 warrant for an alleged violation of mandatory supervised
7 release by the person; (ii) if the person is incarcerated on a
8 new charge, unrelated to the offense for which he or she is on
9 mandatory supervised release, there has been a court hearing
10 at which bail ~~has the conditions of pretrial release have~~ been
11 set on the new charge; (iii) the county has notified the
12 Illinois Department of Corrections that the person is
13 incarcerated in the county jail, which notice shall not be
14 given until the bail hearing has concluded, if the person is
15 incarcerated on a new charge; and (iv) the person remains
16 incarcerated in the county jail for more than 48 hours after
17 the notice has been given to the Department of Corrections by
18 the county. Calculation of the per diem cost shall be agreed
19 upon prior to the passage of the annual State budget.

20 (c) If a person who is serving a term of mandatory
21 supervised release is incarcerated in a county jail, following
22 an arrest on a warrant issued by the Illinois Department of
23 Corrections, solely for violation of a condition of mandatory
24 supervised release and not on any new charges for a new
25 offense, then the Illinois Department of Corrections shall pay
26 the medical costs incurred by the county in securing treatment

1 for that person, for any injury or condition other than one
2 arising out of or in conjunction with the arrest of the person
3 or resulting from the conduct of county personnel, while he or
4 she remains in the county jail on the warrant issued by the
5 Illinois Department of Corrections.

6 (Source: P.A. 101-652, eff. 1-1-23.)

7 Section 315. The County Jail Good Behavior Allowance Act
8 is amended by changing Section 3 as follows:

9 (730 ILCS 130/3) (from Ch. 75, par. 32)

10 Sec. 3. The good behavior of any person who commences a
11 sentence of confinement in a county jail for a fixed term of
12 imprisonment after January 1, 1987 shall entitle such person
13 to a good behavior allowance, except that: (1) a person who
14 inflicted physical harm upon another person in committing the
15 offense for which he is confined shall receive no good
16 behavior allowance; and (2) a person sentenced for an offense
17 for which the law provides a mandatory minimum sentence shall
18 not receive any portion of a good behavior allowance that
19 would reduce the sentence below the mandatory minimum; and (3)
20 a person sentenced to a county impact incarceration program;
21 and (4) a person who is convicted of criminal sexual assault
22 under subdivision (a)(3) of Section 11-1.20 or paragraph
23 (a)(3) of Section 12-13 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, criminal sexual abuse, or aggravated

1 criminal sexual abuse shall receive no good behavior
2 allowance. The good behavior allowance provided for in this
3 Section shall not apply to individuals sentenced for a felony
4 to probation or conditional discharge where a condition of
5 such probation or conditional discharge is that the individual
6 serve a sentence of periodic imprisonment or to individuals
7 sentenced under an order of court for civil contempt.

8 Such good behavior allowance shall be cumulative and
9 awarded as provided in this Section.

10 The good behavior allowance rate shall be cumulative and
11 awarded on the following basis:

12 The prisoner shall receive one day of good behavior
13 allowance for each day of service of sentence in the county
14 jail, and one day of good behavior allowance for each day of
15 incarceration in the county jail before sentencing for the
16 offense that he or she is currently serving sentence but was
17 unable to post bail ~~comply with the conditions of pretrial~~
18 ~~release~~ before sentencing, except that a prisoner serving a
19 sentence of periodic imprisonment under Section 5-7-1 of the
20 Unified Code of Corrections shall only be eligible to receive
21 good behavior allowance if authorized by the sentencing judge.
22 Each day of good behavior allowance shall reduce by one day the
23 prisoner's period of incarceration set by the court. For the
24 purpose of calculating a prisoner's good behavior allowance, a
25 fractional part of a day shall not be calculated as a day of
26 service of sentence in the county jail unless the fractional

1 part of the day is over 12 hours in which case a whole day
2 shall be credited on the good behavior allowance.

3 If consecutive sentences are served and the time served
4 amounts to a total of one year or more, the good behavior
5 allowance shall be calculated on a continuous basis throughout
6 the entire time served beginning on the first date of sentence
7 or incarceration, as the case may be.

8 (Source: P.A. 101-652, eff. 1-1-23.)

9 Section 320. The Veterans and Servicemembers Court
10 Treatment Act is amended by changing Section 20 as follows:

11 (730 ILCS 167/20)

12 Sec. 20. Eligibility. Veterans and servicemembers are
13 eligible for veterans and servicemembers courts, provided the
14 following:

15 (a) A defendant may be admitted into a veterans and
16 servicemembers court program only upon the consent of the
17 defendant and with the approval of the court. A defendant
18 agrees to be admitted when a written consent to
19 participate is provided to the court in open court and the
20 defendant acknowledges understanding of its contents.

21 (a-5) Each veterans and servicemembers court shall
22 have a target population defined in its written policies
23 and procedures. The policies and procedures shall define
24 that court's eligibility and exclusionary criteria.

1 (b) A defendant shall be excluded from a veterans and
2 servicemembers court program if any of one of the
3 following applies:

4 (1) The crime is a crime of violence as set forth
5 in paragraph (3) of this subsection (b).

6 (2) The defendant does not demonstrate a
7 willingness to participate in a treatment program.

8 (3) The defendant has been convicted of a crime of
9 violence within the past 5 years excluding
10 incarceration time, parole, and periods of mandatory
11 supervised release. As used in this paragraph, "crime
12 of violence" means: first degree murder, second degree
13 murder, predatory criminal sexual assault of a child,
14 aggravated criminal sexual assault, criminal sexual
15 assault, armed robbery, aggravated arson, arson,
16 aggravated kidnapping and kidnapping, aggravated
17 battery resulting in great bodily harm or permanent
18 disability, aggravated domestic battery resulting in
19 great bodily harm or permanent disability, aggravated
20 criminal sexual abuse by a person in a position of
21 trust or authority over a child, stalking, aggravated
22 stalking, home invasion, aggravated vehicular
23 hijacking, or any offense involving the discharge of a
24 firearm.

25 (4) The defendant is charged with a violation of
26 subparagraph (F) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code in which
2 an individual is charged with aggravated driving under
3 the influence that resulted in the death of another
4 person or when the violation was a proximate cause of
5 the death, unless, pursuant to subparagraph (G) of
6 paragraph (1) of subsection (d) of Section 11-501 of
7 the Illinois Vehicle Code, the court determines that
8 extraordinary circumstances exist and require
9 probation.

10 (4.1) The crime for which the defendant has been
11 convicted is non-probationable.

12 (5) (Blank).

13 (6) (Blank).

14 (c) Notwithstanding subsection (a), the defendant may
15 be admitted into a veterans and servicemembers court
16 program only upon the agreement of the prosecutor if the
17 defendant is charged with a Class 2 or greater felony
18 violation of:

19 (1) Section 401, 401.1, 405, or 405.2 of the
20 Illinois Controlled Substances Act;

21 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
22 Act; or

23 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,
24 or 65 of the Methamphetamine Control and Community
25 Protection Act.

26 (Source: P.A. 102-1041, eff. 6-2-22; 103-154, eff. 6-30-23.)

1 Section 325. The Mental Health Court Treatment Act is
2 amended by changing Section 20 as follows:

3 (730 ILCS 168/20)

4 Sec. 20. Eligibility.

5 (a) A defendant may be admitted into a mental health court
6 program only upon the consent of the defendant and with the
7 approval of the court. A defendant agrees to be admitted when a
8 written consent to participate is provided to the court in
9 open court and the defendant acknowledges understanding its
10 contents.

11 (a-5) Each mental health court shall have a target
12 population defined in its written policies and procedures. The
13 policies and procedures shall define that court's eligibility
14 and exclusionary criteria.

15 (b) A defendant shall be excluded from a mental health
16 court program if any one of the following applies:

17 (1) The crime is a crime of violence as set forth in
18 paragraph (3) of this subsection (b).

19 (2) The defendant does not demonstrate a willingness
20 to participate in a treatment program.

21 (3) The defendant has been convicted of a crime of
22 violence within the past 5 years excluding incarceration
23 time, parole, and periods of mandatory supervised release.
24 As used in this paragraph (3), "crime of violence" means:

1 first degree murder, second degree murder, predatory
2 criminal sexual assault of a child, aggravated criminal
3 sexual assault, criminal sexual assault, armed robbery,
4 aggravated arson, arson, aggravated kidnapping,
5 kidnapping, aggravated battery resulting in great bodily
6 harm or permanent disability, aggravated domestic battery
7 resulting in great bodily harm or permanent disability,
8 aggravated criminal sexual abuse by a person in a position
9 of trust or authority over a child, stalking, aggravated
10 stalking, home invasion, aggravated vehicular hijacking,
11 or any offense involving the discharge of a firearm.

12 (4) The defendant is charged with a violation of
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code in which an
15 individual is charged with aggravated driving under the
16 influence that resulted in the death of another person or
17 when the violation was a proximate cause of the death,
18 unless, pursuant to subparagraph (G) of paragraph (1) of
19 subsection (d) of Section 11-501 of the Illinois Vehicle
20 Code, the court determines that extraordinary
21 circumstances exist and require probation.

22 (5) The crime for which the defendant has been
23 convicted is non-probationable. (Blank).

24 (6) (Blank).

25 (c) Notwithstanding subsection (a), the defendant may be
26 admitted into a mental health court program only upon the

1 agreement of the prosecutor if the defendant is charged with a
2 Class 2 or greater felony violation of:

3 (1) Section 401, 401.1, 405, or 405.2 of the Illinois
4 Controlled Substances Act;

5 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
6 Act; or

7 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or
8 65 of the Methamphetamine Control and Community Protection
9 Act.

10 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

11 Section 330. The Code of Civil Procedure is amended by
12 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
13 21-103 as follows:

14 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

15 Sec. 10-106. Grant of relief - Penalty. Unless it shall
16 appear from the complaint itself, or from the documents
17 thereto annexed, that the party can neither be discharged,
18 admitted to bail ~~pretrial release~~ nor otherwise relieved, the
19 court shall forthwith award relief by habeas corpus. Any judge
20 empowered to grant relief by habeas corpus who shall corruptly
21 refuse to grant the relief when legally applied for in a case
22 where it may lawfully be granted, or who shall for the purpose
23 of oppression unreasonably delay the granting of such relief
24 shall, for every such offense, forfeit to the prisoner or

1 party affected a sum not exceeding \$1,000.

2 (Source: P.A. 101-652, eff. 1-1-23.)

3 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

4 Sec. 10-125. New commitment. In all cases where the
5 imprisonment is for a criminal, or supposed criminal matter,
6 if it appears to the court that there is sufficient legal cause
7 for the commitment of the prisoner, although such commitment
8 may have been informally made, or without due authority, or
9 the process may have been executed by a person not duly
10 authorized, the court shall make a new commitment in proper
11 form, and direct it to the proper officer, or admit the party
12 to bail ~~pretrial release~~ if the case is bailable ~~eligible for~~
13 ~~pretrial release~~. The court shall also, when necessary, take
14 the recognizance of all material witnesses against the
15 prisoner, as in other cases. The recognizances shall be in the
16 form provided by law, and returned as other recognizances. If
17 any judge shall neglect or refuse to bind any such prisoner or
18 witness by recognizance, or to return a recognizance when
19 taken as hereinabove stated, he or she shall be guilty of a
20 Class A misdemeanor in office, and be proceeded against
21 accordingly.

22 (Source: P.A. 101-652, eff. 1-1-23.)

23 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

24 Sec. 10-127. Grant of habeas corpus. It is not lawful for

1 any court, on a second order of habeas corpus obtained by such
2 prisoner, to discharge the prisoner, if he or she is clearly
3 and specifically charged in the warrant of commitment with a
4 criminal offense; but the court shall, on the return of such
5 second order, have power only to admit such prisoner to bail
6 ~~pretrial release~~ where the offense is bailable ~~eligible for~~
7 ~~pretrial release~~ by law, or remand him or her to prison where
8 the offense is not bailable ~~eligible for pretrial release~~, or
9 being bailable ~~eligible for pretrial release~~, where such
10 prisoner fails to give the bail required ~~comply with the terms~~
11 ~~of pretrial release~~.

12 (Source: P.A. 101-652, eff. 1-1-23.)

13 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

14 Sec. 10-135. Habeas corpus to testify. The several courts
15 having authority to grant relief by habeas corpus, may enter
16 orders, when necessary, to bring before them any prisoner to
17 testify, or to be surrendered in discharge of bail ~~pretrial~~
18 ~~release~~, or for trial upon any criminal charge lawfully
19 pending in the same court or to testify in a criminal
20 proceeding in another state as provided for by Section 2 of the
21 "Uniform Act to secure the attendance of witnesses from within
22 or without a state in criminal proceedings", approved July 23,
23 1959, as heretofore or hereafter amended; and the order may be
24 directed to any county in the State, and there be served and
25 returned by any officer to whom it is directed.

1 (Source: P.A. 101-652, eff. 1-1-23.)

2 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

3 Sec. 10-136. Prisoner remanded or punished. After a
4 prisoner has given his or her testimony, or been surrendered,
5 or his or her bail ~~pretrial release~~ discharged, or he or she
6 has been tried for the crime with which he or she is charged,
7 he or she shall be returned to the jail or other place of
8 confinement from which he or she was taken for that purpose. If
9 such prisoner is convicted of a crime punishable with death or
10 imprisonment in the penitentiary, he or she may be punished
11 accordingly; but in any case where the prisoner has been taken
12 from the penitentiary, and his or her punishment is by
13 imprisonment, the time of such imprisonment shall not commence
14 to run until the expiration of the time of service under any
15 former sentence.

16 (Source: P.A. 101-652, eff. 1-1-23.)

17 (735 ILCS 5/21-103)

18 Sec. 21-103. Notice by publication.

19 (a) Previous notice shall be given of the intended
20 application by publishing a notice thereof in some newspaper
21 published in the municipality in which the person resides if
22 the municipality is in a county with a population under
23 2,000,000, or if the person does not reside in a municipality
24 in a county with a population under 2,000,000, or if no

1 newspaper is published in the municipality or if the person
2 resides in a county with a population of 2,000,000 or more,
3 then in some newspaper published in the county where the
4 person resides, or if no newspaper is published in that
5 county, then in some convenient newspaper published in this
6 State. The notice shall be inserted for 3 consecutive weeks
7 after filing, the first insertion to be at least 6 weeks before
8 the return day upon which the petition is to be heard, and
9 shall be signed by the petitioner or, in case of a minor, the
10 minor's parent or guardian, and shall set forth the return day
11 of court on which the petition is to be heard and the name
12 sought to be assumed.

13 (b) The publication requirement of subsection (a) shall
14 not be required in any application for a change of name
15 involving a minor if, before making judgment under this
16 Article, reasonable notice and opportunity to be heard is
17 given to any parent whose parental rights have not been
18 previously terminated and to any person who has physical
19 custody of the child. If any of these persons are outside this
20 State, notice and opportunity to be heard shall be given under
21 Section 21-104.

22 (b-3) The publication requirement of subsection (a) shall
23 not be required in any application for a change of name
24 involving a person who has received a judgment of ~~for~~
25 dissolution of marriage or declaration of invalidity of
26 marriage and wishes to change his or her name to resume the use

1 of his or her former or maiden name.

2 (b-5) The court may issue an order directing that the
3 notice and publication requirement be waived for a change of
4 name involving a person who files with the court a statement,
5 verified under oath as provided under Section 1-109 of this
6 Code, that the person believes that publishing notice of the
7 name change would be a hardship, including, but not limited
8 to, a negative impact on the person's health or safety.

9 (b-6) In a case where waiver of the notice and publication
10 requirement is sought, the petition for waiver is presumed
11 granted and heard at the same hearing as the petition for name
12 change. The court retains discretion to determine whether a
13 hardship is shown and may order the petitioner to publish
14 thereafter.

15 (c) The Director of the Illinois State Police or his or her
16 designee may apply to the circuit court for an order directing
17 that the notice and publication requirements of this Section
18 be waived if the Director or his or her designee certifies that
19 the name change being sought is intended to protect a witness
20 during and following a criminal investigation or proceeding.

21 (c-1) The court may also enter a written order waiving the
22 publication requirement of subsection (a) if:

23 (i) the petitioner is 18 years of age or older; and

24 (ii) concurrent with the petition, the petitioner
25 files with the court a statement, verified under oath as
26 provided under Section 1-109 of this Code, attesting that

1 the petitioner is or has been a person protected under the
2 Illinois Domestic Violence Act of 1986, the Stalking No
3 Contact Order Act, the Civil No Contact Order Act, Article
4 112A of the Code of Criminal Procedure of 1963, a
5 condition of bail ~~pretrial release~~ under subsections (b)
6 through (d) of Section 110-10 of the Code of Criminal
7 Procedure of 1963, or a similar provision of a law in
8 another state or jurisdiction.

9 The petitioner may attach to the statement any supporting
10 documents, including relevant court orders.

11 (c-2) If the petitioner files a statement attesting that
12 disclosure of the petitioner's address would put the
13 petitioner or any member of the petitioner's family or
14 household at risk or reveal the confidential address of a
15 shelter for domestic violence victims, that address may be
16 omitted from all documents filed with the court, and the
17 petitioner may designate an alternative address for service.

18 (c-3) Court administrators may allow domestic abuse
19 advocates, rape crisis advocates, and victim advocates to
20 assist petitioners in the preparation of name changes under
21 subsection (c-1).

22 (c-4) If the publication requirements of subsection (a)
23 have been waived, the circuit court shall enter an order
24 impounding the case.

25 (d) The maximum rate charged for publication of a notice
26 under this Section may not exceed the lowest classified rate

1 paid by commercial users for comparable space in the newspaper
2 in which the notice appears and shall include all cash
3 discounts, multiple insertion discounts, and similar benefits
4 extended to the newspaper's regular customers.

5 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
6 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.
7 5-13-22; 102-1133, eff. 1-1-24; revised 12-15-23.)

8 Section 335. The Civil No Contact Order Act is amended by
9 changing Section 220 as follows:

10 (740 ILCS 22/220)

11 Sec. 220. Enforcement of a civil no contact order.

12 (a) Nothing in this Act shall preclude any Illinois court
13 from enforcing a valid protective order issued in another
14 state or by a military judge.

15 (b) Illinois courts may enforce civil no contact orders
16 through both criminal proceedings and civil contempt
17 proceedings, unless the action which is second in time is
18 barred by collateral estoppel or the constitutional
19 prohibition against double jeopardy.

20 (b-1) The court shall not hold a school district or
21 private or non-public school or any of its employees in civil
22 or criminal contempt unless the school district or private or
23 non-public school has been allowed to intervene.

24 (b-2) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt
2 for a violation of any provision of any order entered under
3 this Act for conduct of the minor respondent in violation of
4 this Act if the parents, guardian, or legal custodian
5 directed, encouraged, or assisted the respondent minor in such
6 conduct.

7 (c) Criminal prosecution. A violation of any civil no
8 contact order, whether issued in a civil or criminal
9 proceeding or by a military judge, shall be enforced by a
10 criminal court when the respondent commits the crime of
11 violation of a civil no contact order pursuant to Section 219
12 by having knowingly violated:

13 (1) remedies described in Section 213 and included in
14 a civil no contact order; or

15 (2) a provision of an order, which is substantially
16 similar to provisions of Section 213, in a valid civil no
17 contact order which is authorized under the laws of
18 another state, tribe, or United States territory.

19 Prosecution for a violation of a civil no contact order
20 shall not bar a concurrent prosecution for any other crime,
21 including any crime that may have been committed at the time of
22 the violation of the civil no contact order.

23 (d) Contempt of court. A violation of any valid Illinois
24 civil no contact order, whether issued in a civil or criminal
25 proceeding, may be enforced through civil or criminal contempt
26 procedures, as appropriate, by any court with jurisdiction,

1 regardless of where the act or acts which violated the civil no
2 contact order were committed, to the extent consistent with
3 the venue provisions of this Act.

4 (1) In a contempt proceeding where the petition for a
5 rule to show cause or petition for adjudication of
6 criminal contempt sets forth facts evidencing an immediate
7 danger that the respondent will flee the jurisdiction or
8 inflict physical abuse on the petitioner or minor children
9 or on dependent adults in the petitioner's care, the court
10 may order the attachment of the respondent without prior
11 service of the petition for a rule to show cause, the rule
12 to show cause, the petition for adjudication of criminal
13 contempt or the adjudication of criminal contempt. Bond
14 ~~Conditions of release~~ shall be set unless specifically
15 denied in writing.

16 (2) A petition for a rule to show cause or a petition
17 for adjudication of criminal contempt for violation of a
18 civil no contact order shall be treated as an expedited
19 proceeding.

20 (e) Actual knowledge. A civil no contact order may be
21 enforced pursuant to this Section if the respondent violates
22 the order after the respondent has actual knowledge of its
23 contents as shown through one of the following means:

24 (1) by service, delivery, or notice under Section 208;

25 (2) by notice under Section 218;

26 (3) by service of a civil no contact order under

1 Section 218; or

2 (4) by other means demonstrating actual knowledge of
3 the contents of the order.

4 (f) The enforcement of a civil no contact order in civil or
5 criminal court shall not be affected by either of the
6 following:

7 (1) the existence of a separate, correlative order,
8 entered under Section 202; or

9 (2) any finding or order entered in a conjoined
10 criminal proceeding.

11 (g) Circumstances. The court, when determining whether or
12 not a violation of a civil no contact order has occurred, shall
13 not require physical manifestations of abuse on the person of
14 the victim.

15 (h) Penalties.

16 (1) Except as provided in paragraph (3) of this
17 subsection, where the court finds the commission of a
18 crime or contempt of court under subsection (a) or (b) of
19 this Section, the penalty shall be the penalty that
20 generally applies in such criminal or contempt
21 proceedings, and may include one or more of the following:
22 incarceration, payment of restitution, a fine, payment of
23 attorneys' fees and costs, or community service.

24 (2) The court shall hear and take into account
25 evidence of any factors in aggravation or mitigation
26 before deciding an appropriate penalty under paragraph (1)

1 of this subsection.

2 (3) To the extent permitted by law, the court is
3 encouraged to:

4 (i) increase the penalty for the knowing violation
5 of any civil no contact order over any penalty
6 previously imposed by any court for respondent's
7 violation of any civil no contact order or penal
8 statute involving petitioner as victim and respondent
9 as defendant;

10 (ii) impose a minimum penalty of 24 hours
11 imprisonment for respondent's first violation of any
12 civil no contact order; and

13 (iii) impose a minimum penalty of 48 hours
14 imprisonment for respondent's second or subsequent
15 violation of a civil no contact order unless the court
16 explicitly finds that an increased penalty or that
17 period of imprisonment would be manifestly unjust.

18 (4) In addition to any other penalties imposed for a
19 violation of a civil no contact order, a criminal court
20 may consider evidence of any previous violations of a
21 civil no contact order:

22 (i) to increase, revoke or modify the bail bond
23 ~~conditions of pretrial release~~ on an underlying
24 criminal charge pursuant to Section 110-6 of the Code
25 of Criminal Procedure of 1963;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections; or
3 (iii) to revoke or modify a sentence of periodic
4 imprisonment, pursuant to Section 5-7-2 of the Unified
5 Code of Corrections.

6 (Source: P.A. 103-407, eff. 7-28-23.)

7 Section 340. The Crime Victims Compensation Act is amended
8 by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as follows:

9 (740 ILCS 45/2)

10 Sec. 2. Definitions. As used in this Act, unless the
11 context otherwise requires:

12 (a) "Applicant" means any of the following claiming
13 compensation under this Act: a victim, a person who was a
14 dependent of a deceased victim of a crime of violence for the
15 person's support at the time of the death of that victim, a
16 person who legally assumes the obligation or who voluntarily
17 pays the medical or the funeral or burial expenses incurred as
18 a direct result of the crime, and any other person the Court of
19 Claims ~~or the Attorney General~~ finds is entitled to
20 compensation, including the guardian of a minor or of a person
21 under legal disability.

22 ~~The changes made to this subsection by Public Act 101-652~~
23 ~~apply to actions commenced or pending on or after January 1,~~
24 ~~2022.~~

1 (b) "Court of Claims" means the Court of Claims created by
2 the Court of Claims Act.

3 (c) "Crime of violence" means and includes any offense
4 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
5 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
6 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
7 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
8 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
9 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
10 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
11 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
12 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
13 the Cemetery Protection Act, Section 125 of the Stalking No
14 Contact Order Act, Section 219 of the Civil No Contact Order
15 Act, driving under the influence as defined in Section 11-501
16 of the Illinois Vehicle Code, a violation of Section 11-401 of
17 the Illinois Vehicle Code, provided the victim was a
18 pedestrian or was operating a vehicle moved solely by human
19 power or a mobility device at the time of contact, and a
20 violation of Section 11-204.1 of the Illinois Vehicle Code; so
21 long as the offense did not occur during a civil riot,
22 insurrection or rebellion. "Crime of violence" does not
23 include any other offense or crash involving a motor vehicle
24 except those vehicle offenses specifically provided for in
25 this paragraph. "Crime of violence" does include all of the
26 offenses specifically provided for in this paragraph that

1 occur within this State but are subject to federal
2 jurisdiction and crimes involving terrorism as defined in 18
3 U.S.C. 2331.

4 (d) "Victim" means (1) a person killed or injured in this
5 State as a result of a crime of violence perpetrated or
6 attempted against him or her, (2) the spouse, or parent, ~~or~~
7 ~~child~~ of a person killed or injured in this State as a result
8 of a crime of violence perpetrated or attempted against the
9 person, ~~or anyone living in the household of a person killed or~~
10 ~~injured in a relationship that is substantially similar to~~
11 ~~that of a parent, spouse, or child,~~ (3) a person killed or
12 injured in this State while attempting to assist a person
13 against whom a crime of violence is being perpetrated or
14 attempted, if that attempt of assistance would be expected of
15 a reasonable person under the circumstances, (4) a person
16 killed or injured in this State while assisting a law
17 enforcement official apprehend a person who has perpetrated a
18 crime of violence or prevent the perpetration of any such
19 crime if that assistance was in response to the express
20 request of the law enforcement official, (5) a person who
21 personally witnessed a violent crime, (5.05) a person who will
22 be called as a witness by the prosecution to establish a
23 necessary nexus between the offender and the violent crime,
24 (5.1) solely for the purpose of compensating for pecuniary
25 loss incurred for psychological treatment of a mental or
26 emotional condition caused or aggravated by the crime, any

1 other person under the age of 18 who is the brother, sister,
2 half brother, ~~or~~ half sister, child, or stepchild of a person
3 killed or injured in this State as a result of a crime of
4 violence, (6) an Illinois resident who is a victim of a "crime
5 of violence" as defined in this Act except, if the crime
6 occurred outside this State, the resident has the same rights
7 under this Act as if the crime had occurred in this State upon
8 a showing that the state, territory, country, or political
9 subdivision of a country in which the crime occurred does not
10 have a compensation of victims of crimes law for which that
11 Illinois resident is eligible, (7) the parent, spouse, or
12 child of a deceased person whose body is dismembered or whose
13 remains are desecrated as the result of a crime of violence, or
14 (8) (blank).

15 (e) "Dependent" means a relative of a deceased victim who
16 was wholly or partially dependent upon the victim's income at
17 the time of his or her death and shall include the child of a
18 victim born after his or her death.

19 (f) "Relative" means a spouse, parent, grandparent,
20 stepfather, stepmother, child, grandchild, brother,
21 brother-in-law, sister, sister-in-law, half brother, half
22 sister, spouse's parent, nephew, niece, uncle, or aunt, ~~or~~
23 ~~anyone living in the household of a person killed or injured in~~
24 ~~a relationship that is substantially similar to that of a~~
25 ~~parent, spouse, or child.~~

26 (g) "Child" means an unmarried ~~a~~ son or daughter who is

1 under 18 years of age and includes a stepchild, an adopted
2 child or a child born out of wedlock.

3 (h) "Pecuniary loss" means:

4 (1) in the case of injury, appropriate medical
5 expenses and hospital expenses including expenses of
6 medical examinations, rehabilitation, medically required
7 nursing care expenses, appropriate psychiatric care or
8 psychiatric counseling expenses, appropriate expenses for
9 care or counseling by a licensed clinical psychologist,
10 licensed clinical social worker, licensed professional
11 counselor, or licensed clinical professional counselor and
12 expenses for treatment by Christian Science practitioners
13 and nursing care appropriate thereto;

14 (2) transportation expenses to and from medical and
15 counseling treatment facilities;

16 (3) prosthetic appliances, eyeglasses, and hearing
17 aids necessary or damaged as a result of the crime;

18 (4) expenses incurred for the towing and storage of a
19 victim's vehicle in connection with a crime of violence,
20 to a maximum of \$1,000;

21 (5) costs associated with trafficking tattoo removal
22 by a person authorized or licensed to perform the specific
23 removal procedure;

24 (6) replacement costs for clothing and bedding used as
25 evidence;

26 (7) costs associated with temporary lodging or

1 relocation necessary as a result of the crime, including,
2 but not limited to, the first 2 months' rent and security
3 deposit of the dwelling that the claimant relocated to and
4 other reasonable relocation expenses incurred as a result
5 of the violent crime;

6 (8) locks or windows necessary or damaged as a result
7 of the crime;

8 (9) the purchase, lease, or rental of equipment
9 necessary to create usability of and accessibility to the
10 victim's real and personal property, or the real and
11 personal property which is used by the victim, necessary
12 as a result of the crime; "real and personal property"
13 includes, but is not limited to, vehicles, houses,
14 apartments, townhouses, or condominiums;

15 (10) the costs of appropriate crime scene clean-up;

16 (11) replacement services loss, to a maximum of \$1,250
17 per month, with this amount to be divided in proportion to
18 the amount of the actual loss among those entitled to
19 compensation;

20 (12) dependents replacement services loss, to a
21 maximum of \$1,250 per month, with this amount to be
22 divided in proportion to the amount of the actual loss
23 among those entitled to compensation;

24 (13) loss of tuition paid to attend grammar school or
25 high school when the victim had been enrolled as a student
26 prior to the injury, or college or graduate school when

1 the victim had been enrolled as a day or night student
2 prior to the injury when the victim becomes unable to
3 continue attendance at school as a result of the crime of
4 violence perpetrated against him or her;

5 (14) loss of earnings, loss of future earnings because
6 of disability resulting from the injury. Loss of future
7 earnings shall be reduced by any income from substitute
8 work actually performed by the victim or by income the
9 victim would have earned in available appropriate
10 substitute work the victim was capable of performing but
11 unreasonably failed to undertake; loss of earnings and
12 loss of future earnings shall be determined on the basis
13 of the victim's average net monthly earnings for the 6
14 months immediately preceding the date of the injury or on
15 \$1,250 ~~\$2,400~~ per month, whichever is less, or, in cases
16 where the absences commenced more than 3 years from the
17 date of the crime, on the basis of the net monthly earnings
18 for the 6 months immediately preceding the date of the
19 first absence, not to exceed \$2,400 per month;

20 (15) loss of support of the dependents of the victim.
21 Loss of support shall be determined on the basis of the
22 victim's average net monthly earnings for the 6 months
23 immediately preceding the date of the injury or on \$1,250
24 ~~\$2,400~~ per month, whichever is less, or, in cases where
25 the absences commenced more than 3 years from the date of
26 the crime, on the basis of the net monthly earnings for the

1 6 months immediately preceding the date of the first
2 absence, not to exceed \$1,250 ~~\$2,400~~ per month. If a
3 divorced or legally separated applicant is claiming loss
4 of support for a minor child of the deceased, the amount of
5 support for each child shall be based either on the amount
6 of support pursuant to the judgment prior to the date of
7 the deceased victim's injury or death, or, if the subject
8 of pending litigation filed by or on behalf of the
9 divorced or legally separated applicant prior to the
10 injury or death, on the result of that litigation. Loss of
11 support for minors shall be divided in proportion to the
12 amount of the actual loss among those entitled to such
13 compensation;

14 (16) in the case of death, expenses for reasonable
15 funeral, burial, and travel and transport for survivors of
16 homicide victims to secure bodies of deceased victims and
17 to transport bodies for burial all of which may not exceed
18 ~~be awarded up to~~ a maximum of \$7,500 ~~\$10,000~~ for each
19 victim. Other individuals that have paid or become
20 obligated to pay funeral or burial expenses for the
21 deceased shall share a maximum award of \$10,000, with the
22 award divided in proportion to the amount of the actual
23 loss among those entitled to compensation; and

24 (17) in the case of dismemberment or desecration of a
25 body, expenses for reasonable funeral and burial, all of
26 which may not exceed ~~be awarded up to~~ a maximum of \$7,500

1 ~~\$10,000~~ for each victim. Other individuals that have paid
2 or become obligated to pay funeral or burial expenses for
3 the deceased shall share a maximum award of \$7,500
4 ~~\$10,000~~, with the award divided in proportion to the
5 amount of the actual loss among those entitled to
6 compensation.

7 "Pecuniary loss" does not include pain and suffering or
8 property loss or damage.

9 ~~The changes made to this subsection by Public Act 101-652~~
10 ~~apply to actions commenced or pending on or after January 1,~~
11 ~~2022.~~

12 (i) "Replacement services loss" means expenses reasonably
13 incurred in obtaining ordinary and necessary services in lieu
14 of those the injured person would have performed, not for
15 income, but for the benefit of himself or herself or his or her
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss
18 reasonably incurred by dependents or private legal guardians
19 of minor dependents after a victim's death in obtaining
20 ordinary and necessary services in lieu of those the victim
21 would have performed, not for income, but for their benefit,
22 if he or she had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,
24 stepfather, stepmother, child, brother, sister, or spouse.

25 (l) "Parent" means a natural parent, adopted parent,
26 stepparent, or permanent legal guardian of another person.

1 (m) "Trafficking tattoo" is a tattoo which is applied to a
2 victim in connection with the commission of a violation of
3 Section 10-9 of the Criminal Code of 2012.

4 (Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23;
5 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff.
6 11-17-23.)

7 (740 ILCS 45/2.5)

8 Sec. 2.5. Felon as victim. Notwithstanding paragraph (d)
9 of Section 2, "victim" does not include a person who is
10 convicted of a felony until that person is discharged from
11 probation or is released from a correctional institution and
12 has been discharged from parole or mandatory supervised
13 release, if any. ~~A victim's criminal history or felony status~~
14 ~~shall not automatically prevent compensation to that victim or~~
15 ~~the victim's family. However, no compensation may be granted~~
16 ~~to a victim or applicant under this Act while the applicant or~~
17 ~~victim is held in a correctional institution.~~ For purposes of
18 this Section, the death of a felon who is serving a term of
19 parole, probation, or mandatory supervised release shall be
20 considered a discharge from that sentence. No compensation may
21 be granted to an applicant under this Act during a period of
22 time that the applicant is held in a correctional institution.

23 A victim who has been convicted of a felony may apply for
24 assistance under this Act at any time but no award of
25 compensation may be considered until the applicant meets the

1 requirements of this Section.

2 The changes made to this Section by this amendatory Act of
3 the 96th General Assembly apply to actions commenced or
4 pending on or after the effective date of this amendatory Act
5 of the 96th General Assembly.

6 (Source: P.A. 101-652, eff. 7-1-21.)

7 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

8 Sec. 4.1. In addition to other powers and duties set forth
9 in this Act and other powers exercised by the Attorney
10 General, the Attorney General shall~~+~~

11 ~~(1) investigate all claims and prepare and present a~~
12 ~~report of each applicant's claim an investigatory report~~
13 ~~and a draft award determination to the Court of Claims~~
14 ~~prior to the issuance of an order by the Court of Claims,~~
15 ~~for a review period of 28 business days;~~

16 ~~(2) upon conclusion of the review by the Court of~~
17 ~~Claims, provide the applicant with a compensation~~
18 ~~determination letter;~~

19 ~~(3) prescribe and furnish all applications and other~~
20 ~~forms required to be filed in the office of the Attorney~~
21 ~~General by the terms of this Act, + and~~

22 ~~(4) represent the interests of the State of Illinois~~
23 ~~in any hearing before the Court of Claims.~~

24 ~~The changes made to this Section by this amendatory Act of~~
25 ~~the 101st General Assembly apply to actions commenced or~~

1 ~~pending on or after January 1, 2022.~~

2 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

3 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

4 Sec. 6.1. Right to compensation. A person is entitled to
5 compensation under this Act if:

6 (a) Within 2 ~~5~~ years of the occurrence of the crime, or
7 within one year after a criminal charge of a person for an
8 offense, upon which the claim is based, he or she files ~~the~~
9 ~~applicant presents~~ an application, under oath, ~~to the~~
10 ~~Attorney General that is filed~~ with the Court of Claims
11 and on a form prescribed in accordance with Section 7.1
12 furnished by the Attorney General. If the person entitled
13 to compensation is under 18 years of age or under other
14 legal disability at the time of the occurrence or is
15 determined by a court to be under a legal disability as a
16 result of the occurrence, he or she may file ~~present~~ the
17 application required by this subsection within 2 ~~3~~ years
18 after he or she attains the age of 18 years or the
19 disability is removed, as the case may be. Legal
20 disability includes a diagnosis of posttraumatic stress
21 disorder.

22 ~~(a-1) The Attorney General and the Court of Claims may~~
23 ~~accept an application presented after the period provided~~
24 ~~in subsection (a) if the Attorney General determines that~~
25 ~~the applicant had good cause for a delay.~~

1 (b) For all crimes of violence, except those listed in
2 subsection (b-1) of this Section, the appropriate law
3 enforcement officials were notified within 72 hours of the
4 perpetration of the crime allegedly causing the death or
5 injury to the victim or, in the event such notification
6 was made more than 72 hours after the perpetration of the
7 crime, the applicant establishes that such notice was
8 timely under the circumstances.

9 (b-1) For victims of offenses defined in Sections
10 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
11 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
12 1961 or the Criminal Code of 2012, the appropriate law
13 enforcement officials were notified within 7 days of the
14 perpetration of the crime allegedly causing death or
15 injury to the victim or, in the event that the
16 notification was made more than 7 days after the
17 perpetration of the crime, the applicant establishes that
18 the notice was timely under the circumstances. If the
19 applicant or victim has obtained an order of protection, a
20 civil no contact order, or a stalking no contact order,
21 has presented himself or herself to a hospital for ~~medical~~
22 ~~care or~~ sexual assault evidence collection and medical
23 care, or is engaged in a legal proceeding involving a
24 claim that the applicant or victim is a victim of human
25 trafficking, such action shall constitute appropriate
26 notification under this subsection (b-1) or subsection (b)

1 of this Section.

2 (c) The applicant has cooperated with law enforcement
3 officials in the apprehension and prosecution of the
4 assailant. If the applicant or victim has obtained an
5 order of protection, a civil no contact order, or a
6 stalking no contact order, has presented himself or
7 herself to a hospital for ~~medical care or~~ sexual assault
8 evidence collection and medical care, or is engaged in a
9 legal proceeding involving a claim that the applicant or
10 victim is a victim of human trafficking, such action shall
11 constitute cooperation under this subsection (c). If the
12 victim is under 18 years of age at the time of the
13 commission of the offense, the following shall constitute
14 cooperation under this subsection (c):

15 (1) the applicant or the victim files a police
16 report with a law enforcement agency;

17 (2) a mandated reporter reports the crime to law
18 enforcement; or

19 (3) a person with firsthand knowledge of the crime
20 reports the crime to law enforcement.

21 (d) The applicant is not the offender or an accomplice
22 of the offender and the award would not unjustly benefit
23 the offender or his accomplice.

24 (d-1) The injury to or death of the victim was not
25 substantially attributed to his or her own wrongful act
26 and was not substantially provoked by the victim.

1 (e) (Blank).

2 (f) For victims of offenses defined in Section 10-9 of
3 the Criminal Code of 2012, the victim submits a statement
4 under oath on a form prescribed by the Attorney General
5 attesting that the removed tattoo was applied in
6 connection with the commission of the offense.

7 (g) (Blank). ~~In determining whether cooperation has
8 been reasonable, the Attorney General and Court of Claims
9 may consider the victim's age, physical condition,
10 psychological state, cultural or linguistic barriers, and
11 compelling health and safety concerns, including, but not
12 limited to, a reasonable fear of retaliation or harm that
13 would jeopardize the well-being of the victim or the
14 victim's family, and giving due consideration to the
15 degree of cooperation that the victim or derivative victim
16 is capable of in light of the presence of any of these
17 factors, or any other factor the Attorney General
18 considers relevant.~~

19 ~~The changes made to this Section by this amendatory Act of
20 the 101st General Assembly apply to actions commenced or
21 pending on or after January 1, 2022.~~

22 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

23 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

24 Sec. 7.1. (a) The application shall set out:

25 (1) the name and address of the victim;

1 (2) if the victim is deceased, the name and address of
2 the applicant and his or her relationship to the victim,
3 the names and addresses of other persons dependent on the
4 victim for their support and the extent to which each is so
5 dependent, and other persons who may be entitled to
6 compensation for a pecuniary loss;

7 (3) the date and nature of the crime on which the
8 application for compensation is based;

9 (4) the date and place where and the law enforcement
10 officials to whom notification of the crime was given;

11 (5) the nature and extent of the injuries sustained by
12 the victim, and the names and addresses of those giving
13 medical and hospitalization treatment to the victim;

14 (6) the pecuniary loss to the applicant and to such
15 other persons as are specified under item (2) resulting
16 from the injury or death;

17 (7) the amount of benefits, payments, or awards, if
18 any, payable under:

19 (a) the Workers' Compensation Act,

20 (b) the Dram Shop Act,

21 (c) any claim, demand, or cause of action based
22 upon the crime-related injury or death,

23 (d) the Federal Medicare program,

24 (e) the State Public Aid program,

25 (f) Social Security Administration burial
26 benefits,

- 1 (g) Veterans administration burial benefits,
2 (h) life, health, accident, vehicle, towing, or
3 liability insurance,
4 (i) the Criminal Victims' Escrow Account Act,
5 (j) the Sexual Assault Survivors Emergency
6 Treatment Act,
7 (k) restitution, or
8 (l) any other source;

9 (8) releases authorizing the surrender to the Court of
10 Claims or Attorney General of reports, documents and other
11 information relating to the matters specified under this
12 Act and rules promulgated in accordance with the Act;

13 (9) such other information as the Court of Claims or
14 the Attorney General reasonably requires.

15 (b) The Attorney General may require that materials
16 substantiating the facts stated in the application be
17 submitted with that application.

18 (c) An applicant, on his or her own motion, may file an
19 amended application or additional substantiating materials to
20 correct inadvertent errors or omissions at any time before the
21 original application has been disposed of by the Court of
22 Claims ~~or the Attorney General~~. In either case, the filing of
23 additional information or of an amended application shall be
24 considered for the purpose of this Act to have been filed at
25 the same time as the original application.

26 ~~For claims submitted on or after January 1, 2022, an~~

1 ~~amended application or additional substantiating materials to~~
2 ~~correct inadvertent errors or omissions may be filed at any~~
3 ~~time before the original application is disposed of by the~~
4 ~~Attorney General or the Court of Claims.~~

5 ~~(d) Determinations submitted by the Attorney General to~~
6 ~~the Court of Claims shall be available to the Court of Claims~~
7 ~~for review. The Attorney General shall provide the sources and~~
8 ~~evidence relied upon as a basis for a compensation~~
9 ~~determination.~~

10 ~~(e) The changes made to this Section by this amendatory~~
11 ~~Act of the 101st General Assembly apply to actions commenced~~
12 ~~or pending on or after January 1, 2022.~~

13 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21;
14 102-905, eff. 1-1-23.)

15 Section 345. The Illinois Domestic Violence Act of 1986 is
16 amended by changing Sections 223 and 301 as follows:

17 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

18 Sec. 223. Enforcement of orders of protection.

19 (a) When violation is crime. A violation of any order of
20 protection, whether issued in a civil or criminal proceeding
21 or by a military judge, shall be enforced by a criminal court
22 when:

23 (1) The respondent commits the crime of violation of
24 an order of protection pursuant to Section 12-3.4 or 12-30

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 by having knowingly violated:

3 (i) remedies described in paragraphs (1), (2),
4 (3), (14), or (14.5) of subsection (b) of Section 214
5 of this Act; or

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (1), (2),
8 (3), (14), and (14.5) of subsection (b) of Section 214
9 of this Act, in a valid order of protection which is
10 authorized under the laws of another state, tribe, or
11 United States territory; or

12 (iii) any other remedy when the act constitutes a
13 crime against the protected parties as defined by the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 Prosecution for a violation of an order of protection
16 shall not bar concurrent prosecution for any other crime,
17 including any crime that may have been committed at the
18 time of the violation of the order of protection; or

19 (2) The respondent commits the crime of child
20 abduction pursuant to Section 10-5 of the Criminal Code of
21 1961 or the Criminal Code of 2012, by having knowingly
22 violated:

23 (i) remedies described in paragraphs (5), (6) or
24 (8) of subsection (b) of Section 214 of this Act; or

25 (ii) a remedy, which is substantially similar to
26 the remedies authorized under paragraphs (5), (6), or

1 (8) of subsection (b) of Section 214 of this Act, in a
2 valid order of protection which is authorized under
3 the laws of another state, tribe, or United States
4 territory.

5 (b) When violation is contempt of court. A violation of
6 any valid Illinois order of protection, whether issued in a
7 civil or criminal proceeding or by a military judge, may be
8 enforced through civil or criminal contempt procedures, as
9 appropriate, by any court with jurisdiction, regardless where
10 the act or acts which violated the order of protection were
11 committed, to the extent consistent with the venue provisions
12 of this Act. Nothing in this Act shall preclude any Illinois
13 court from enforcing any valid order of protection issued in
14 another state. Illinois courts may enforce orders of
15 protection through both criminal prosecution and contempt
16 proceedings, unless the action which is second in time is
17 barred by collateral estoppel or the constitutional
18 prohibition against double jeopardy.

19 (1) In a contempt proceeding where the petition for a
20 rule to show cause sets forth facts evidencing an
21 immediate danger that the respondent will flee the
22 jurisdiction, conceal a child, or inflict physical abuse
23 on the petitioner or minor children or on dependent adults
24 in petitioner's care, the court may order the attachment
25 of the respondent without prior service of the rule to
26 show cause or the petition for a rule to show cause. Bond

1 ~~Conditions of release~~ shall be set unless specifically
2 denied in writing.

3 (2) A petition for a rule to show cause for violation
4 of an order of protection shall be treated as an expedited
5 proceeding.

6 (b-1) The court shall not hold a school district or
7 private or non-public school or any of its employees in civil
8 or criminal contempt unless the school district or private or
9 non-public school has been allowed to intervene.

10 (b-2) The court may hold the parents, guardian, or legal
11 custodian of a minor respondent in civil or criminal contempt
12 for a violation of any provision of any order entered under
13 this Act for conduct of the minor respondent in violation of
14 this Act if the parents, guardian, or legal custodian
15 directed, encouraged, or assisted the respondent minor in such
16 conduct.

17 (c) Violation of custody or support orders or temporary or
18 final judgments allocating parental responsibilities. A
19 violation of remedies described in paragraphs (5), (6), (8),
20 or (9) of subsection (b) of Section 214 of this Act may be
21 enforced by any remedy provided by Section 607.5 of the
22 Illinois Marriage and Dissolution of Marriage Act. The court
23 may enforce any order for support issued under paragraph (12)
24 of subsection (b) of Section 214 in the manner provided for
25 under Parts V and VII of the Illinois Marriage and Dissolution
26 of Marriage Act.

1 (d) Actual knowledge. An order of protection may be
2 enforced pursuant to this Section if the respondent violates
3 the order after the respondent has actual knowledge of its
4 contents as shown through one of the following means:

5 (1) By service, delivery, or notice under Section 210.

6 (2) By notice under Section 210.1 or 211.

7 (3) By service of an order of protection under Section
8 222.

9 (4) By other means demonstrating actual knowledge of
10 the contents of the order.

11 (e) The enforcement of an order of protection in civil or
12 criminal court shall not be affected by either of the
13 following:

14 (1) The existence of a separate, correlative order,
15 entered under Section 215.

16 (2) Any finding or order entered in a conjoined
17 criminal proceeding.

18 (f) Circumstances. The court, when determining whether or
19 not a violation of an order of protection has occurred, shall
20 not require physical manifestations of abuse on the person of
21 the victim.

22 (g) Penalties.

23 (1) Except as provided in paragraph (3) of this
24 subsection, where the court finds the commission of a
25 crime or contempt of court under subsections (a) or (b) of
26 this Section, the penalty shall be the penalty that

1 generally applies in such criminal or contempt
2 proceedings, and may include one or more of the following:
3 incarceration, payment of restitution, a fine, payment of
4 attorneys' fees and costs, or community service.

5 (2) The court shall hear and take into account
6 evidence of any factors in aggravation or mitigation
7 before deciding an appropriate penalty under paragraph (1)
8 of this subsection.

9 (3) To the extent permitted by law, the court is
10 encouraged to:

11 (i) increase the penalty for the knowing violation
12 of any order of protection over any penalty previously
13 imposed by any court for respondent's violation of any
14 order of protection or penal statute involving
15 petitioner as victim and respondent as defendant;

16 (ii) impose a minimum penalty of 24 hours
17 imprisonment for respondent's first violation of any
18 order of protection; and

19 (iii) impose a minimum penalty of 48 hours
20 imprisonment for respondent's second or subsequent
21 violation of an order of protection

22 unless the court explicitly finds that an increased
23 penalty or that period of imprisonment would be manifestly
24 unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of
2 protection:

3 (i) to increase, revoke or modify the bail bond
4 ~~conditions of pretrial release~~ on an underlying
5 criminal charge pursuant to Section 110-6 of the Code
6 of Criminal Procedure of 1963;

7 (ii) to revoke or modify an order of probation,
8 conditional discharge or supervision, pursuant to
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic
11 imprisonment, pursuant to Section 5-7-2 of the Unified
12 Code of Corrections.

13 (5) In addition to any other penalties, the court
14 shall impose an additional fine of \$20 as authorized by
15 Section 5-9-1.11 of the Unified Code of Corrections upon
16 any person convicted of or placed on supervision for a
17 violation of an order of protection. The additional fine
18 shall be imposed for each violation of this Section.

19 (Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

20 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

21 Sec. 301. Arrest without warrant.

22 (a) Any law enforcement officer may make an arrest without
23 warrant if the officer has probable cause to believe that the
24 person has committed or is committing any crime, including but
25 not limited to violation of an order of protection, under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, even if the crime was not committed in
3 the presence of the officer.

4 (b) The law enforcement officer may verify the existence
5 of an order of protection by telephone or radio communication
6 with his or her law enforcement agency or by referring to the
7 copy of the order, or order of protection described on a Hope
8 Card under Section 219.5, provided by the petitioner or
9 respondent.

10 (c) Any law enforcement officer may make an arrest without
11 warrant if the officer has reasonable grounds to believe a
12 defendant at liberty under the provisions of subdivision
13 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal
14 Procedure of 1963 has violated a condition of his or her bail
15 bond ~~pretrial release~~ or recognizance.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
17 102-813, eff. 5-13-22.)

18 Section 350. The Industrial and Linen Supplies Marking Law
19 is amended by changing Section 11 as follows:

20 (765 ILCS 1045/11) (from Ch. 140, par. 111)

21 Sec. 11. Search warrant. Whenever the registrant, or
22 officer, or authorized agent of any firm, partnership or
23 corporation which is a registrant under this Act, takes an
24 oath before any circuit court, that he has reason to believe

1 that any supplies are being unlawfully used, sold, or secreted
2 in any place, the court shall issue a search warrant to any
3 police officer authorizing such officer to search the premises
4 wherein it is alleged such articles may be found and take into
5 custody any person in whose possession the articles are found.
6 Any person so seized shall be taken without unnecessary delay
7 before the court issuing the search warrant. The court is
8 empowered to impose bail ~~conditions of pretrial release~~ on any
9 such person to compel his attendance at any continued hearing.
10 (Source: P.A. 101-652, eff. 1-1-23.)

11 Section 355. The Illinois Torture Inquiry and Relief
12 Commission Act is amended by changing Section 50 as follows:

13 (775 ILCS 40/50)

14 Sec. 50. Post-commission judicial review.

15 (a) If the Commission concludes there is sufficient
16 evidence of torture to merit judicial review, the Chair of the
17 Commission shall request the Chief Judge of the Circuit Court
18 of Cook County for assignment to a trial judge for
19 consideration. The court may receive proof by affidavits,
20 depositions, oral testimony, or other evidence. In its
21 discretion the court may order the petitioner brought before
22 the court for the hearing. Notwithstanding the status of any
23 other postconviction proceedings relating to the petitioner,
24 if the court finds in favor of the petitioner, it shall enter

1 an appropriate order with respect to the judgment or sentence
2 in the former proceedings and such supplementary orders as to
3 rearraignment, retrial, custody, bail, ~~pretrial release~~ or
4 discharge, or for such relief as may be granted under a
5 petition for a certificate of innocence, as may be necessary
6 and proper.

7 (b) The State's Attorney, or the State's Attorney's
8 designee, shall represent the State at the hearing before the
9 assigned judge.

10 (Source: P.A. 101-652, eff. 1-1-23.)

11 Section 360. The Unemployment Insurance Act is amended by
12 changing Section 602 as follows:

13 (820 ILCS 405/602) (from Ch. 48, par. 432)

14 Sec. 602. Discharge for misconduct - Felony.

15 A. An individual shall be ineligible for benefits for the
16 week in which he has been discharged for misconduct connected
17 with his work and, thereafter, until he has become reemployed
18 and has had earnings equal to or in excess of his current
19 weekly benefit amount in each of four calendar weeks which are
20 either for services in employment, or have been or will be
21 reported pursuant to the provisions of the Federal Insurance
22 Contributions Act by each employing unit for which such
23 services are performed and which submits a statement
24 certifying to that fact. The requalification requirements of

1 the preceding sentence shall be deemed to have been satisfied,
2 as of the date of reinstatement, if, subsequent to his
3 discharge by an employing unit for misconduct connected with
4 his work, such individual is reinstated by such employing
5 unit. For purposes of this subsection, the term "misconduct"
6 means the deliberate and willful violation of a reasonable
7 rule or policy of the employing unit, governing the
8 individual's behavior in performance of his work, provided
9 such violation has harmed the employing unit or other
10 employees or has been repeated by the individual despite a
11 warning or other explicit instruction from the employing unit.
12 The previous definition notwithstanding, "misconduct" shall
13 include any of the following work-related circumstances:

14 1. Falsification of an employment application, or any
15 other documentation provided to the employer, to obtain
16 employment through subterfuge.

17 2. Failure to maintain licenses, registrations, and
18 certifications reasonably required by the employer, or
19 those that the individual is required to possess by law,
20 to perform his or her regular job duties, unless the
21 failure is not within the control of the individual.

22 3. Knowing, repeated violation of the attendance
23 policies of the employer that are in compliance with State
24 and federal law following a written warning for an
25 attendance violation, unless the individual can
26 demonstrate that he or she has made a reasonable effort to

1 remedy the reason or reasons for the violations or that
2 the reason or reasons for the violations were out of the
3 individual's control. Attendance policies of the employer
4 shall be reasonable and provided to the individual in
5 writing, electronically, or via posting in the workplace.

6 4. Damaging the employer's property through conduct
7 that is grossly negligent.

8 5. Refusal to obey an employer's reasonable and lawful
9 instruction, unless the refusal is due to the lack of
10 ability, skills, or training for the individual required
11 to obey the instruction or the instruction would result in
12 an unsafe act.

13 6. Consuming alcohol or illegal or non-prescribed
14 prescription drugs, or using an impairing substance in an
15 off-label manner, on the employer's premises during
16 working hours in violation of the employer's policies.

17 7. Reporting to work under the influence of alcohol,
18 illegal or non-prescribed prescription drugs, or an
19 impairing substance used in an off-label manner in
20 violation of the employer's policies, unless the
21 individual is compelled to report to work by the employer
22 outside of scheduled and on-call working hours and informs
23 the employer that he or she is under the influence of
24 alcohol, illegal or non-prescribed prescription drugs, or
25 an impairing substance used in an off-label manner in
26 violation of the employer's policies.

1 8. Grossly negligent conduct endangering the safety of
2 the individual or co-workers.

3 For purposes of paragraphs 4 and 8, conduct is "grossly
4 negligent" when the individual is, or reasonably should be,
5 aware of a substantial risk that the conduct will result in the
6 harm sought to be prevented and the conduct constitutes a
7 substantial deviation from the standard of care a reasonable
8 person would exercise in the situation.

9 Nothing in paragraph 6 or 7 prohibits the lawful use of
10 over-the-counter drug products as defined in Section 206 of
11 the Illinois Controlled Substances Act, provided that the
12 medication does not affect the safe performance of the
13 employee's work duties.

14 B. Notwithstanding any other provision of this Act, no
15 benefit rights shall accrue to any individual based upon wages
16 from any employer for service rendered prior to the day upon
17 which such individual was discharged because of the commission
18 of a felony in connection with his work, or because of theft in
19 connection with his work, for which the employer was in no way
20 responsible; provided, that the employer notified the Director
21 of such possible ineligibility within the time limits
22 specified by regulations of the Director, and that the
23 individual has admitted his commission of the felony or theft
24 to a representative of the Director, or has signed a written
25 admission of such act and such written admission has been
26 presented to a representative of the Director, or such act has

1 resulted in a conviction or order of supervision by a court of
2 competent jurisdiction; and provided further, that if by
3 reason of such act, he is in legal custody, held on bail
4 ~~pretrial release~~ or is a fugitive from justice, the
5 determination of his benefit rights shall be held in abeyance
6 pending the result of any legal proceedings arising therefrom.
7 (Source: P.A. 101-652, eff. 1-1-23.)

8 (730 ILCS 5/3-6-7.1 rep.)

9 (730 ILCS 5/3-6-7.2 rep.)

10 (730 ILCS 5/3-6-7.3 rep.)

11 (730 ILCS 5/3-6-7.4 rep.)

12 Section 365. The Unified Code of Corrections is amended by
13 repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

14 (730 ILCS 125/17.6 rep.)

15 (730 ILCS 125/17.7 rep.)

16 (730 ILCS 125/17.8 rep.)

17 (730 ILCS 125/17.9 rep.)

18 Section 370. The County Jail Act is amended by repealing
19 Sections 17.6, 17.7, 17.8, and 17.9.

20 Section 365. The Open Meetings Act is amended by changing
21 Section 2 as follows:

22 (5 ILCS 120/2) (from Ch. 102, par. 42)

1 Sec. 2. Open meetings.

2 (a) Openness required. All meetings of public bodies shall
3 be open to the public unless excepted in subsection (c) and
4 closed in accordance with Section 2a.

5 (b) Construction of exceptions. The exceptions contained
6 in subsection (c) are in derogation of the requirement that
7 public bodies meet in the open, and therefore, the exceptions
8 are to be strictly construed, extending only to subjects
9 clearly within their scope. The exceptions authorize but do
10 not require the holding of a closed meeting to discuss a
11 subject included within an enumerated exception.

12 (c) Exceptions. A public body may hold closed meetings to
13 consider the following subjects:

14 (1) The appointment, employment, compensation,
15 discipline, performance, or dismissal of specific
16 employees, specific individuals who serve as independent
17 contractors in a park, recreational, or educational
18 setting, or specific volunteers of the public body or
19 legal counsel for the public body, including hearing
20 testimony on a complaint lodged against an employee, a
21 specific individual who serves as an independent
22 contractor in a park, recreational, or educational
23 setting, or a volunteer of the public body or against
24 legal counsel for the public body to determine its
25 validity. However, a meeting to consider an increase in
26 compensation to a specific employee of a public body that

1 is subject to the Local Government Wage Increase
2 Transparency Act may not be closed and shall be open to the
3 public and posted and held in accordance with this Act.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the
13 public body is given power to remove the occupant under
14 law or ordinance.

15 (4) Evidence or testimony presented in open hearing,
16 or in closed hearing where specifically authorized by law,
17 to a quasi-adjudicative body, as defined in this Act,
18 provided that the body prepares and makes available for
19 public inspection a written decision setting forth its
20 determinative reasoning.

21 (4.5) Evidence or testimony presented to a school
22 board regarding denial of admission to school events or
23 property pursuant to Section 24-24 of the School Code,
24 provided that the school board prepares and makes
25 available for public inspection a written decision setting
26 forth its determinative reasoning.

1 (5) The purchase or lease of real property for the use
2 of the public body, including meetings held for the
3 purpose of discussing whether a particular parcel should
4 be acquired.

5 (6) The setting of a price for sale or lease of
6 property owned by the public body.

7 (7) The sale or purchase of securities, investments,
8 or investment contracts. This exception shall not apply to
9 the investment of assets or income of funds deposited into
10 the Illinois Prepaid Tuition Trust Fund.

11 (8) Security procedures, school building safety and
12 security, and the use of personnel and equipment to
13 respond to an actual, a threatened, or a reasonably
14 potential danger to the safety of employees, students,
15 staff, the public, or public property.

16 (9) Student disciplinary cases.

17 (10) The placement of individual students in special
18 education programs and other matters relating to
19 individual students.

20 (11) Litigation, when an action against, affecting or
21 on behalf of the particular public body has been filed and
22 is pending before a court or administrative tribunal, or
23 when the public body finds that an action is probable or
24 imminent, in which case the basis for the finding shall be
25 recorded and entered into the minutes of the closed
26 meeting.

1 (12) The establishment of reserves or settlement of
2 claims as provided in the Local Governmental and
3 Governmental Employees Tort Immunity Act, if otherwise the
4 disposition of a claim or potential claim might be
5 prejudiced, or the review or discussion of claims, loss or
6 risk management information, records, data, advice or
7 communications from or with respect to any insurer of the
8 public body or any intergovernmental risk management
9 association or self insurance pool of which the public
10 body is a member.

11 (13) Conciliation of complaints of discrimination in
12 the sale or rental of housing, when closed meetings are
13 authorized by the law or ordinance prescribing fair
14 housing practices and creating a commission or
15 administrative agency for their enforcement.

16 (14) Informant sources, the hiring or assignment of
17 undercover personnel or equipment, or ongoing, prior or
18 future criminal investigations, when discussed by a public
19 body with criminal investigatory responsibilities.

20 (15) Professional ethics or performance when
21 considered by an advisory body appointed to advise a
22 licensing or regulatory agency on matters germane to the
23 advisory body's field of competence.

24 (16) Self evaluation, practices and procedures or
25 professional ethics, when meeting with a representative of
26 a statewide association of which the public body is a

1 member.

2 (17) The recruitment, credentialing, discipline or
3 formal peer review of physicians or other health care
4 professionals, or for the discussion of matters protected
5 under the federal Patient Safety and Quality Improvement
6 Act of 2005, and the regulations promulgated thereunder,
7 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
8 Health Insurance Portability and Accountability Act of
9 1996, and the regulations promulgated thereunder,
10 including 45 C.F.R. Parts 160, 162, and 164, by a
11 hospital, or other institution providing medical care,
12 that is operated by the public body.

13 (18) Deliberations for decisions of the Prisoner
14 Review Board.

15 (19) Review or discussion of applications received
16 under the Experimental Organ Transplantation Procedures
17 Act.

18 (20) The classification and discussion of matters
19 classified as confidential or continued confidential by
20 the State Government Suggestion Award Board.

21 (21) Discussion of minutes of meetings lawfully closed
22 under this Act, whether for purposes of approval by the
23 body of the minutes or semi-annual review of the minutes
24 as mandated by Section 2.06.

25 (22) Deliberations for decisions of the State
26 Emergency Medical Services Disciplinary Review Board.

1 (23) The operation by a municipality of a municipal
2 utility or the operation of a municipal power agency or
3 municipal natural gas agency when the discussion involves
4 (i) contracts relating to the purchase, sale, or delivery
5 of electricity or natural gas or (ii) the results or
6 conclusions of load forecast studies.

7 (24) Meetings of a residential health care facility
8 resident sexual assault and death review team or the
9 Executive Council under the Abuse Prevention Review Team
10 Act.

11 (25) Meetings of an independent team of experts under
12 Brian's Law.

13 (26) Meetings of a mortality review team appointed
14 under the Department of Juvenile Justice Mortality Review
15 Team Act.

16 (27) (Blank).

17 (28) Correspondence and records (i) that may not be
18 disclosed under Section 11-9 of the Illinois Public Aid
19 Code or (ii) that pertain to appeals under Section 11-8 of
20 the Illinois Public Aid Code.

21 (29) Meetings between internal or external auditors
22 and governmental audit committees, finance committees, and
23 their equivalents, when the discussion involves internal
24 control weaknesses, identification of potential fraud risk
25 areas, known or suspected frauds, and fraud interviews
26 conducted in accordance with generally accepted auditing

1 standards of the United States of America.

2 (30) Those meetings or portions of meetings of a
3 fatality review team or the Illinois Fatality Review Team
4 Advisory Council during which a review of the death of an
5 eligible adult in which abuse or neglect is suspected,
6 alleged, or substantiated is conducted pursuant to Section
7 15 of the Adult Protective Services Act.

8 (31) Meetings and deliberations for decisions of the
9 Concealed Carry Licensing Review Board under the Firearm
10 Concealed Carry Act.

11 (32) Meetings between the Regional Transportation
12 Authority Board and its Service Boards when the discussion
13 involves review by the Regional Transportation Authority
14 Board of employment contracts under Section 28d of the
15 Metropolitan Transit Authority Act and Sections 3A.18 and
16 3B.26 of the Regional Transportation Authority Act.

17 (33) Those meetings or portions of meetings of the
18 advisory committee and peer review subcommittee created
19 under Section 320 of the Illinois Controlled Substances
20 Act during which specific controlled substance prescriber,
21 dispenser, or patient information is discussed.

22 (34) Meetings of the Tax Increment Financing Reform
23 Task Force under Section 2505-800 of the Department of
24 Revenue Law of the Civil Administrative Code of Illinois.

25 (35) Meetings of the group established to discuss
26 Medicaid capitation rates under Section 5-30.8 of the

1 Illinois Public Aid Code.

2 (36) Those deliberations or portions of deliberations
3 for decisions of the Illinois Gaming Board in which there
4 is discussed any of the following: (i) personal,
5 commercial, financial, or other information obtained from
6 any source that is privileged, proprietary, confidential,
7 or a trade secret; or (ii) information specifically
8 exempted from the disclosure by federal or State law.

9 (37) (Blank). ~~Deliberations for decisions of the~~
10 ~~Illinois Law Enforcement Training Standards Board, the~~
11 ~~Certification Review Panel, and the Illinois State Police~~
12 ~~Merit Board regarding certification and decertification.~~

13 (38) Meetings of the Ad Hoc Statewide Domestic
14 Violence Fatality Review Committee of the Illinois
15 Criminal Justice Information Authority Board that occur in
16 closed executive session under subsection (d) of Section
17 35 of the Domestic Violence Fatality Review Act.

18 (39) Meetings of the regional review teams under
19 subsection (a) of Section 75 of the Domestic Violence
20 Fatality Review Act.

21 (40) Meetings of the Firearm Owner's Identification
22 Card Review Board under Section 10 of the Firearm Owners
23 Identification Card Act.

24 (d) Definitions. For purposes of this Section:

25 "Employee" means a person employed by a public body whose
26 relationship with the public body constitutes an

1 employer-employee relationship under the usual common law
2 rules, and who is not an independent contractor.

3 "Public office" means a position created by or under the
4 Constitution or laws of this State, the occupant of which is
5 charged with the exercise of some portion of the sovereign
6 power of this State. The term "public office" shall include
7 members of the public body, but it shall not include
8 organizational positions filled by members thereof, whether
9 established by law or by a public body itself, that exist to
10 assist the body in the conduct of its business.

11 "Quasi-adjudicative body" means an administrative body
12 charged by law or ordinance with the responsibility to conduct
13 hearings, receive evidence or testimony and make
14 determinations based thereon, but does not include local
15 electoral boards when such bodies are considering petition
16 challenges.

17 (e) Final action. No final action may be taken at a closed
18 meeting. Final action shall be preceded by a public recital of
19 the nature of the matter being considered and other
20 information that will inform the public of the business being
21 conducted.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
23 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
24 7-28-23.)

25 Section 375. The Freedom of Information Act is amended by

1 changing Sections 7 and 7.5 as follows:

2 (5 ILCS 140/7)

3 Sec. 7. Exemptions.

4 (1) When a request is made to inspect or copy a public
5 record that contains information that is exempt from
6 disclosure under this Section, but also contains information
7 that is not exempt from disclosure, the public body may elect
8 to redact the information that is exempt. The public body
9 shall make the remaining information available for inspection
10 and copying. Subject to this requirement, the following shall
11 be exempt from inspection and copying:

12 (a) Information specifically prohibited from
13 disclosure by federal or State law or rules and
14 regulations implementing federal or State law.

15 (b) Private information, unless disclosure is required
16 by another provision of this Act, a State or federal law,
17 or a court order.

18 (b-5) Files, documents, and other data or databases
19 maintained by one or more law enforcement agencies and
20 specifically designed to provide information to one or
21 more law enforcement agencies regarding the physical or
22 mental status of one or more individual subjects.

23 (c) Personal information contained within public
24 records, the disclosure of which would constitute a
25 clearly unwarranted invasion of personal privacy, unless

1 the disclosure is consented to in writing by the
2 individual subjects of the information. "Unwarranted
3 invasion of personal privacy" means the disclosure of
4 information that is highly personal or objectionable to a
5 reasonable person and in which the subject's right to
6 privacy outweighs any legitimate public interest in
7 obtaining the information. The disclosure of information
8 that bears on the public duties of public employees and
9 officials shall not be considered an invasion of personal
10 privacy.

11 (d) Records in the possession of any public body
12 created in the course of administrative enforcement
13 proceedings, and any law enforcement or correctional
14 agency for law enforcement purposes, but only to the
15 extent that disclosure would:

16 (i) interfere with pending or actually and
17 reasonably contemplated law enforcement proceedings
18 conducted by any law enforcement or correctional
19 agency that is the recipient of the request;

20 (ii) interfere with active administrative
21 enforcement proceedings conducted by the public body
22 that is the recipient of the request;

23 (iii) create a substantial likelihood that a
24 person will be deprived of a fair trial or an impartial
25 hearing;

26 (iv) unavoidably disclose the identity of a

1 confidential source, confidential information
2 furnished only by the confidential source, or persons
3 who file complaints with or provide information to
4 administrative, investigative, law enforcement, or
5 penal agencies; except that the identities of
6 witnesses to traffic crashes, traffic crash reports,
7 and rescue reports shall be provided by agencies of
8 local government, except when disclosure would
9 interfere with an active criminal investigation
10 conducted by the agency that is the recipient of the
11 request;

12 (v) disclose unique or specialized investigative
13 techniques other than those generally used and known
14 or disclose internal documents of correctional
15 agencies related to detection, observation, or
16 investigation of incidents of crime or misconduct, and
17 disclosure would result in demonstrable harm to the
18 agency or public body that is the recipient of the
19 request;

20 (vi) endanger the life or physical safety of law
21 enforcement personnel or any other person; or

22 (vii) obstruct an ongoing criminal investigation
23 by the agency that is the recipient of the request.

24 (d-5) A law enforcement record created for law
25 enforcement purposes and contained in a shared electronic
26 record management system if the law enforcement agency

1 that is the recipient of the request did not create the
2 record, did not participate in or have a role in any of the
3 events which are the subject of the record, and only has
4 access to the record through the shared electronic record
5 management system.

6 (d-6) (Blank). ~~Records contained in the Officer~~
7 ~~Professional Conduct Database under Section 9.2 of the~~
8 ~~Illinois Police Training Act, except to the extent~~
9 ~~authorized under that Section. This includes the documents~~
10 ~~supplied to the Illinois Law Enforcement Training~~
11 ~~Standards Board from the Illinois State Police and~~
12 ~~Illinois State Police Merit Board.~~

13 (d-7) Information gathered or records created from the
14 use of automatic license plate readers in connection with
15 Section 2-130 of the Illinois Vehicle Code.

16 (e) Records that relate to or affect the security of
17 correctional institutions and detention facilities.

18 (e-5) 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 are available in the library of the correctional
22 institution or facility or jail where the inmate is
23 confined.

24 (e-6) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials include records from staff members' personnel
2 files, staff rosters, or other staffing assignment
3 information.

4 (e-7) Records requested by persons committed to the
5 Department of Corrections or Department of Human Services
6 Division of Mental Health if those materials are available
7 through an administrative request to the Department of
8 Corrections or Department of Human Services Division of
9 Mental Health.

10 (e-8) Records requested by a person committed to the
11 Department of Corrections, Department of Human Services
12 Division of Mental Health, or a county jail, the
13 disclosure of which would result in the risk of harm to any
14 person or the risk of an escape from a jail or correctional
15 institution or facility.

16 (e-9) Records requested by a person in a county jail
17 or committed to the Department of Corrections or
18 Department of Human Services Division of Mental Health,
19 containing personal information pertaining to the person's
20 victim or the victim's family, including, but not limited
21 to, a victim's home address, home telephone number, work
22 or school address, work telephone number, social security
23 number, or any other identifying information, except as
24 may be relevant to a requester's current or potential case
25 or claim.

26 (e-10) Law enforcement records of other persons

1 requested by a person committed to the Department of
2 Corrections, Department of Human Services Division of
3 Mental Health, or a county jail, including, but not
4 limited to, arrest and booking records, mug shots, and
5 crime scene photographs, except as these records may be
6 relevant to the requester's current or potential case or
7 claim.

8 (f) Preliminary drafts, notes, recommendations,
9 memoranda, and other records in which opinions are
10 expressed, or policies or actions are formulated, except
11 that a specific record or relevant portion of a record
12 shall not be exempt when the record is publicly cited and
13 identified by the head of the public body. The exemption
14 provided in this paragraph (f) extends to all those
15 records of officers and agencies of the General Assembly
16 that pertain to the preparation of legislative documents.

17 (g) Trade secrets and commercial or financial
18 information obtained from a person or business where the
19 trade secrets or commercial or financial information are
20 furnished under a claim that they are proprietary,
21 privileged, or confidential, and that disclosure of the
22 trade secrets or commercial or financial information would
23 cause competitive harm to the person or business, and only
24 insofar as the claim directly applies to the records
25 requested.

26 The information included under this exemption includes

1 all trade secrets and commercial or financial information
2 obtained by a public body, including a public pension
3 fund, from a private equity fund or a privately held
4 company within the investment portfolio of a private
5 equity fund as a result of either investing or evaluating
6 a potential investment of public funds in a private equity
7 fund. The exemption contained in this item does not apply
8 to the aggregate financial performance information of a
9 private equity fund, nor to the identity of the fund's
10 managers or general partners. The exemption contained in
11 this item does not apply to the identity of a privately
12 held company within the investment portfolio of a private
13 equity fund, unless the disclosure of the identity of a
14 privately held company may cause competitive harm.

15 Nothing contained in this paragraph (g) shall be
16 construed to prevent a person or business from consenting
17 to disclosure.

18 (h) Proposals and bids for any contract, grant, or
19 agreement, including information which if it were
20 disclosed would frustrate procurement or give an advantage
21 to any person proposing to enter into a contractor
22 agreement with the body, until an award or final selection
23 is made. Information prepared by or for the body in
24 preparation of a bid solicitation shall be exempt until an
25 award or final selection is made.

26 (i) Valuable formulae, computer geographic systems,

1 designs, drawings, and research data obtained or produced
2 by any public body when disclosure could reasonably be
3 expected to produce private gain or public loss. The
4 exemption for "computer geographic systems" provided in
5 this paragraph (i) does not extend to requests made by
6 news media as defined in Section 2 of this Act when the
7 requested information is not otherwise exempt and the only
8 purpose of the request is to access and disseminate
9 information regarding the health, safety, welfare, or
10 legal rights of the general public.

11 (j) The following information pertaining to
12 educational matters:

13 (i) test questions, scoring keys, and other
14 examination data used to administer an academic
15 examination;

16 (ii) information received by a primary or
17 secondary school, college, or university under its
18 procedures for the evaluation of faculty members by
19 their academic peers;

20 (iii) information concerning a school or
21 university's adjudication of student disciplinary
22 cases, but only to the extent that disclosure would
23 unavoidably reveal the identity of the student; and

24 (iv) course materials or research materials used
25 by faculty members.

26 (k) Architects' plans, engineers' technical

1 submissions, and other construction related technical
2 documents for projects not constructed or developed in
3 whole or in part with public funds and the same for
4 projects constructed or developed with public funds,
5 including, but not limited to, power generating and
6 distribution stations and other transmission and
7 distribution facilities, water treatment facilities,
8 airport facilities, sport stadiums, convention centers,
9 and all government owned, operated, or occupied buildings,
10 but only to the extent that disclosure would compromise
11 security.

12 (l) Minutes of meetings of public bodies closed to the
13 public as provided in the Open Meetings Act until the
14 public body makes the minutes available to the public
15 under Section 2.06 of the Open Meetings Act.

16 (m) Communications between a public body and an
17 attorney or auditor representing the public body that
18 would not be subject to discovery in litigation, and
19 materials prepared or compiled by or for a public body in
20 anticipation of a criminal, civil, or administrative
21 proceeding upon the request of an attorney advising the
22 public body, and materials prepared or compiled with
23 respect to internal audits of public bodies.

24 (n) Records relating to a public body's adjudication
25 of employee grievances or disciplinary cases; however,
26 this exemption shall not extend to the final outcome of

1 cases in which discipline is imposed.

2 (o) Administrative or technical information associated
3 with automated data processing operations, including, but
4 not limited to, software, operating protocols, computer
5 program abstracts, file layouts, source listings, object
6 modules, load modules, user guides, documentation
7 pertaining to all logical and physical design of
8 computerized systems, employee manuals, and any other
9 information that, if disclosed, would jeopardize the
10 security of the system or its data or the security of
11 materials exempt under this Section.

12 (p) Records relating to collective negotiating matters
13 between public bodies and their employees or
14 representatives, except that any final contract or
15 agreement shall be subject to inspection and copying.

16 (q) Test questions, scoring keys, and other
17 examination data used to determine the qualifications of
18 an applicant for a license or employment.

19 (r) The records, documents, and information relating
20 to real estate purchase negotiations until those
21 negotiations have been completed or otherwise terminated.
22 With regard to a parcel involved in a pending or actually
23 and reasonably contemplated eminent domain proceeding
24 under the Eminent Domain Act, records, documents, and
25 information relating to that parcel shall be exempt except
26 as may be allowed under discovery rules adopted by the

1 Illinois Supreme Court. The records, documents, and
2 information relating to a real estate sale shall be exempt
3 until a sale is consummated.

4 (s) Any and all proprietary information and records
5 related to the operation of an intergovernmental risk
6 management association or self-insurance pool or jointly
7 self-administered health and accident cooperative or pool.
8 Insurance or self-insurance (including any
9 intergovernmental risk management association or
10 self-insurance pool) claims, loss or risk management
11 information, records, data, advice, or communications.

12 (t) Information contained in or related to
13 examination, operating, or condition reports prepared by,
14 on behalf of, or for the use of a public body responsible
15 for the regulation or supervision of financial
16 institutions, insurance companies, or pharmacy benefit
17 managers, unless disclosure is otherwise required by State
18 law.

19 (u) Information that would disclose or might lead to
20 the disclosure of secret or confidential information,
21 codes, algorithms, programs, or private keys intended to
22 be used to create electronic signatures under the Uniform
23 Electronic Transactions Act.

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a

1 community's population or systems, facilities, or
2 installations, but only to the extent that disclosure
3 could reasonably be expected to expose the vulnerability
4 or jeopardize the effectiveness of the measures, policies,
5 or plans, or the safety of the personnel who implement
6 them or the public. Information exempt under this item may
7 include such things as details pertaining to the
8 mobilization or deployment of personnel or equipment, to
9 the operation of communication systems or protocols, to
10 cybersecurity vulnerabilities, or to tactical operations.

11 (w) (Blank).

12 (x) Maps and other records regarding the location or
13 security of generation, transmission, distribution,
14 storage, gathering, treatment, or switching facilities
15 owned by a utility, by a power generator, or by the
16 Illinois Power Agency.

17 (y) Information contained in or related to proposals,
18 bids, or negotiations related to electric power
19 procurement under Section 1-75 of the Illinois Power
20 Agency Act and Section 16-111.5 of the Public Utilities
21 Act that is determined to be confidential and proprietary
22 by the Illinois Power Agency or by the Illinois Commerce
23 Commission.

24 (z) Information about students exempted from
25 disclosure under Section 10-20.38 or 34-18.29 of the
26 School Code, and information about undergraduate students

1 enrolled at an institution of higher education exempted
2 from disclosure under Section 25 of the Illinois Credit
3 Card Marketing Act of 2009.

4 (aa) Information the disclosure of which is exempted
5 under the Viatical Settlements Act of 2009.

6 (bb) Records and information provided to a mortality
7 review team and records maintained by a mortality review
8 team appointed under the Department of Juvenile Justice
9 Mortality Review Team Act.

10 (cc) Information regarding interments, entombments, or
11 inurnments of human remains that are submitted to the
12 Cemetery Oversight Database under the Cemetery Care Act or
13 the Cemetery Oversight Act, whichever is applicable.

14 (dd) Correspondence and records (i) that may not be
15 disclosed under Section 11-9 of the Illinois Public Aid
16 Code or (ii) that pertain to appeals under Section 11-8 of
17 the Illinois Public Aid Code.

18 (ee) The names, addresses, or other personal
19 information of persons who are minors and are also
20 participants and registrants in programs of park
21 districts, forest preserve districts, conservation
22 districts, recreation agencies, and special recreation
23 associations.

24 (ff) The names, addresses, or other personal
25 information of participants and registrants in programs of
26 park districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations where such programs are targeted primarily to
3 minors.

4 (gg) Confidential information described in Section
5 1-100 of the Illinois Independent Tax Tribunal Act of
6 2012.

7 (hh) The report submitted to the State Board of
8 Education by the School Security and Standards Task Force
9 under item (8) of subsection (d) of Section 2-3.160 of the
10 School Code and any information contained in that report.

11 (ii) Records requested by persons committed to or
12 detained by the Department of Human Services under the
13 Sexually Violent Persons Commitment Act or committed to
14 the Department of Corrections under the Sexually Dangerous
15 Persons Act if those materials: (i) are available in the
16 library of the facility where the individual is confined;
17 (ii) include records from staff members' personnel files,
18 staff rosters, or other staffing assignment information;
19 or (iii) are available through an administrative request
20 to the Department of Human Services or the Department of
21 Corrections.

22 (jj) Confidential information described in Section
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card
25 numbers, bank account numbers, Federal Employer
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which
2 could result in identity theft or impersonation or defrauding
3 of a governmental entity or a person.

4 (ll) Records concerning the work of the threat
5 assessment team of a school district, including, but not
6 limited to, any threat assessment procedure under the
7 School Safety Drill Act and any information contained in
8 the procedure.

9 (mm) Information prohibited from being disclosed under
10 subsections (a) and (b) of Section 15 of the Student
11 Confidential Reporting Act.

12 (nn) Proprietary information submitted to the
13 Environmental Protection Agency under the Drug Take-Back
14 Act.

15 (oo) Records described in subsection (f) of Section
16 3-5-1 of the Unified Code of Corrections.

17 (pp) Any and all information regarding burials,
18 interments, or entombments of human remains as required to
19 be reported to the Department of Natural Resources
20 pursuant either to the Archaeological and Paleontological
21 Resources Protection Act or the Human Remains Protection
22 Act.

23 (qq) ~~(pp)~~ Reports described in subsection (e) of
24 Section 16-15 of the Abortion Care Clinical Training
25 Program Act.

26 (rr) ~~(pp)~~ Information obtained by a certified local

1 health department under the Access to Public Health Data
2 Act.

3 (ss) ~~(pp)~~ For a request directed to a public body that
4 is also a HIPAA-covered entity, all information that is
5 protected health information, including demographic
6 information, that may be contained within or extracted
7 from any record held by the public body in compliance with
8 State and federal medical privacy laws and regulations,
9 including, but not limited to, the Health Insurance
10 Portability and Accountability Act and its regulations, 45
11 CFR Parts 160 and 164. As used in this paragraph,
12 "HIPAA-covered entity" has the meaning given to the term
13 "covered entity" in 45 CFR 160.103 and "protected health
14 information" has the meaning given to that term in 45 CFR
15 160.103.

16 (1.5) Any information exempt from disclosure under the
17 Judicial Privacy Act shall be redacted from public records
18 prior to disclosure under this Act.

19 (2) A public record that is not in the possession of a
20 public body but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the public body, and that directly relates to the
23 governmental function and is not otherwise exempt under this
24 Act, shall be considered a public record of the public body,
25 for purposes of this Act.

26 (3) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise provided
3 in this Act.

4 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
5 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
6 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
7 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
8 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
9 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
10 9-7-23.)

11 (5 ILCS 140/7.5)

12 (Text of Section before amendment by P.A. 103-472)

13 Sec. 7.5. Statutory exemptions. To the extent provided for
14 by the statutes referenced below, the following shall be
15 exempt from inspection and copying:

16 (a) All information determined to be confidential
17 under Section 4002 of the Technology Advancement and
18 Development Act.

19 (b) Library circulation and order records identifying
20 library users with specific materials under the Library
21 Records Confidentiality Act.

22 (c) Applications, related documents, and medical
23 records received by the Experimental Organ Transplantation
24 Procedures Board and any and all documents or other
25 records prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it
2 has received.

3 (d) Information and records held by the Department of
4 Public Health and its authorized representatives relating
5 to known or suspected cases of sexually transmissible
6 disease or any information the disclosure of which is
7 restricted under the Illinois Sexually Transmissible
8 Disease Control Act.

9 (e) Information the disclosure of which is exempted
10 under Section 30 of the Radon Industry Licensing Act.

11 (f) Firm performance evaluations under Section 55 of
12 the Architectural, Engineering, and Land Surveying
13 Qualifications Based Selection Act.

14 (g) Information the disclosure of which is restricted
15 and exempted under Section 50 of the Illinois Prepaid
16 Tuition Act.

17 (h) Information the disclosure of which is exempted
18 under the State Officials and Employees Ethics Act, and
19 records of any lawfully created State or local inspector
20 general's office that would be exempt if created or
21 obtained by an Executive Inspector General's office under
22 that Act.

23 (i) Information contained in a local emergency energy
24 plan submitted to a municipality in accordance with a
25 local emergency energy plan ordinance that is adopted
26 under Section 11-21.5-5 of the Illinois Municipal Code.

1 (j) Information and data concerning the distribution
2 of surcharge moneys collected and remitted by carriers
3 under the Emergency Telephone System Act.

4 (k) Law enforcement officer identification information
5 or driver identification information compiled by a law
6 enforcement agency or the Department of Transportation
7 under Section 11-212 of the Illinois Vehicle Code.

8 (l) Records and information provided to a residential
9 health care facility resident sexual assault and death
10 review team or the Executive Council under the Abuse
11 Prevention Review Team Act.

12 (m) Information provided to the predatory lending
13 database created pursuant to Article 3 of the Residential
14 Real Property Disclosure Act, except to the extent
15 authorized under that Article.

16 (n) Defense budgets and petitions for certification of
17 compensation and expenses for court appointed trial
18 counsel as provided under Sections 10 and 15 of the
19 Capital Crimes Litigation Act (repealed). This subsection
20 (n) shall apply until the conclusion of the trial of the
21 case, even if the prosecution chooses not to pursue the
22 death penalty prior to trial or sentencing.

23 (o) Information that is prohibited from being
24 disclosed under Section 4 of the Illinois Health and
25 Hazardous Substances Registry Act.

26 (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Department of Transportation under Sections 2705-300 and
4 2705-616 of the Department of Transportation Law of the
5 Civil Administrative Code of Illinois, the Regional
6 Transportation Authority under Section 2.11 of the
7 Regional Transportation Authority Act, or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act (repealed).

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted
15 under Section 5-108 of the Public Utilities Act.

16 (t) (Blank).

17 (u) Records and information provided to an independent
18 team of experts under the Developmental Disability and
19 Mental Health Safety Act (also known as Brian's Law).

20 (v) Names and information of people who have applied
21 for or received Firearm Owner's Identification Cards under
22 the Firearm Owners Identification Card Act or applied for
23 or received a concealed carry license under the Firearm
24 Concealed Carry Act, unless otherwise authorized by the
25 Firearm Concealed Carry Act; and databases under the
26 Firearm Concealed Carry Act, records of the Concealed

1 Carry Licensing Review Board under the Firearm Concealed
2 Carry Act, and law enforcement agency objections under the
3 Firearm Concealed Carry Act.

4 (v-5) Records of the Firearm Owner's Identification
5 Card Review Board that are exempted from disclosure under
6 Section 10 of the Firearm Owners Identification Card Act.

7 (w) Personally identifiable information which is
8 exempted from disclosure under subsection (g) of Section
9 19.1 of the Toll Highway Act.

10 (x) Information which is exempted from disclosure
11 under Section 5-1014.3 of the Counties Code or Section
12 8-11-21 of the Illinois Municipal Code.

13 (y) Confidential information under the Adult
14 Protective Services Act and its predecessor enabling
15 statute, the Elder Abuse and Neglect Act, including
16 information about the identity and administrative finding
17 against any caregiver of a verified and substantiated
18 decision of abuse, neglect, or financial exploitation of
19 an eligible adult maintained in the Registry established
20 under Section 7.5 of the Adult Protective Services Act.

21 (z) Records and information provided to a fatality
22 review team or the Illinois Fatality Review Team Advisory
23 Council under Section 15 of the Adult Protective Services
24 Act.

25 (aa) Information which is exempted from disclosure
26 under Section 2.37 of the Wildlife Code.

1 (bb) Information which is or was prohibited from
2 disclosure by the Juvenile Court Act of 1987.

3 (cc) Recordings made under the Law Enforcement
4 Officer-Worn Body Camera Act, except to the extent
5 authorized under that Act.

6 (dd) Information that is prohibited from being
7 disclosed under Section 45 of the Condominium and Common
8 Interest Community Ombudsperson Act.

9 (ee) Information that is exempted from disclosure
10 under Section 30.1 of the Pharmacy Practice Act.

11 (ff) Information that is exempted from disclosure
12 under the Revised Uniform Unclaimed Property Act.

13 (gg) Information that is prohibited from being
14 disclosed under Section 7-603.5 of the Illinois Vehicle
15 Code.

16 (hh) Records that are exempt from disclosure under
17 Section 1A-16.7 of the Election Code.

18 (ii) Information which is exempted from disclosure
19 under Section 2505-800 of the Department of Revenue Law of
20 the Civil Administrative Code of Illinois.

21 (jj) Information and reports that are required to be
22 submitted to the Department of Labor by registering day
23 and temporary labor service agencies but are exempt from
24 disclosure under subsection (a-1) of Section 45 of the Day
25 and Temporary Labor Services Act.

26 (kk) Information prohibited from disclosure under the

1 Seizure and Forfeiture Reporting Act.

2 (ll) Information the disclosure of which is restricted
3 and exempted under Section 5-30.8 of the Illinois Public
4 Aid Code.

5 (mm) Records that are exempt from disclosure under
6 Section 4.2 of the Crime Victims Compensation Act.

7 (nn) Information that is exempt from disclosure under
8 Section 70 of the Higher Education Student Assistance Act.

9 (oo) Communications, notes, records, and reports
10 arising out of a peer support counseling session
11 prohibited from disclosure under the First Responders
12 Suicide Prevention Act.

13 (pp) Names and all identifying information relating to
14 an employee of an emergency services provider or law
15 enforcement agency under the First Responders Suicide
16 Prevention Act.

17 (qq) Information and records held by the Department of
18 Public Health and its authorized representatives collected
19 under the Reproductive Health Act.

20 (rr) Information that is exempt from disclosure under
21 the Cannabis Regulation and Tax Act.

22 (ss) Data reported by an employer to the Department of
23 Human Rights pursuant to Section 2-108 of the Illinois
24 Human Rights Act.

25 (tt) Recordings made under the Children's Advocacy
26 Center Act, except to the extent authorized under that

1 Act.

2 (uu) Information that is exempt from disclosure under
3 Section 50 of the Sexual Assault Evidence Submission Act.

4 (vv) Information that is exempt from disclosure under
5 subsections (f) and (j) of Section 5-36 of the Illinois
6 Public Aid Code.

7 (ww) Information that is exempt from disclosure under
8 Section 16.8 of the State Treasurer Act.

9 (xx) Information that is exempt from disclosure or
10 information that shall not be made public under the
11 Illinois Insurance Code.

12 (yy) Information prohibited from being disclosed under
13 the Illinois Educational Labor Relations Act.

14 (zz) Information prohibited from being disclosed under
15 the Illinois Public Labor Relations Act.

16 (aaa) Information prohibited from being disclosed
17 under Section 1-167 of the Illinois Pension Code.

18 (bbb) (Blank). ~~Information that is prohibited from~~
19 ~~disclosure by the Illinois Police Training Act and the~~
20 ~~Illinois State Police Act.~~

21 (ccc) Records exempt from disclosure under Section
22 2605-304 of the Illinois State Police Law of the Civil
23 Administrative Code of Illinois.

24 (ddd) Information prohibited from being disclosed
25 under Section 35 of the Address Confidentiality for
26 Victims of Domestic Violence, Sexual Assault, Human

1 Trafficking, or Stalking Act.

2 (eee) Information prohibited from being disclosed
3 under subsection (b) of Section 75 of the Domestic
4 Violence Fatality Review Act.

5 (fff) Images from cameras under the Expressway Camera
6 Act. This subsection (fff) is inoperative on and after
7 July 1, 2025.

8 (ggg) Information prohibited from disclosure under
9 paragraph (3) of subsection (a) of Section 14 of the Nurse
10 Agency Licensing Act.

11 (hhh) Information submitted to the Illinois State
12 Police in an affidavit or application for an assault
13 weapon endorsement, assault weapon attachment endorsement,
14 .50 caliber rifle endorsement, or .50 caliber cartridge
15 endorsement under the Firearm Owners Identification Card
16 Act.

17 (iii) Data exempt from disclosure under Section 50 of
18 the School Safety Drill Act.

19 (jjj) ~~(hhh)~~ Information exempt from disclosure under
20 Section 30 of the Insurance Data Security Law.

21 (kkk) ~~(iii)~~ Confidential business information
22 prohibited from disclosure under Section 45 of the Paint
23 Stewardship Act.

24 (lll) (Reserved).

25 (mmm) ~~(iii)~~ Information prohibited from being
26 disclosed under subsection (e) of Section 1-129 of the

1 Illinois Power Agency Act.

2 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
3 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
4 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
5 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
6 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
7 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
8 revised 1-2-24.)

9 (Text of Section after amendment by P.A. 103-472)

10 Sec. 7.5. Statutory exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be
12 exempt from inspection and copying:

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14 under Section 4002 of the Technology Advancement and
15 Development Act.

16 (b) Library circulation and order records identifying
17 library users with specific materials under the Library
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical
20 records received by the Experimental Organ Transplantation
21 Procedures Board and any and all documents or other
22 records prepared by the Experimental Organ Transplantation
23 Procedures Board or its staff relating to applications it
24 has received.

25 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (ww) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) (Blank). ~~Information that is prohibited from~~
16 ~~disclosure by the Illinois Police Training Act and the~~
17 ~~Illinois State Police Act.~~

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

14 (iii) Data exempt from disclosure under Section 50 of
15 the School Safety Drill Act.

16 (jjj) ~~(hhh)~~ Information exempt from disclosure under
17 Section 30 of the Insurance Data Security Law.

18 (kkk) ~~(iii)~~ Confidential business information
19 prohibited from disclosure under Section 45 of the Paint
20 Stewardship Act.

21 (lll) ~~(iii)~~ Data exempt from disclosure under Section
22 2-3.196 of the School Code.

23 (mmm) ~~(iii)~~ Information prohibited from being
24 disclosed under subsection (e) of Section 1-129 of the
25 Illinois Power Agency Act.

26 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;

1 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
2 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
3 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
4 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
5 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
6 103-580, eff. 12-8-23; revised 1-2-24.)

7 Section 380. The State Employee Indemnification Act is
8 amended by changing Section 1 as follows:

9 (5 ILCS 350/1) (from Ch. 127, par. 1301)

10 Sec. 1. Definitions. For the purpose of this Act:

11 (a) The term "State" means the State of Illinois, the
12 General Assembly, the court, or any State office, department,
13 division, bureau, board, commission, or committee, the
14 governing boards of the public institutions of higher
15 education created by the State, the Illinois National Guard,
16 the Illinois State Guard, the Comprehensive Health Insurance
17 Board, any poison control center designated under the Poison
18 Control System Act that receives State funding, or any other
19 agency or instrumentality of the State. It does not mean any
20 local public entity as that term is defined in Section 1-206 of
21 the Local Governmental and Governmental Employees Tort
22 Immunity Act or a pension fund.

23 (b) The term "employee" means: any present or former
24 elected or appointed officer, trustee or employee of the

1 State, or of a pension fund; any present or former
2 commissioner or employee of the Executive Ethics Commission or
3 of the Legislative Ethics Commission; any present or former
4 Executive, Legislative, or Auditor General's Inspector
5 General; any present or former employee of an Office of an
6 Executive, Legislative, or Auditor General's Inspector
7 General; any present or former member of the Illinois National
8 Guard while on active duty; any present or former member of the
9 Illinois State Guard while on State active duty; individuals
10 or organizations who contract with the Department of
11 Corrections, the Department of Juvenile Justice, the
12 Comprehensive Health Insurance Board, or the Department of
13 Veterans' Affairs to provide services; individuals or
14 organizations who contract with the Department of Human
15 Services (as successor to the Department of Mental Health and
16 Developmental Disabilities) to provide services including but
17 not limited to treatment and other services for sexually
18 violent persons; individuals or organizations who contract
19 with the Department of Military Affairs for youth programs;
20 individuals or organizations who contract to perform carnival
21 and amusement ride safety inspections for the Department of
22 Labor; individuals who contract with the Office of the State's
23 Attorneys Appellate Prosecutor to provide legal services, but
24 only when performing duties within the scope of the Office's
25 prosecutorial activities; individual representatives of or
26 designated organizations authorized to represent the Office of

1 State Long-Term Ombudsman for the Department on Aging;
2 individual representatives of or organizations designated by
3 the Department on Aging in the performance of their duties as
4 adult protective services agencies or regional administrative
5 agencies under the Adult Protective Services Act; individuals
6 or organizations appointed as members of a review team or the
7 Advisory Council under the Adult Protective Services Act;
8 individuals or organizations who perform volunteer services
9 for the State where such volunteer relationship is reduced to
10 writing; individuals who serve on any public entity (whether
11 created by law or administrative action) described in
12 paragraph (a) of this Section; individuals or not for profit
13 organizations who, either as volunteers, where such volunteer
14 relationship is reduced to writing, or pursuant to contract,
15 furnish professional advice or consultation to any agency or
16 instrumentality of the State; individuals who serve as foster
17 parents for the Department of Children and Family Services
18 when caring for youth in care as defined in Section 4d of the
19 Children and Family Services Act; individuals who serve as
20 members of an independent team of experts under the
21 Developmental Disability and Mental Health Safety Act (also
22 known as Brian's Law); and individuals who serve as
23 arbitrators pursuant to Part 10A of Article II of the Code of
24 Civil Procedure and the rules of the Supreme Court
25 implementing Part 10A, each as now or hereafter amended; ~~the~~
26 ~~members of the Certification Review Panel under the Illinois~~

1 ~~Police Training Act;~~ the term "employee" does not mean an
2 independent contractor except as provided in this Section. The
3 term includes an individual appointed as an inspector by the
4 Director of the Illinois State Police when performing duties
5 within the scope of the activities of a Metropolitan
6 Enforcement Group or a law enforcement organization
7 established under the Intergovernmental Cooperation Act. An
8 individual who renders professional advice and consultation to
9 the State through an organization which qualifies as an
10 "employee" under the Act is also an employee. The term
11 includes the estate or personal representative of an employee.

12 (c) The term "pension fund" means a retirement system or
13 pension fund created under the Illinois Pension Code.

14 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

16 Section 385. The Personnel Code is amended by changing
17 Section 4c as follows:

18 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

19 Sec. 4c. General exemptions. The following positions in
20 State service shall be exempt from jurisdictions A, B, and C,
21 unless the jurisdictions shall be extended as provided in this
22 Act:

23 (1) All officers elected by the people.

24 (2) All positions under the Lieutenant Governor,

1 Secretary of State, State Treasurer, State Comptroller,
2 State Board of Education, Clerk of the Supreme Court,
3 Attorney General, and State Board of Elections.

4 (3) Judges, and officers and employees of the courts,
5 and notaries public.

6 (4) All officers and employees of the Illinois General
7 Assembly, all employees of legislative commissions, all
8 officers and employees of the Illinois Legislative
9 Reference Bureau and the Legislative Printing Unit.

10 (5) All positions in the Illinois National Guard and
11 Illinois State Guard, paid from federal funds or positions
12 in the State Military Service filled by enlistment and
13 paid from State funds.

14 (6) All employees of the Governor at the executive
15 mansion and on his immediate personal staff.

16 (7) Directors of Departments, the Adjutant General,
17 the Assistant Adjutant General, the Director of the
18 Illinois Emergency Management Agency, members of boards
19 and commissions, and all other positions appointed by the
20 Governor by and with the consent of the Senate.

21 (8) The presidents, other principal administrative
22 officers, and teaching, research and extension faculties
23 of Chicago State University, Eastern Illinois University,
24 Governors State University, Illinois State University,
25 Northeastern Illinois University, Northern Illinois
26 University, Western Illinois University, the Illinois

1 Community College Board, Southern Illinois University,
2 Illinois Board of Higher Education, University of
3 Illinois, State Universities Civil Service System,
4 University Retirement System of Illinois, and the
5 administrative officers and scientific and technical staff
6 of the Illinois State Museum.

7 (9) All other employees except the presidents, other
8 principal administrative officers, and teaching, research
9 and extension faculties of the universities under the
10 jurisdiction of the Board of Regents and the colleges and
11 universities under the jurisdiction of the Board of
12 Governors of State Colleges and Universities, Illinois
13 Community College Board, Southern Illinois University,
14 Illinois Board of Higher Education, Board of Governors of
15 State Colleges and Universities, the Board of Regents,
16 University of Illinois, State Universities Civil Service
17 System, University Retirement System of Illinois, so long
18 as these are subject to the provisions of the State
19 Universities Civil Service Act.

20 (10) The Illinois State Police so long as they are
21 subject to the merit provisions of the Illinois State
22 Police Act. ~~Employees of the Illinois State Police Merit~~
23 ~~Board are subject to the provisions of this Code.~~

24 (11) (Blank).

25 (12) The technical and engineering staffs of the
26 Department of Transportation, the Division of Nuclear

1 Safety at the Illinois Emergency Management Agency, the
2 Pollution Control Board, and the Illinois Commerce
3 Commission, and the technical and engineering staff
4 providing architectural and engineering services in the
5 Department of Central Management Services.

6 (13) All employees of the Illinois State Toll Highway
7 Authority.

8 (14) The Secretary of the Illinois Workers'
9 Compensation Commission.

10 (15) All persons who are appointed or employed by the
11 Director of Insurance under authority of Section 202 of
12 the Illinois Insurance Code to assist the Director of
13 Insurance in discharging his responsibilities relating to
14 the rehabilitation, liquidation, conservation, and
15 dissolution of companies that are subject to the
16 jurisdiction of the Illinois Insurance Code.

17 (16) All employees of the St. Louis Metropolitan Area
18 Airport Authority.

19 (17) All investment officers employed by the Illinois
20 State Board of Investment.

21 (18) Employees of the Illinois Young Adult
22 Conservation Corps program, administered by the Illinois
23 Department of Natural Resources, authorized grantee under
24 Title VIII of the Comprehensive Employment and Training
25 Act of 1973, 29 U.S.C. 993.

26 (19) Seasonal employees of the Department of

1 Agriculture for the operation of the Illinois State Fair
2 and the DuQuoin State Fair, no one person receiving more
3 than 29 days of such employment in any calendar year.

4 (20) All "temporary" employees hired under the
5 Department of Natural Resources' Illinois Conservation
6 Service, a youth employment program that hires young
7 people to work in State parks for a period of one year or
8 less.

9 (21) All hearing officers of the Human Rights
10 Commission.

11 (22) All employees of the Illinois Mathematics and
12 Science Academy.

13 (23) All employees of the Kankakee River Valley Area
14 Airport Authority.

15 (24) The commissioners and employees of the Executive
16 Ethics Commission.

17 (25) The Executive Inspectors General, including
18 special Executive Inspectors General, and employees of
19 each Office of an Executive Inspector General.

20 (26) The commissioners and employees of the
21 Legislative Ethics Commission.

22 (27) The Legislative Inspector General, including
23 special Legislative Inspectors General, and employees of
24 the Office of the Legislative Inspector General.

25 (28) The Auditor General's Inspector General and
26 employees of the Office of the Auditor General's Inspector

1 General.

2 (29) All employees of the Illinois Power Agency.

3 (30) Employees having demonstrable, defined advanced
4 skills in accounting, financial reporting, or technical
5 expertise who are employed within executive branch
6 agencies and whose duties are directly related to the
7 submission to the Office of the Comptroller of financial
8 information for the publication of the annual
9 comprehensive financial report.

10 (31) All employees of the Illinois Sentencing Policy
11 Advisory Council.

12 (Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21;
13 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff.
14 6-27-23.)

15 Section 390. The Illinois State Police Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 2605-50 as follows:

18 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

19 Sec. 2605-50. Division of Internal Investigation. The
20 Division of Internal Investigation shall have jurisdiction and
21 initiate internal Illinois State Police investigations and, at
22 the direction of the Governor, investigate complaints and
23 initiate investigations of official misconduct by State
24 officers and all State employees. ~~Notwithstanding any other~~

1 ~~provisions of law, the Division shall serve as the~~
2 ~~investigative body for the Illinois State Police for purposes~~
3 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~
4 ~~the Illinois State Police Act.~~

5 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22.)

7 Section 395. The State Police Act is amended by changing
8 Sections 3, 6, 8, and 9 as follows:

9 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

10 Sec. 3. The Governor shall appoint, by and with the advice
11 and consent of the Senate, an Illinois State Police Merit
12 Board, hereinafter called the Board, consisting of 5 ~~7~~ members
13 to hold office from the third Monday in March of the year of
14 their respective appointments for a term of 6 years and until
15 their successors are appointed and qualified for a like term.
16 ~~The Governor shall appoint new board members within 30 days~~
17 ~~for the vacancies created under Public Act 101-652. Board~~
18 ~~members shall be appointed to four-year terms. No member shall~~
19 ~~be appointed to more than 2 terms. In making the appointments,~~
20 ~~the Governor shall make a good faith effort to appoint members~~
21 ~~reflecting the geographic, ethnic, and cultural diversity of~~
22 ~~this State. In making the appointments, the Governor should~~
23 ~~also consider appointing: persons with professional~~
24 ~~backgrounds, possessing legal, management, personnel, or labor~~

1 ~~experience; at least one member with at least 10 years of~~
2 ~~experience as a licensed physician or clinical psychologist~~
3 ~~with expertise in mental health; and at least one member~~
4 ~~affiliated with an organization committed to social and~~
5 ~~economic rights and to eliminating discrimination.~~ No more
6 than 3 ~~4~~ members of the Board shall be affiliated with the same
7 political party. If the Senate is not in session at the time
8 initial appointments are made pursuant to this Section, the
9 Governor shall make temporary appointments as in the case of a
10 vacancy. ~~In order to avoid actual conflicts of interest, or~~
11 ~~the appearance of conflicts of interest, no board member shall~~
12 ~~be a retired or former employee of the Illinois State Police.~~
13 ~~When a Board member may have an actual, perceived, or~~
14 ~~potential conflict of interest that could prevent the Board~~
15 ~~member from making a fair and impartial decision on a~~
16 ~~complaint or formal complaint against an Illinois State Police~~
17 ~~officer, the Board member shall recuse himself or herself; or,~~
18 ~~if the Board member fails to recuse himself or herself, then~~
19 ~~the Board may, by a simple majority, vote to recuse the Board~~
20 ~~member.~~

21 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-813, eff. 5-13-22.)

23 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

24 Sec. 6. The Board is authorized to employ such clerical
25 and technical staff assistants, not to exceed fifteen, as may

1 be necessary to enable the Board to transact its business and,
2 if the rate of compensation is not otherwise fixed by law, to
3 fix their compensation. ~~In order to avoid actual conflicts of~~
4 ~~interest, or the appearance of conflicts of interest, no~~
5 ~~employee, contractor, clerical or technical staff shall be a~~
6 ~~retired or former employee of the Illinois State Police. All~~
7 ~~employees shall be subject to the Personnel Code.~~

8 (Source: P.A. 101-652, eff. 1-1-22.)

9 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

10 Sec. 8. Board jurisdiction.

11 ~~(a)~~ The Board shall exercise jurisdiction over the
12 certification for appointment and promotion, and over the
13 discipline, removal, demotion, and suspension of Illinois
14 State Police officers. ~~The Board and the Illinois State Police~~
15 ~~should also ensure Illinois State Police cadets and officers~~
16 ~~represent the utmost integrity and professionalism and~~
17 ~~represent the geographic, ethnic, and cultural diversity of~~
18 ~~this State. The Board shall also exercise jurisdiction to~~
19 ~~certify and terminate Illinois State Police officers in~~
20 ~~compliance with certification standards consistent with~~
21 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized
22 merit principles of public employment, the Board shall
23 formulate, adopt, and put into effect rules, regulations, and
24 procedures for its operation and the transaction of its
25 business. The Board shall establish a classification of ranks

1 of persons subject to its jurisdiction and shall set standards
2 and qualifications for each rank. Each Illinois State Police
3 officer appointed by the Director shall be classified as a
4 State Police officer as follows: trooper, sergeant, master
5 sergeant, lieutenant, captain, major, or Special Agent.

6 ~~(b) The Board shall publish all standards and~~
7 ~~qualifications for each rank, including Cadet, on its website.~~
8 ~~This shall include, but not be limited to, all physical~~
9 ~~fitness, medical, visual, and hearing standards. The Illinois~~
10 ~~State Police shall cooperate with the Board by providing any~~
11 ~~necessary information to complete this requirement.~~

12 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
13 102-813, eff. 5-13-22.)

14 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

15 Sec. 9. Appointment; qualifications.

16 (a) Except as otherwise provided in this Section, the
17 appointment of Illinois State Police officers shall be made
18 from those applicants who have been certified by the Board as
19 being qualified for appointment. All persons so appointed
20 shall, at the time of their appointment, be not less than 21
21 years of age, or 20 years of age and have successfully
22 completed an associate's degree or 60 credit hours at an
23 accredited college or university. Any person appointed
24 subsequent to successful completion of an associate's degree
25 or 60 credit hours at an accredited college or university

1 shall not have power of arrest, nor shall he or she be
2 permitted to carry firearms, until he or she reaches 21 years
3 of age. In addition, all persons so certified for appointment
4 shall be of sound mind and body, be of good moral character, be
5 citizens of the United States, have no criminal records,
6 possess such prerequisites of training, education, and
7 experience as the Board may from time to time prescribe so long
8 as persons who have an associate's degree or 60 credit hours at
9 an accredited college or university are not disqualified, and
10 shall be required to pass successfully such mental and
11 physical tests and examinations as may be prescribed by the
12 Board. A person who meets one of the following requirements is
13 deemed to have met the collegiate educational requirements:

14 (i) has been honorably discharged and who has been
15 awarded a Southwest Asia Service Medal, Kuwait Liberation
16 Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait),
17 Kosovo Campaign Medal, Korean Defense Service Medal,
18 Afghanistan Campaign Medal, Iraq Campaign Medal, Global
19 War on Terrorism Service Medal, Global War on Terrorism
20 Expeditionary Medal, or Inherent Resolve Campaign Medal by
21 the United States Armed Forces;

22 (ii) is an active member of the Illinois National
23 Guard or a reserve component of the United States Armed
24 Forces and who has been awarded a Southwest Asia Service
25 Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait
26 Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean

1 Defense Service Medal, Afghanistan Campaign Medal, Iraq
2 Campaign Medal, Global War on Terrorism Service Medal,
3 Global War on Terrorism Expeditionary Medal, or Inherent
4 Resolve Campaign Medal as a result of honorable service
5 during deployment on active duty;

6 (iii) has been honorably discharged who served in a
7 combat mission by proof of hostile fire pay or imminent
8 danger pay during deployment on active duty;

9 (iv) has at least 3 years of full active and
10 continuous United States Armed Forces duty, which shall
11 also include a period of active duty with the State of
12 Illinois under Title 10 or Title 32 of the United States
13 Code pursuant to an order of the President or the Governor
14 of the State of Illinois, and received an honorable
15 discharge before hiring; or

16 (v) has successfully completed basic law enforcement
17 training, has at least 3 years of continuous, full-time
18 service as a peace officer with the same police
19 department, and is currently serving as a peace officer
20 when applying.

21 Preference shall be given in such appointments to persons
22 who have honorably served in the United States Armed Forces.
23 All appointees shall serve a probationary period of 12 months
24 from the date of appointment and during that period may be
25 discharged at the will of the Director. However, the Director
26 may in his or her sole discretion extend the probationary

1 period of an officer up to an additional 6 months when to do so
2 is deemed in the best interest of the Illinois State Police.
3 Nothing in this subsection (a) limits the Board's ability to
4 prescribe education prerequisites or requirements to certify
5 Illinois State Police officers for promotion as provided in
6 Section 10 of this Act.

7 (b) Notwithstanding the other provisions of this Act,
8 after July 1, 1977 and before July 1, 1980, the Director of
9 State Police may appoint and promote not more than 20 persons
10 having special qualifications as special agents as he or she
11 deems necessary to carry out the Department's objectives. Any
12 such appointment or promotion shall be ratified by the Board.

13 (c) During the 90 days following March 31, 1995 (the
14 effective date of Public Act 89-9), the Director of State
15 Police may appoint up to 25 persons as State Police officers.
16 These appointments shall be made in accordance with the
17 requirements of this subsection (c) and any additional
18 criteria that may be established by the Director, but are not
19 subject to any other requirements of this Act. The Director
20 may specify the initial rank for each person appointed under
21 this subsection.

22 All appointments under this subsection (c) shall be made
23 from personnel certified by the Board. A person certified by
24 the Board and appointed by the Director under this subsection
25 must have been employed by the Illinois Commerce Commission on
26 November 30, 1994 in a job title subject to the Personnel Code

1 and in a position for which the person was eligible to earn
2 "eligible creditable service" as a "noncovered employee", as
3 those terms are defined in Article 14 of the Illinois Pension
4 Code.

5 Persons appointed under this subsection (c) shall
6 thereafter be subject to the same requirements and procedures
7 as other State police officers. A person appointed under this
8 subsection must serve a probationary period of 12 months from
9 the date of appointment, during which he or she may be
10 discharged at the will of the Director.

11 This subsection (c) does not affect or limit the
12 Director's authority to appoint other State Police officers
13 under subsection (a) of this Section.

14 ~~(d) During the 180 days following January 1, 2022 (the~~
15 ~~effective date of Public Act 101-652), the Director of the~~
16 ~~Illinois State Police may appoint current Illinois State~~
17 ~~Police employees serving in law enforcement officer positions~~
18 ~~previously within Central Management Services as State Police~~
19 ~~officers. These appointments shall be made in accordance with~~
20 ~~the requirements of this subsection (d) and any institutional~~
21 ~~criteria that may be established by the Director, but are not~~
22 ~~subject to any other requirements of this Act. All~~
23 ~~appointments under this subsection (d) shall be made from~~
24 ~~personnel certified by the Board. A person certified by the~~
25 ~~Board and appointed by the Director under this subsection must~~
26 ~~have been employed by a State agency, board, or commission on~~

1 ~~January 1, 2021 in a job title subject to the Personnel Code~~
2 ~~and in a position for which the person was eligible to earn~~
3 ~~"eligible creditable service" as a "noncovered employee", as~~
4 ~~those terms are defined in Article 14 of the Illinois Pension~~
5 ~~Code. Persons appointed under this subsection (d) shall~~
6 ~~thereafter be subject to the same requirements, and subject to~~
7 ~~the same contractual benefits and obligations, as other State~~
8 ~~police officers. This subsection (d) does not affect or limit~~
9 ~~the Director's authority to appoint other State Police~~
10 ~~officers under subsection (a) of this Section.~~

11 ~~(c) The Merit Board shall review Illinois State Police~~
12 ~~Cadet applicants. The Illinois State Police may provide~~
13 ~~background check and investigation material to the Board for~~
14 ~~its review pursuant to this Section. The Board shall approve~~
15 ~~and ensure that no cadet applicant is certified unless the~~
16 ~~applicant is a person of good character and has not been~~
17 ~~convicted of, or entered a plea of guilty to, a felony offense,~~
18 ~~any of the misdemeanors specified in this Section or if~~
19 ~~committed in any other state would be an offense similar to~~
20 ~~Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,~~
21 ~~11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,~~
22 ~~17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~
23 ~~violation of any Section of Part E of Title III of the Criminal~~
24 ~~Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of~~
25 ~~the Criminal Code of 1961 or the Criminal Code of 2012, or~~
26 ~~subsection (a) of Section 17-32 of the Criminal Code of 1961 or~~

1 ~~the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis~~
2 ~~Control Act, or any felony or misdemeanor in violation of~~
3 ~~federal law or the law of any state that is the equivalent of~~
4 ~~any of the offenses specified therein. The Officer~~
5 ~~Professional Conduct Database, provided for in Section 9.2 of~~
6 ~~the Illinois Police Training Act, shall be searched as part of~~
7 ~~this process. For purposes of this Section, "convicted of, or~~
8 ~~entered a plea of guilty" regardless of whether the~~
9 ~~adjudication of guilt or sentence is withheld or not entered~~
10 ~~thereon. This includes sentences of supervision, conditional~~
11 ~~discharge, or first offender probation, or any similar~~
12 ~~disposition provided for by law.~~

13 ~~(f) The Board shall by rule establish an application fee~~
14 ~~waiver program for any person who meets one or more of the~~
15 ~~following criteria:~~

16 ~~(1) his or her available personal income is 200% or~~
17 ~~less of the current poverty level; or~~

18 ~~(2) he or she is, in the discretion of the Board,~~
19 ~~unable to proceed in an action with payment of application~~
20 ~~fee and payment of that fee would result in substantial~~
21 ~~hardship to the person or the person's family.~~

22 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;
23 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-312, eff.
24 1-1-24.)

1 (20 ILCS 2610/11.5 rep.)

2 (20 ILCS 2610/11.6 rep.)

3 (20 ILCS 2610/12.6 rep.)

4 (20 ILCS 2610/12.7 rep.)

5 (20 ILCS 2610/40.1 rep.)

6 (20 ILCS 2610/46 rep.)

7 Section 400. The State Police Act is amended by repealing
8 Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

9 Section 405. The Illinois Police Training Act is amended
10 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
11 10.1, 10.2, 10.3, 10.11, 10.18, 10.19, and 10.20 and by adding
12 Section 10.5-1 as follows:

13 (50 ILCS 705/2) (from Ch. 85, par. 502)

14 Sec. 2. Definitions. As used in this Act, unless the
15 context otherwise requires:

16 "Board" means the Illinois Law Enforcement Training
17 Standards Board.

18 "Local governmental agency" means any local governmental
19 unit or municipal corporation in this State. It does not
20 include the State of Illinois or any office, officer,
21 department, division, bureau, board, commission, or agency of
22 the State, except that it does include a State-controlled
23 university, college or public community college.

24 "Police training school" means any school located within

1 the State of Illinois whether privately or publicly owned
2 which offers a course in police or county corrections training
3 and has been approved by the Board.

4 "Probationary police officer" means a recruit law
5 enforcement officer required to successfully complete initial
6 minimum basic training requirements at a police training
7 school to be eligible for permanent full-time employment as a
8 local law enforcement officer.

9 "Probationary part-time police officer" means a recruit
10 part-time law enforcement officer required to successfully
11 complete initial minimum part-time training requirements to be
12 eligible for employment on a part-time basis as a local law
13 enforcement officer.

14 "Permanent police officer" means a law enforcement officer
15 who has completed his or her probationary period and is
16 permanently employed on a full-time basis as a local law
17 enforcement officer by a participating local governmental unit
18 or as a security officer or campus policeman permanently
19 employed by a participating State-controlled university,
20 college, or public community college.

21 "Part-time police officer" means a law enforcement officer
22 who has completed his or her probationary period and is
23 employed on a part-time basis as a law enforcement officer by a
24 participating unit of local government or as a campus
25 policeman by a participating State-controlled university,
26 college, or public community college.

1 "Law enforcement officer" means (i) any police officer of
2 a local governmental agency who is primarily responsible for
3 prevention or detection of crime and the enforcement of the
4 criminal code, traffic, or highway laws of this State or any
5 political subdivision of this State or (ii) any member of a
6 police force appointed and maintained as provided in Section 2
7 of the Railroad Police Act.

8 "Recruit" means any full-time or part-time law enforcement
9 officer or full-time county corrections officer who is
10 enrolled in an approved training course.

11 "Probationary county corrections officer" means a recruit
12 county corrections officer required to successfully complete
13 initial minimum basic training requirements at a police
14 training school to be eligible for permanent employment on a
15 full-time basis as a county corrections officer.

16 "Permanent county corrections officer" means a county
17 corrections officer who has completed his probationary period
18 and is permanently employed on a full-time basis as a county
19 corrections officer by a participating local governmental
20 unit.

21 "County corrections officer" means any sworn officer of
22 the sheriff who is primarily responsible for the control and
23 custody of offenders, detainees or inmates.

24 "Probationary court security officer" means a recruit
25 court security officer required to successfully complete
26 initial minimum basic training requirements at a designated

1 training school to be eligible for employment as a court
2 security officer.

3 "Permanent court security officer" means a court security
4 officer who has completed his or her probationary period and
5 is employed as a court security officer by a participating
6 local governmental unit.

7 "Court security officer" has the meaning ascribed to it in
8 Section 3-6012.1 of the Counties Code.

9 ~~"Board" means the Illinois Law Enforcement Training~~
10 ~~Standards Board.~~

11 ~~"Full-time law enforcement officer" means a law~~
12 ~~enforcement officer who has completed the officer's~~
13 ~~probationary period and is employed on a full-time basis as a~~
14 ~~law enforcement officer by a local government agency, State~~
15 ~~government agency, or as a campus police officer by a~~
16 ~~university, college, or community college.~~

17 ~~"Law Enforcement agency" means any entity with statutory~~
18 ~~police powers and the ability to employ individuals authorized~~
19 ~~to make arrests. It does not include the Illinois State Police~~
20 ~~as defined in the State Police Act. A law enforcement agency~~
21 ~~may include any university, college, or community college.~~

22 ~~"Local law enforcement agency" means any law enforcement~~
23 ~~unit of government or municipal corporation in this State. It~~
24 ~~does not include the State of Illinois or any office, officer,~~
25 ~~department, division, bureau, board, commission, or agency of~~
26 ~~the State, except that it does include a State controlled~~

1 ~~university, college or public community college.~~

2 ~~"State law enforcement agency" means any law enforcement~~
3 ~~agency of this State. This includes any office, officer,~~
4 ~~department, division, bureau, board, commission, or agency of~~
5 ~~the State. It does not include the Illinois State Police as~~
6 ~~defined in the State Police Act.~~

7 ~~"Panel" means the Certification Review Panel.~~

8 ~~"Basic training school" means any school located within~~
9 ~~the State of Illinois whether privately or publicly owned~~
10 ~~which offers a course in basic law enforcement or county~~
11 ~~corrections training and has been approved by the Board.~~

12 ~~"Probationary police officer" means a recruit law~~
13 ~~enforcement officer required to successfully complete initial~~
14 ~~minimum basic training requirements at a basic training school~~
15 ~~to be eligible for permanent full-time employment as a local~~
16 ~~law enforcement officer.~~

17 ~~"Probationary part time police officer" means a recruit~~
18 ~~part time law enforcement officer required to successfully~~
19 ~~complete initial minimum part time training requirements to be~~
20 ~~eligible for employment on a part-time basis as a local law~~
21 ~~enforcement officer.~~

22 ~~"Permanent law enforcement officer" means a law~~
23 ~~enforcement officer who has completed the officer's~~
24 ~~probationary period and is permanently employed on a full-time~~
25 ~~basis as a local law enforcement officer, as a security~~
26 ~~officer, or campus police officer permanently employed by a~~

1 ~~law enforcement agency.~~

2 ~~"Part-time law enforcement officer" means a law~~
3 ~~enforcement officer who has completed the officer's~~
4 ~~probationary period and is employed on a part-time basis as a~~
5 ~~law enforcement officer or as a campus police officer by a law~~
6 ~~enforcement agency.~~

7 ~~"Law enforcement officer" means (i) any police officer of~~
8 ~~a law enforcement agency who is primarily responsible for~~
9 ~~prevention or detection of crime and the enforcement of the~~
10 ~~criminal code, traffic, or highway laws of this State or any~~
11 ~~political subdivision of this State or (ii) any member of a~~
12 ~~police force appointed and maintained as provided in Section 2~~
13 ~~of the Railroad Police Act.~~

14 ~~"Recruit" means any full-time or part-time law enforcement~~
15 ~~officer or full-time county corrections officer who is~~
16 ~~enrolled in an approved training course.~~

17 ~~"Review Committee" means the committee at the Board for~~
18 ~~certification disciplinary cases in which the Panel, a law~~
19 ~~enforcement officer, or a law enforcement agency may file for~~
20 ~~reconsideration of a decertification decision made by the~~
21 ~~Board.~~

22 ~~"Probationary county corrections officer" means a recruit~~
23 ~~county corrections officer required to successfully complete~~
24 ~~initial minimum basic training requirements at a basic~~
25 ~~training school to be eligible for permanent employment on a~~
26 ~~full-time basis as a county corrections officer.~~

1 ~~"Permanent county corrections officer" means a county~~
2 ~~corrections officer who has completed the officer's~~
3 ~~probationary period and is permanently employed on a full-time~~
4 ~~basis as a county corrections officer by a participating law~~
5 ~~enforcement agency.~~

6 ~~"County corrections officer" means any sworn officer of~~
7 ~~the sheriff who is primarily responsible for the control and~~
8 ~~eustody of offenders, detainees or inmates.~~

9 ~~"Probationary court security officer" means a recruit~~
10 ~~court security officer required to successfully complete~~
11 ~~initial minimum basic training requirements at a designated~~
12 ~~training school to be eligible for employment as a court~~
13 ~~security officer.~~

14 ~~"Permanent court security officer" means a court security~~
15 ~~officer who has completed the officer's probationary period~~
16 ~~and is employed as a court security officer by a participating~~
17 ~~law enforcement agency.~~

18 ~~"Court security officer" has the meaning ascribed to it in~~
19 ~~Section 3-6012.1 of the Counties Code.~~

20 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

21 (50 ILCS 705/3) (from Ch. 85, par. 503)

22 Sec. 3. Board; composition; appointments; tenure;
23 vacancies.

24 (a) The Board shall be composed of 18 members selected as
25 follows: The Attorney General of the State of Illinois, the

1 Director of the Illinois State Police, the Director of
2 Corrections, the Superintendent of the Chicago Police
3 Department, the Sheriff of Cook County, the Clerk of the
4 Circuit Court of Cook County, ~~who shall serve as ex officio~~
5 ~~members,~~ and the following to be appointed by the Governor: 2
6 mayors or village presidents of Illinois municipalities, 2
7 Illinois county sheriffs from counties other than Cook County,
8 2 managers of Illinois municipalities, 2 chiefs of municipal
9 police departments in Illinois having no Superintendent of the
10 Police Department on the Board, 2 citizens of Illinois who
11 shall be members of an organized enforcement officers'
12 association, one active member of a statewide association
13 representing sheriffs, and one active member of a statewide
14 association representing municipal police chiefs. The
15 appointments of the Governor shall be made on the first Monday
16 of August in 1965 with 3 of the appointments to be for a period
17 of one year, 3 for 2 years, and 3 for 3 years. Their successors
18 shall be appointed in like manner for terms to expire the first
19 Monday of August each 3 years thereafter. All members shall
20 serve until their respective successors are appointed and
21 qualify. Vacancies shall be filled by the Governor for the
22 unexpired terms. ~~Any ex officio member may appoint a designee~~
23 ~~to the Board who shall have the same powers and immunities~~
24 ~~otherwise conferred to the member of the Board, including the~~
25 ~~power to vote and be counted toward quorum, so long as the~~
26 ~~member is not in attendance.~~

1 (a-5) Within the Board is created a Review Committee. The
2 Review Committee shall review disciplinary cases in which the
3 Panel, the law enforcement officer, or the law enforcement
4 agency file for reconsideration of a decertification decision
5 made by the Board. The Review Committee shall be composed of 9
6 annually rotating members from the Board appointed by the
7 Board Chairman. One member of the Review Committee shall be
8 designated by the Board Chairman as the Chair. The Review
9 Committee shall sit in 3 member panels composed of one member
10 representing law enforcement management, one member
11 representing members of law enforcement, and one member who is
12 not a current or former member of law enforcement.

13 ~~(b) When a Board member may have an actual, perceived, or~~
14 ~~potential conflict of interest or appearance of bias that~~
15 ~~could prevent the Board member from making a fair and~~
16 ~~impartial decision regarding decertification:~~

17 ~~(1) The Board member shall recuse himself or herself.~~

18 ~~(2) If the Board member fails to recuse himself or~~
19 ~~herself, then the Board may, by a simple majority of the~~
20 ~~remaining members, vote to recuse the Board member. Board~~
21 ~~members who are found to have voted on a matter in which~~
22 ~~they should have recused themselves may be removed from~~
23 ~~the Board by the Governor.~~

24 ~~A conflict of interest or appearance of bias may include,~~
25 ~~but is not limited to, matters where one of the following is a~~
26 ~~party to a decision on a decertification or formal complaint:~~

1 ~~someone with whom the member has an employment relationship;~~
2 ~~any of the following relatives: spouse, parents, children,~~
3 ~~adopted children, legal wards, stepchildren, step parents,~~
4 ~~step siblings, half siblings, siblings, parents in law,~~
5 ~~siblings in law, children in law, aunts, uncles, nieces, and~~
6 ~~nephews; a friend; or a member of a professional organization,~~
7 ~~association, or a union in which the member now actively~~
8 ~~serves.~~

9 ~~(c) A vacancy in members does not prevent a quorum of the~~
10 ~~remaining sitting members from exercising all rights and~~
11 ~~performing all duties of the Board.~~

12 ~~(d) An individual serving on the Board shall not also~~
13 ~~serve on the Panel.~~

14 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-694, eff. 1-7-22.)

16 (50 ILCS 705/6) (from Ch. 85, par. 506)

17 Sec. 6. Powers and duties of the Board; selection and
18 certification of schools. The Board shall select and certify
19 schools within the State of Illinois for the purpose of
20 providing basic training for probationary police officers,
21 probationary county corrections officers, and court security
22 officers and of providing advanced or in-service training for
23 permanent police officers or permanent county corrections
24 officers, which schools may be either publicly or privately
25 owned and operated. In addition, the Board has the following

1 power and duties:

2 a. To require local governmental units to furnish such
3 reports and information as the Board deems necessary to
4 fully implement this Act.

5 b. To establish appropriate mandatory minimum
6 standards relating to the training of probationary local
7 police officers or probationary county corrections
8 officers, and in-service training of permanent law
9 enforcement officers.

10 c. To provide appropriate certification to those
11 probationary officers who successfully complete the
12 prescribed minimum standard basic training course.

13 d. To review and approve annual training curriculum
14 for county sheriffs.

15 e. To review and approve applicants to ensure that no
16 applicant is admitted to a certified academy unless the
17 applicant is a person of good character and has not been
18 convicted of, or entered a plea of guilty to, a felony
19 offense, any of the misdemeanors in Sections 11-1.50,
20 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
21 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or
25 subsection (a) of Section 17-32 of the Criminal Code of
26 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of

1 the Cannabis Control Act, or a crime involving moral
2 turpitude under the laws of this State or any other state
3 which if committed in this State would be punishable as a
4 felony or a crime of moral turpitude. The Board may
5 appoint investigators who shall enforce the duties
6 conferred upon the Board by this Act.

7 For purposes of this paragraph e, a person is
8 considered to have been convicted of, found guilty of, or
9 entered a plea of guilty to, plea of nolo contendere to
10 regardless of whether the adjudication of guilt or
11 sentence is withheld or not entered thereon. This includes
12 sentences of supervision, conditional discharge, or first
13 offender probation, or any similar disposition provided
14 for by law.

15 ~~The Board shall select and certify schools within the State of~~
16 ~~Illinois for the purpose of providing basic training for~~
17 ~~probationary law enforcement officers, probationary county~~
18 ~~corrections officers, and court security officers and of~~
19 ~~providing advanced or in service training for permanent law~~
20 ~~enforcement officers or permanent county corrections officers,~~
21 ~~which schools may be either publicly or privately owned and~~
22 ~~operated. In addition, the Board has the following power and~~
23 ~~duties:~~

24 ~~a. To require law enforcement agencies to furnish such~~
25 ~~reports and information as the Board deems necessary to~~
26 ~~fully implement this Act.~~

1 ~~b. To establish appropriate mandatory minimum~~
2 ~~standards relating to the training of probationary local~~
3 ~~law enforcement officers or probationary county~~
4 ~~corrections officers, and in-service training of permanent~~
5 ~~law enforcement officers.~~

6 ~~e. To provide appropriate certification to those~~
7 ~~probationary officers who successfully complete the~~
8 ~~prescribed minimum standard basic training course.~~

9 ~~d. To review and approve annual training curriculum~~
10 ~~for county sheriffs.~~

11 ~~e. To review and approve applicants to ensure that no~~
12 ~~applicant is admitted to a certified academy unless the~~
13 ~~applicant is a person of good character and has not been~~
14 ~~convicted of, found guilty of, entered a plea of guilty~~
15 ~~to, or entered a plea of nolo contendere to a felony~~
16 ~~offense, any of the misdemeanors in Sections 11 1.50,~~
17 ~~11 6, 11 6.5, 11 6.6, 11 9.1, 11 9.1B, 11 14, 11 14.1,~~
18 ~~11 30, 12 2, 12 3.2, 12 3.4, 12 3.5, 16 1, 17 1, 17 2,~~
19 ~~26.5 1, 26.5 2, 26.5 3, 28 3, 29 1, any misdemeanor in~~
20 ~~violation of any Section of Part E of Title III of the~~
21 ~~Criminal Code of 1961 or the Criminal Code of 2012, or~~
22 ~~subsection (a) of Section 17-32 of the Criminal Code of~~
23 ~~1961 or the Criminal Code of 2012, or Section 5 or 5.2 of~~
24 ~~the Cannabis Control Act, or a crime involving moral~~
25 ~~turpitude under the laws of this State or any other state~~
26 ~~which if committed in this State would be punishable as a~~

1 ~~felony or a crime of moral turpitude, or any felony or~~
2 ~~misdemeanor in violation of federal law or the law of any~~
3 ~~state that is the equivalent of any of the offenses~~
4 ~~specified therein. The Board may appoint investigators who~~
5 ~~shall enforce the duties conferred upon the Board by this~~
6 ~~Act.~~

7 ~~For purposes of this paragraph e, a person is~~
8 ~~considered to have been convicted of, found guilty of, or~~
9 ~~entered a plea of guilty to, plea of nolo contendere to~~
10 ~~regardless of whether the adjudication of guilt or~~
11 ~~sentence is withheld or not entered thereon. This includes~~
12 ~~sentences of supervision, conditional discharge, or first~~
13 ~~offender probation, or any similar disposition provided~~
14 ~~for by law.~~

15 ~~f. To establish statewide standards for minimum~~
16 ~~standards regarding regular mental health screenings for~~
17 ~~probationary and permanent police officers, ensuring that~~
18 ~~counseling sessions and screenings remain confidential.~~

19 ~~g. To review and ensure all law enforcement officers~~
20 ~~remain in compliance with this Act, and any administrative~~
21 ~~rules adopted under this Act.~~

22 ~~h. To suspend any certificate for a definite period,~~
23 ~~limit or restrict any certificate, or revoke any~~
24 ~~certificate.~~

25 ~~i. The Board and the Panel shall have power to secure~~
26 ~~by its subpoena and bring before it any person or entity in~~

1 ~~this State and to take testimony either orally or by~~
2 ~~deposition or both with the same fees and mileage and in~~
3 ~~the same manner as prescribed by law in judicial~~
4 ~~proceedings in civil cases in circuit courts of this~~
5 ~~State. The Board and the Panel shall also have the power to~~
6 ~~subpoena the production of documents, papers, files,~~
7 ~~books, documents, and records, whether in physical or~~
8 ~~electronic form, in support of the charges and for~~
9 ~~defense, and in connection with a hearing or~~
10 ~~investigation.~~

11 ~~j. The Executive Director, the administrative law~~
12 ~~judge designated by the Executive Director, and each~~
13 ~~member of the Board and the Panel shall have the power to~~
14 ~~administer oaths to witnesses at any hearing that the~~
15 ~~Board is authorized to conduct under this Act and any~~
16 ~~other oaths required or authorized to be administered by~~
17 ~~the Board under this Act.~~

18 ~~k. In case of the neglect or refusal of any person to~~
19 ~~obey a subpoena issued by the Board and the Panel, any~~
20 ~~circuit court, upon application of the Board and the~~
21 ~~Panel, through the Illinois Attorney General, may order~~
22 ~~such person to appear before the Board and the Panel give~~
23 ~~testimony or produce evidence, and any failure to obey~~
24 ~~such order is punishable by the court as a contempt~~
25 ~~thereof. This order may be served by personal delivery, by~~
26 ~~email, or by mail to the address of record or email address~~

1 ~~of record.~~

2 ~~1. The Board shall have the power to administer state~~
3 ~~certification examinations. Any and all records related to~~
4 ~~these examinations, including, but not limited to, test~~
5 ~~questions, test formats, digital files, answer responses,~~
6 ~~answer keys, and scoring information shall be exempt from~~
7 ~~disclosure.~~

8 ~~m. To make grants, subject to appropriation, to units~~
9 ~~of local government and public institutions of higher~~
10 ~~education for the purposes of hiring and retaining law~~
11 ~~enforcement officers.~~

12 ~~n. To make grants, subject to appropriation, to local~~
13 ~~law enforcement agencies for costs associated with the~~
14 ~~expansion and support of National Integrated Ballistic~~
15 ~~Information Network (NIBIN) and other ballistic technology~~
16 ~~equipment for ballistic testing.~~

17 (Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22;
18 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

19 (50 ILCS 705/6.1)

20 Sec. 6.1. Decertification ~~Automatic decertification~~ of
21 full-time and part-time police ~~law enforcement~~ officers.

22 (a) The Board must review police officer conduct and
23 records to ensure that no police officer is certified or
24 provided a valid waiver if that police officer has been
25 convicted of, or entered a plea of guilty to, a felony offense

1 under the laws of this State or any other state which if
2 committed in this State would be punishable as a felony. The
3 Board must also ensure that no or officer is certified or
4 provided a valid waiver if that police officer has been
5 convicted of, or entered a plea of guilty to, any misdemeanor
6 specified in this Section or if committed in any other state
7 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
8 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3,
9 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of
10 1961 or the Criminal Code of 2012, to subdivision (a)(1) or
11 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, or subsection (a) of Section 17-32
13 of the Criminal Code of 1961 or the Criminal Code of 2012, or
14 to Section 5 or 5.2 of the Cannabis Control Act. The Board must
15 appoint investigators to enforce the duties conferred upon the
16 Board by this Act.

17 (b) It is the responsibility of the sheriff or the chief
18 executive officer of every local law enforcement agency or
19 department within this State to report to the Board any
20 arrest, conviction, or plea of guilty of any officer for an
21 offense identified in this Section.

22 (c) It is the duty and responsibility of every full-time
23 and part-time police officer in this State to report to the
24 Board within 30 days, and the officer's sheriff or chief
25 executive officer, of his or her arrest, conviction, or plea
26 of guilty for an offense identified in this Section. Any

1 full-time or part-time police officer who knowingly makes,
2 submits, causes to be submitted, or files a false or
3 untruthful report to the Board must have his or her
4 certificate or waiver immediately decertified or revoked.

5 (d) Any person, or a local or State agency, or the Board is
6 immune from liability for submitting, disclosing, or releasing
7 information of arrests, convictions, or pleas of guilty in
8 this Section as long as the information is submitted,
9 disclosed, or released in good faith and without malice. The
10 Board has qualified immunity for the release of the
11 information.

12 (e) Any full-time or part-time police officer with a
13 certificate or waiver issued by the Board who is convicted of,
14 or entered a plea of guilty to, any offense described in this
15 Section immediately becomes decertified or no longer has a
16 valid waiver. The decertification and invalidity of waivers
17 occurs as a matter of law. Failure of a convicted person to
18 report to the Board his or her conviction as described in this
19 Section or any continued law enforcement practice after
20 receiving a conviction is a Class 4 felony.

21 (f) The Board's investigators are peace officers and have
22 all the powers possessed by policemen in cities and by
23 sheriffs, and these investigators may exercise those powers
24 anywhere in the State. An investigator shall not have peace
25 officer status or exercise police powers unless he or she
26 successfully completes the basic police training course

1 mandated and approved by the Board or the Board waives the
2 training requirement by reason of the investigator's prior law
3 enforcement experience, training, or both. The Board shall not
4 waive the training requirement unless the investigator has had
5 a minimum of 5 years experience as a sworn officer of a local,
6 State, or federal law enforcement agency.

7 (g) The Board must request and receive information and
8 assistance from any federal, state, or local governmental
9 agency as part of the authorized criminal background
10 investigation. The Illinois State Police must process, retain,
11 and additionally provide and disseminate information to the
12 Board concerning criminal charges, arrests, convictions, and
13 their disposition, that have been filed against a basic
14 academy applicant, law enforcement applicant, or law
15 enforcement officer whose fingerprint identification cards are
16 on file or maintained by the Illinois State Police. The
17 Federal Bureau of Investigation must provide the Board any
18 criminal history record information contained in its files
19 pertaining to law enforcement officers or any applicant to a
20 Board certified basic law enforcement academy as described in
21 this Act based on fingerprint identification. The Board must
22 make payment of fees to the Illinois State Police for each
23 fingerprint card submission in conformance with the
24 requirements of paragraph 22 of Section 55a of the Civil
25 Administrative Code of Illinois.

26 A police officer who has been certified or granted a valid

1 waiver shall also be decertified or have his or her waiver
2 revoked upon a determination by the Illinois Labor Relations
3 Board State Panel that he or she, while under oath, has
4 knowingly and willfully made false statements as to a material
5 fact going to an element of the offense of murder. If an appeal
6 is filed, the determination shall be stayed.

7 (1) In the case of an acquittal on a charge of murder,
8 a verified complaint may be filed:

9 (A) by the defendant; or

10 (B) by a police officer with personal knowledge of
11 perjured testimony.

12 The complaint must allege that a police officer, while
13 under oath, knowingly and willfully made false statements
14 as to a material fact going to an element of the offense of
15 murder. The verified complaint must be filed with the
16 Executive Director of the Illinois Law Enforcement
17 Training Standards Board within 2 years of the judgment of
18 acquittal.

19 (2) Within 30 days, the Executive Director of the
20 Illinois Law Enforcement Training Standards Board shall
21 review the verified complaint and determine whether the
22 verified complaint is frivolous and without merit, or
23 whether further investigation is warranted. The Illinois
24 Law Enforcement Training Standards Board shall notify the
25 officer and the Executive Director of the Illinois Labor
26 Relations Board State Panel of the filing of the complaint

1 and any action taken thereon. If the Executive Director of
2 the Illinois Law Enforcement Training Standards Board
3 determines that the verified complaint is frivolous and
4 without merit, it shall be dismissed. The Executive
5 Director of the Illinois Law Enforcement Training
6 Standards Board has sole discretion to make this
7 determination and this decision is not subject to appeal.

8 If the Executive Director of the Illinois Law Enforcement
9 Training Standards Board determines that the verified
10 complaint warrants further investigation, he or she shall
11 refer the matter to a task force of investigators created for
12 this purpose. This task force shall consist of 8 sworn police
13 officers: 2 from the Illinois State Police, 2 from the City of
14 Chicago Police Department, 2 from county police departments,
15 and 2 from municipal police departments. These investigators
16 shall have a minimum of 5 years of experience in conducting
17 criminal investigations. The investigators shall be appointed
18 by the Executive Director of the Illinois Law Enforcement
19 Training Standards Board. Any officer or officers acting in
20 this capacity pursuant to this statutory provision will have
21 statewide police authority while acting in this investigative
22 capacity. Their salaries and expenses for the time spent
23 conducting investigations under this paragraph shall be
24 reimbursed by the Illinois Law Enforcement Training Standards
25 Board.

26 Once the Executive Director of the Illinois Law

1 Enforcement Training Standards Board has determined that an
2 investigation is warranted, the verified complaint shall be
3 assigned to an investigator or investigators. The investigator
4 or investigators shall conduct an investigation of the
5 verified complaint and shall write a report of his or her
6 findings. This report shall be submitted to the Executive
7 Director of the Illinois Labor Relations Board State Panel.

8 Within 30 days, the Executive Director of the Illinois
9 Labor Relations Board State Panel shall review the
10 investigative report and determine whether sufficient evidence
11 exists to conduct an evidentiary hearing on the verified
12 complaint. If the Executive Director of the Illinois Labor
13 Relations Board State Panel determines upon his or her review
14 of the investigatory report that a hearing should not be
15 conducted, the complaint shall be dismissed. This decision is
16 in the Executive Director's sole discretion, and this
17 dismissal may not be appealed.

18 If the Executive Director of the Illinois Labor Relations
19 Board State Panel determines that there is sufficient evidence
20 to warrant a hearing, a hearing shall be ordered on the
21 verified complaint, to be conducted by an administrative law
22 judge employed by the Illinois Labor Relations Board State
23 Panel. The Executive Director of the Illinois Labor Relations
24 Board State Panel shall inform the Executive Director of the
25 Illinois Law Enforcement Training Standards Board and the
26 person who filed the complaint of either the dismissal of the

1 complaint or the issuance of the complaint for hearing. The
2 Executive Director shall assign the complaint to the
3 administrative law judge within 30 days of the decision
4 granting a hearing.

5 In the case of a finding of guilt on the offense of murder,
6 if a new trial is granted on direct appeal, or a state
7 post-conviction evidentiary hearing is ordered, based on a
8 claim that a police officer, under oath, knowingly and
9 willfully made false statements as to a material fact going to
10 an element of the offense of murder, the Illinois Labor
11 Relations Board State Panel shall hold a hearing to determine
12 whether the officer should be decertified if an interested
13 party requests such a hearing within 2 years of the court's
14 decision. The complaint shall be assigned to an administrative
15 law judge within 30 days so that a hearing can be scheduled.

16 At the hearing, the accused officer shall be afforded the
17 opportunity to:

18 (1) Be represented by counsel of his or her own
19 choosing;

20 (2) Be heard in his or her own defense;

21 (3) Produce evidence in his or her defense;

22 (4) Request that the Illinois Labor Relations Board
23 State Panel compel the attendance of witnesses and
24 production of related documents including but not limited
25 to court documents and records.

26 Once a case has been set for hearing, the verified

1 complaint shall be referred to the Department of Professional
2 Regulation. That office shall prosecute the verified complaint
3 at the hearing before the administrative law judge. The
4 Department of Professional Regulation shall have the
5 opportunity to produce evidence to support the verified
6 complaint and to request the Illinois Labor Relations Board
7 State Panel to compel the attendance of witnesses and the
8 production of related documents, including, but not limited
9 to, court documents and records. The Illinois Labor Relations
10 Board State Panel shall have the power to issue subpoenas
11 requiring the attendance of and testimony of witnesses and the
12 production of related documents including, but not limited to,
13 court documents and records and shall have the power to
14 administer oaths.

15 The administrative law judge shall have the responsibility
16 of receiving into evidence relevant testimony and documents,
17 including court records, to support or disprove the
18 allegations made by the person filing the verified complaint
19 and, at the close of the case, hear arguments. If the
20 administrative law judge finds that there is not clear and
21 convincing evidence to support the verified complaint that the
22 police officer has, while under oath, knowingly and willfully
23 made false statements as to a material fact going to an element
24 of the offense of murder, the administrative law judge shall
25 make a written recommendation of dismissal to the Illinois
26 Labor Relations Board State Panel. If the administrative law

1 judge finds that there is clear and convincing evidence that
2 the police officer has, while under oath, knowingly and
3 willfully made false statements as to a material fact that
4 goes to an element of the offense of murder, the
5 administrative law judge shall make a written recommendation
6 so concluding to the Illinois Labor Relations Board State
7 Panel. The hearings shall be transcribed. The Executive
8 Director of the Illinois Law Enforcement Training Standards
9 Board shall be informed of the administrative law judge's
10 recommended findings and decision and the Illinois Labor
11 Relations Board State Panel's subsequent review of the
12 recommendation.

13 An officer named in any complaint filed pursuant to this
14 Act shall be indemnified for his or her reasonable attorney's
15 fees and costs by his or her employer. These fees shall be paid
16 in a regular and timely manner. The State, upon application by
17 the public employer, shall reimburse the public employer for
18 the accused officer's reasonable attorney's fees and costs. At
19 no time and under no circumstances will the accused officer be
20 required to pay his or her own reasonable attorney's fees or
21 costs.

22 The accused officer shall not be placed on unpaid status
23 because of the filing or processing of the verified complaint
24 until there is a final non-appealable order sustaining his or
25 her guilt and his or her certification is revoked. Nothing in
26 this Act, however, restricts the public employer from pursuing

1 discipline against the officer in the normal course and under
2 procedures then in place.

3 The Illinois Labor Relations Board State Panel shall
4 review the administrative law judge's recommended decision and
5 order and determine by a majority vote whether or not there was
6 clear and convincing evidence that the accused officer, while
7 under oath, knowingly and willfully made false statements as
8 to a material fact going to the offense of murder. Within 30
9 days of service of the administrative law judge's recommended
10 decision and order, the parties may file exceptions to the
11 recommended decision and order and briefs in support of their
12 exceptions with the Illinois Labor Relations Board State
13 Panel. The parties may file responses to the exceptions and
14 briefs in support of the responses no later than 15 days after
15 the service of the exceptions. If exceptions are filed by any
16 of the parties, the Illinois Labor Relations Board State Panel
17 shall review the matter and make a finding to uphold, vacate,
18 or modify the recommended decision and order. If the Illinois
19 Labor Relations Board State Panel concludes that there is
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 an element of the offense murder,
23 the Illinois Labor Relations Board State Panel shall inform
24 the Illinois Law Enforcement Training Standards Board and the
25 Illinois Law Enforcement Training Standards Board shall revoke
26 the accused officer's certification. If the accused officer

1 appeals that determination to the Appellate Court, as provided
2 by this Act, he or she may petition the Appellate Court to stay
3 the revocation of his or her certification pending the court's
4 review of the matter.

5 None of the Illinois Labor Relations Board State Panel's
6 findings or determinations shall set any precedent in any of
7 its decisions decided pursuant to the Illinois Public Labor
8 Relations Act by the Illinois Labor Relations Board State
9 Panel or the courts.

10 A party aggrieved by the final order of the Illinois Labor
11 Relations Board State Panel may apply for and obtain judicial
12 review of an order of the Illinois Labor Relations Board State
13 Panel, in accordance with the provisions of the Administrative
14 Review Law, except that such judicial review shall be afforded
15 directly in the Appellate Court for the district in which the
16 accused officer resides. Any direct appeal to the Appellate
17 Court shall be filed within 35 days from the date that a copy
18 of the decision sought to be reviewed was served upon the party
19 affected by the decision.

20 Interested parties. Only interested parties to the
21 criminal prosecution in which the police officer allegedly,
22 while under oath, knowingly and willfully made false
23 statements as to a material fact going to an element of the
24 offense of murder may file a verified complaint pursuant to
25 this Section. For purposes of this Section, "interested
26 parties" shall be limited to the defendant and any police

1 officer who has personal knowledge that the police officer who
2 is the subject of the complaint has, while under oath,
3 knowingly and willfully made false statements as to a material
4 fact going to an element of the offense of murder.

5 Semi-annual reports. The Executive Director of the
6 Illinois Labor Relations Board shall submit semi-annual
7 reports to the Governor, President, and Minority Leader of the
8 Senate, and to the Speaker and Minority Leader of the House of
9 Representatives beginning on June 30, 2004, indicating:

10 (1) the number of verified complaints received since
11 the date of the last report;

12 (2) the number of investigations initiated since the
13 date of the last report;

14 (3) the number of investigations concluded since the
15 date of the last report;

16 (4) the number of investigations pending as of the
17 reporting date;

18 (5) the number of hearings held since the date of the
19 last report; and

20 (6) the number of officers decertified since the date
21 of the last report.

22 ~~(a) The Board must review law enforcement officer conduct~~
23 ~~and records to ensure that no law enforcement officer is~~
24 ~~certified or provided a valid waiver if that law enforcement~~
25 ~~officer has been convicted of, found guilty of, entered a plea~~
26 ~~of guilty to, or entered a plea of nolo contendere to, a felony~~

1 ~~offense under the laws of this State or any other state which~~
2 ~~if committed in this State would be punishable as a felony. The~~
3 ~~Board must also ensure that no law enforcement officer is~~
4 ~~certified or provided a valid waiver if that law enforcement~~
5 ~~officer has been convicted of, found guilty of, or entered a~~
6 ~~plea of guilty to, on or after January 1, 2022 (the effective~~
7 ~~date of Public Act 101-652) of any misdemeanor specified in~~
8 ~~this Section or if committed in any other state would be an~~
9 ~~offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,~~
10 ~~11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,~~
11 ~~12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,~~
12 ~~any misdemeanor in violation of any Section of Part E of Title~~
13 ~~III of the Criminal Code of 1961 or the Criminal Code of 2012,~~
14 ~~or subsection (a) of Section 17-32 of the Criminal Code of 1961~~
15 ~~or the Criminal Code of 2012, or to Section 5 or 5.2 of the~~
16 ~~Cannabis Control Act, or any felony or misdemeanor in~~
17 ~~violation of federal law or the law of any state that is the~~
18 ~~equivalent of any of the offenses specified therein. The Board~~
19 ~~must appoint investigators to enforce the duties conferred~~
20 ~~upon the Board by this Act.~~

21 ~~(a-1) For purposes of this Section, a person is "convicted~~
22 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~
23 ~~found guilty of" regardless of whether the adjudication of~~
24 ~~guilt or sentence is withheld or not entered thereon. This~~
25 ~~includes sentences of supervision, conditional discharge, or~~
26 ~~first offender probation, or any similar disposition provided~~

1 ~~for by law.~~

2 ~~(b) It is the responsibility of the sheriff or the chief~~
3 ~~executive officer of every law enforcement agency or~~
4 ~~department within this State to report to the Board any~~
5 ~~arrest, conviction, finding of guilt, plea of guilty, or plea~~
6 ~~of nolo contendere to, of any officer for an offense~~
7 ~~identified in this Section, regardless of whether the~~
8 ~~adjudication of guilt or sentence is withheld or not entered~~
9 ~~thereon, this includes sentences of supervision, conditional~~
10 ~~discharge, or first offender probation.~~

11 ~~(c) It is the duty and responsibility of every full-time~~
12 ~~and part-time law enforcement officer in this State to report~~
13 ~~to the Board within 14 days, and the officer's sheriff or chief~~
14 ~~executive officer, of the officer's arrest, conviction, found~~
15 ~~guilty of, or plea of guilty for an offense identified in this~~
16 ~~Section. Any full time or part time law enforcement officer~~
17 ~~who knowingly makes, submits, causes to be submitted, or files~~
18 ~~a false or untruthful report to the Board must have the~~
19 ~~officer's certificate or waiver immediately decertified or~~
20 ~~revoked.~~

21 ~~(d) Any person, or a local or State agency, or the Board is~~
22 ~~immune from liability for submitting, disclosing, or releasing~~
23 ~~information of arrests, convictions, or pleas of guilty in~~
24 ~~this Section as long as the information is submitted,~~
25 ~~disclosed, or released in good faith and without malice. The~~
26 ~~Board has qualified immunity for the release of the~~

1 ~~information.~~

2 ~~(c) Any full-time or part-time law enforcement officer~~
3 ~~with a certificate or waiver issued by the Board who is~~
4 ~~convicted of, found guilty of, or entered a plea of guilty to,~~
5 ~~or entered a plea of nolo contendere to any offense described~~
6 ~~in this Section immediately becomes decertified or no longer~~
7 ~~has a valid waiver. The decertification and invalidity of~~
8 ~~waivers occurs as a matter of law. Failure of a convicted~~
9 ~~person to report to the Board the officer's conviction as~~
10 ~~described in this Section or any continued law enforcement~~
11 ~~practice after receiving a conviction is a Class 4 felony.~~

12 ~~For purposes of this Section, a person is considered to~~
13 ~~have been "convicted of, found guilty of, or entered a plea of~~
14 ~~guilty to, plea of nolo contendere to" regardless of whether~~
15 ~~the adjudication of guilt or sentence is withheld or not~~
16 ~~entered thereon, including sentences of supervision,~~
17 ~~conditional discharge, first offender probation, or any~~
18 ~~similar disposition as provided for by law.~~

19 ~~(f) The Board's investigators shall be law enforcement~~
20 ~~officers as defined in Section 2 of this Act. The Board shall~~
21 ~~not waive the training requirement unless the investigator has~~
22 ~~had a minimum of 5 years experience as a sworn officer of a~~
23 ~~local, State, or federal law enforcement agency. An~~
24 ~~investigator shall not have been terminated for good cause,~~
25 ~~decertified, had his or her law enforcement license or~~
26 ~~certificate revoked in this or any other jurisdiction, or been~~

1 ~~convicted of any of the conduct listed in subsection (a). Any~~
2 ~~complaint filed against the Board's investigators shall be~~
3 ~~investigated by the Illinois State Police.~~

4 ~~(g) The Board must request and receive information and~~
5 ~~assistance from any federal, state, local, or private~~
6 ~~enforcement agency as part of the authorized criminal~~
7 ~~background investigation. The Illinois State Police must~~
8 ~~process, retain, and additionally provide and disseminate~~
9 ~~information to the Board concerning criminal charges, arrests,~~
10 ~~convictions, and their disposition, that have been filed~~
11 ~~against a basic academy applicant, law enforcement applicant,~~
12 ~~or law enforcement officer whose fingerprint identification~~
13 ~~cards are on file or maintained by the Illinois State Police.~~
14 ~~The Federal Bureau of Investigation must provide the Board any~~
15 ~~criminal history record information contained in its files~~
16 ~~pertaining to law enforcement officers or any applicant to a~~
17 ~~Board certified basic law enforcement academy as described in~~
18 ~~this Act based on fingerprint identification. The Board must~~
19 ~~make payment of fees to the Illinois State Police for each~~
20 ~~fingerprint card submission in conformance with the~~
21 ~~requirements of paragraph 22 of Section 55a of the Civil~~
22 ~~Administrative Code of Illinois.~~

23 ~~(g-5) Notwithstanding any provision of law to the~~
24 ~~contrary, the changes to this Section made by this amendatory~~
25 ~~Act of the 102nd General Assembly and Public Act 101-652 shall~~
26 ~~apply prospectively only from July 1, 2022.~~

1 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
2 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

3 (50 ILCS 705/7)

4 Sec. 7. Rules and standards for schools. The Board shall
5 adopt rules and minimum standards for such schools which shall
6 include, but not be limited to, the following:

7 a. The curriculum for probationary police ~~law~~
8 ~~enforcement~~ officers which shall be offered by all
9 certified schools shall include, but not be limited to,
10 courses of procedural justice, arrest and use and control
11 tactics, search and seizure, including temporary
12 questioning, civil rights, human rights, human relations,
13 cultural competency, including implicit bias and racial
14 and ethnic sensitivity, criminal law, law of criminal
15 procedure, constitutional and proper use of law
16 enforcement authority, crisis intervention training,
17 vehicle and traffic law including uniform and
18 non-discriminatory enforcement of the Illinois Vehicle
19 Code, traffic control and crash investigation, techniques
20 of obtaining physical evidence, court testimonies,
21 statements, reports, firearms training, training in the
22 use of electronic control devices, including the
23 psychological and physiological effects of the use of
24 those devices on humans, first-aid (including
25 cardiopulmonary resuscitation), training in the

1 administration of opioid antagonists as defined in
2 paragraph (1) of subsection (e) of Section 5-23 of the
3 Substance Use Disorder Act, handling of juvenile
4 offenders, recognition of mental conditions and crises,
5 including, but not limited to, the disease of addiction,
6 which require immediate assistance and response and
7 methods to safeguard and provide assistance to a person in
8 need of mental treatment, recognition of abuse, neglect,
9 financial exploitation, and self-neglect of adults with
10 disabilities and older adults, as defined in Section 2 of
11 the Adult Protective Services Act, crimes against the
12 elderly, law of evidence, the hazards of high-speed police
13 vehicle chases with an emphasis on alternatives to the
14 high-speed chase, and physical training. The curriculum
15 shall include specific training in techniques for
16 immediate response to and investigation of cases of
17 domestic violence and of sexual assault of adults and
18 children, including cultural perceptions and common myths
19 of sexual assault and sexual abuse as well as interview
20 techniques that are age sensitive and are trauma informed,
21 victim centered, and victim sensitive. The curriculum
22 shall include training in techniques designed to promote
23 effective communication at the initial contact with crime
24 victims and ways to comprehensively explain to victims and
25 witnesses their rights under the Rights of Crime Victims
26 and Witnesses Act and the Crime Victims Compensation Act.

1 The curriculum shall also include training in effective
2 recognition of and responses to stress, trauma, and
3 post-traumatic stress experienced by police ~~law~~
4 ~~enforcement~~ officers that is consistent with Section 25 of
5 the Illinois Mental Health First Aid Training Act in a
6 peer setting, including recognizing signs and symptoms of
7 work-related cumulative stress, issues that may lead to
8 suicide, and solutions for intervention with peer support
9 resources. The curriculum shall include a block of
10 instruction addressing the mandatory reporting
11 requirements under the Abused and Neglected Child
12 Reporting Act. The curriculum shall also include a block
13 of instruction aimed at identifying and interacting with
14 persons with autism and other developmental or physical
15 disabilities, reducing barriers to reporting crimes
16 against persons with autism, and addressing the unique
17 challenges presented by cases involving victims or
18 witnesses with autism and other developmental
19 disabilities. The curriculum shall include training in the
20 detection and investigation of all forms of human
21 trafficking. The curriculum shall also include instruction
22 in trauma-informed responses designed to ensure the
23 physical safety and well-being of a child of an arrested
24 parent or immediate family member; this instruction must
25 include, but is not limited to: (1) understanding the
26 trauma experienced by the child while maintaining the

1 integrity of the arrest and safety of officers, suspects,
2 and other involved individuals; (2) de-escalation tactics
3 that would include the use of force when reasonably
4 necessary; and (3) inquiring whether a child will require
5 supervision and care. ~~The curriculum for probationary law~~
6 ~~enforcement officers shall include: (1) at least 12 hours~~
7 ~~of hands on, scenario based role playing; (2) at least 6~~
8 ~~hours of instruction on use of force techniques, including~~
9 ~~the use of de-escalation techniques to prevent or reduce~~
10 ~~the need for force whenever safe and feasible; (3)~~
11 ~~specific training on officer safety techniques, including~~
12 ~~cover, concealment, and time; and (4) at least 6 hours of~~
13 ~~training focused on high-risk traffic stops. The~~
14 curriculum for permanent police ~~law enforcement~~ officers
15 shall include, but not be limited to: (1) refresher and
16 in-service training in any of the courses listed above in
17 this subparagraph, (2) advanced courses in any of the
18 subjects listed above in this subparagraph, (3) training
19 for supervisory personnel, and (4) specialized training in
20 subjects and fields to be selected by the board. The
21 training in the use of electronic control devices shall be
22 conducted for probationary police ~~law enforcement~~
23 officers, including University police officers. The
24 curriculum shall also include training on the use of a
25 firearms restraining order by providing instruction on the
26 process used to file a firearms restraining order and how

1 to identify situations in which a firearms restraining
2 order is appropriate.

3 b. Minimum courses of study, attendance requirements
4 and equipment requirements.

5 c. Minimum requirements for instructors.

6 d. Minimum basic training requirements, which a
7 probationary police ~~law enforcement officer~~ must
8 satisfactorily complete before being eligible for
9 permanent employment as a local police ~~law enforcement~~
10 officer for a participating local governmental ~~or State~~
11 ~~governmental~~ agency. Those requirements shall include
12 training in first aid (including cardiopulmonary
13 resuscitation).

14 e. Minimum basic training requirements, which a
15 probationary county corrections officer must
16 satisfactorily complete before being eligible for
17 permanent employment as a county corrections officer for a
18 participating local governmental agency.

19 f. Minimum basic training requirements which a
20 probationary court security officer must satisfactorily
21 complete before being eligible for permanent employment as
22 a court security officer for a participating local
23 governmental agency. The Board shall establish those
24 training requirements which it considers appropriate for
25 court security officers and shall certify schools to
26 conduct that training.

1 A person hired to serve as a court security officer
2 must obtain from the Board a certificate (i) attesting to
3 the officer's successful completion of the training
4 course; (ii) attesting to the officer's satisfactory
5 completion of a training program of similar content and
6 number of hours that has been found acceptable by the
7 Board under the provisions of this Act; or (iii) attesting
8 to the Board's determination that the training course is
9 unnecessary because of the person's extensive prior law
10 enforcement experience.

11 Individuals who currently serve as court security
12 officers shall be deemed qualified to continue to serve in
13 that capacity so long as they are certified as provided by
14 this Act within 24 months of June 1, 1997 (the effective
15 date of Public Act 89-685). Failure to be so certified,
16 absent a waiver from the Board, shall cause the officer to
17 forfeit his or her position.

18 All individuals hired as court security officers on or
19 after June 1, 1997 (the effective date of Public Act
20 89-685) shall be certified within 12 months of the date of
21 their hire, unless a waiver has been obtained by the
22 Board, or they shall forfeit their positions.

23 The Sheriff's Merit Commission, if one exists, or the
24 Sheriff's Office if there is no Sheriff's Merit
25 Commission, shall maintain a list of all individuals who
26 have filed applications to become court security officers

1 and who meet the eligibility requirements established
2 under this Act. Either the Sheriff's Merit Commission, or
3 the Sheriff's Office if no Sheriff's Merit Commission
4 exists, shall establish a schedule of reasonable intervals
5 for verification of the applicants' qualifications under
6 this Act and as established by the Board.

7 g. Minimum in-service training requirements, which a
8 police law enforcement officer must satisfactorily
9 complete every 3 years. Those requirements shall include
10 constitutional and proper use of law enforcement
11 authority, procedural justice, civil rights, human rights,
12 mental health awareness and response, officer wellness,
13 reporting child abuse and neglect, and cultural
14 competency, ~~including implicit bias and racial and ethnic~~
15 ~~sensitivity~~. These trainings shall consist of at least 30
16 hours of training every 3 years.

17 h. Minimum in-service training requirements, which a
18 police law enforcement officer must satisfactorily
19 complete at least annually. Those requirements shall
20 include law updates, and use of force training which shall
21 include scenario based training, or similar training
22 approved by the Board ~~emergency medical response training~~
23 ~~and certification, crisis intervention training, and~~
24 ~~officer wellness and mental health.~~

25 ~~i. Minimum in-service training requirements as set~~
26 ~~forth in Section 10.6.~~

1 Notwithstanding any provision of law to the contrary, the
2 changes made to this Section by Public Act 101-652, Public Act
3 102-28, and Public Act 102-694 take effect July 1, 2022.
4 (Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22;
5 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff.
6 7-1-23; 103-154, eff. 6-30-23.)

7 (50 ILCS 705/7.5)

8 Sec. 7.5. Police ~~Law enforcement~~ pursuit guidelines. The
9 Board shall annually review police pursuit procedures and make
10 available suggested police ~~law enforcement~~ pursuit guidelines
11 for law enforcement agencies. This Section does not alter the
12 effect of previously existing law, including the immunities
13 established under the Local Governmental and Governmental
14 Employees Tort Immunity Act.

15 (Source: P.A. 101-652, eff. 1-1-22.)

16 (50 ILCS 705/8) (from Ch. 85, par. 508)

17 Sec. 8. Participation required. All home rule local
18 governmental units shall comply with Sections ~~6.3~~ 8.1~~7~~ and
19 8.2 and any other mandatory provisions of this Act. This Act is
20 a limitation on home rule powers under subsection (i) of
21 Section 6 of Article VII of the Illinois Constitution.

22 (Source: P.A. 101-652, eff. 1-1-22.)

23 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

1 Sec. 8.1. Full-time police law enforcement and county
2 corrections officers.

3 (a) After January 1, 1976, no person shall receive a
4 permanent appointment as a law enforcement officer as defined
5 in this Act nor shall any person receive, after the effective
6 date of this amendatory Act of 1984, a permanent appointment
7 as a county corrections officer unless that person has been
8 awarded, within 6 months of his or her initial full-time
9 employment, a certificate attesting to his or her successful
10 completion of the Minimum Standards Basic Law Enforcement and
11 County Correctional Training Course as prescribed by the
12 Board; or has been awarded a certificate attesting to his or
13 her satisfactory completion of a training program of similar
14 content and number of hours and which course has been found
15 acceptable by the Board under the provisions of this Act; or by
16 reason of extensive prior law enforcement or county
17 corrections experience the basic training requirement is
18 determined by the Board to be illogical and unreasonable.

19 If such training is required and not completed within the
20 applicable 6 months, then the officer must forfeit his or her
21 position, or the employing agency must obtain a waiver from
22 the Board extending the period for compliance. Such waiver
23 shall be issued only for good and justifiable reasons, and in
24 no case shall extend more than 90 days beyond the initial 6
25 months. Any hiring agency that fails to train a law
26 enforcement officer within this period shall be prohibited

1 from employing this individual in a law enforcement capacity
2 for one year from the date training was to be completed. If an
3 agency again fails to train the individual a second time, the
4 agency shall be permanently barred from employing this
5 individual in a law enforcement capacity.

6 (b) No provision of this Section shall be construed to
7 mean that a law enforcement officer employed by a local
8 governmental agency at the time of the effective date of this
9 amendatory Act, either as a probationary police officer or as
10 a permanent police officer, shall require certification under
11 the provisions of this Section. No provision of this Section
12 shall be construed to mean that a county corrections officer
13 employed by a local governmental agency at the time of the
14 effective date of this amendatory Act of 1984, either as a
15 probationary county corrections or as a permanent county
16 corrections officer, shall require certification under the
17 provisions of this Section. No provision of this Section shall
18 be construed to apply to certification of elected county
19 sheriffs.

20 (c) This Section does not apply to part-time police
21 officers or probationary part-time police officers.

22 ~~(a) No person shall receive a permanent appointment as a~~
23 ~~law enforcement officer or a permanent appointment as a county~~
24 ~~corrections officer unless that person has been awarded,~~
25 ~~within 6 months of the officer's initial full-time employment,~~
26 ~~a certificate attesting to the officer's successful completion~~

1 ~~of the Minimum Standards Basic Law Enforcement or County~~
2 ~~Correctional Training Course as prescribed by the Board; or~~
3 ~~has been awarded a certificate attesting to the officer's~~
4 ~~satisfactory completion of a training program of similar~~
5 ~~content and number of hours and which course has been found~~
6 ~~acceptable by the Board under the provisions of this Act; or a~~
7 ~~training waiver by reason of prior law enforcement or county~~
8 ~~corrections experience, obtained in Illinois, in any other~~
9 ~~state, or with an agency of the federal government, the basic~~
10 ~~training requirement is determined by the Board to be~~
11 ~~illogical and unreasonable. Agencies seeking a reciprocity~~
12 ~~waiver for training completed outside of Illinois must conduct~~
13 ~~a thorough background check and provide verification of the~~
14 ~~officer's prior training. After review and satisfaction of all~~
15 ~~requested conditions, the officer shall be awarded an~~
16 ~~equivalency certificate satisfying the requirements of this~~
17 ~~Section. Within 60 days after the effective date of this~~
18 ~~amendatory Act of the 103rd General Assembly, the Board shall~~
19 ~~adopt uniform rules providing for a waiver process for a~~
20 ~~person previously employed and qualified as a law enforcement~~
21 ~~or county corrections officer under federal law or the laws of~~
22 ~~any other state, or who has completed a basic law enforcement~~
23 ~~officer or correctional officer academy who would be qualified~~
24 ~~to be employed as a law enforcement officer or correctional~~
25 ~~officer by the federal government or any other state. These~~
26 ~~rules shall address the process for evaluating prior training~~

1 ~~credit, a description and list of the courses typically~~
2 ~~required for reciprocity candidates to complete prior to~~
3 ~~taking the exam, and a procedure for employers seeking a~~
4 ~~pre-activation determination for a reciprocity training~~
5 ~~waiver. The rules shall provide that any eligible person~~
6 ~~previously trained as a law enforcement or county corrections~~
7 ~~officer under federal law or the laws of any other state shall~~
8 ~~successfully complete the following prior to the approval of a~~
9 ~~waiver:~~

10 ~~(1) a training program or set of coursework approved~~
11 ~~by the Board on the laws of this State relevant to the~~
12 ~~duties and training requirements of law enforcement and~~
13 ~~county correctional officers;~~

14 ~~(2) firearms training; and~~

15 ~~(3) successful passage of the equivalency~~
16 ~~certification examination.~~

17 ~~If such training is required and not completed within the~~
18 ~~applicable 6 months, then the officer must forfeit the~~
19 ~~officer's position, or the employing agency must obtain a~~
20 ~~waiver from the Board extending the period for compliance.~~
21 ~~Such waiver shall be issued only for good and justifiable~~
22 ~~reasons, and in no case shall extend more than 90 days beyond~~
23 ~~the initial 6 months. Any hiring agency that fails to train a~~
24 ~~law enforcement officer within this period shall be prohibited~~
25 ~~from employing this individual in a law enforcement capacity~~
26 ~~for one year from the date training was to be completed. If an~~

1 ~~agency again fails to train the individual a second time, the~~
2 ~~agency shall be permanently barred from employing this~~
3 ~~individual in a law enforcement capacity.~~

4 ~~An individual who is not certified by the Board or whose~~
5 ~~certified status is inactive shall not function as a law~~
6 ~~enforcement officer, be assigned the duties of a law~~
7 ~~enforcement officer by an employing agency, or be authorized~~
8 ~~to carry firearms under the authority of the employer, except~~
9 ~~as otherwise authorized to carry a firearm under State or~~
10 ~~federal law. Sheriffs who are elected as of January 1, 2022~~
11 ~~(the effective date of Public Act 101-652) are exempt from the~~
12 ~~requirement of certified status. Failure to be certified in~~
13 ~~accordance with this Act shall cause the officer to forfeit~~
14 ~~the officer's position.~~

15 ~~An employing agency may not grant a person status as a law~~
16 ~~enforcement officer unless the person has been granted an~~
17 ~~active law enforcement officer certification by the Board.~~

18 ~~(b) Inactive status. A person who has an inactive law~~
19 ~~enforcement officer certification has no law enforcement~~
20 ~~authority.~~

21 ~~(1) A law enforcement officer's certification becomes~~
22 ~~inactive upon termination, resignation, retirement, or~~
23 ~~separation from the officer's employing law enforcement~~
24 ~~agency for any reason. The Board shall re-activate a~~
25 ~~certification upon written application from the law~~
26 ~~enforcement officer's law enforcement agency that shows~~

1 ~~the law enforcement officer: (i) has accepted a full-time~~
2 ~~law enforcement position with that law enforcement agency,~~
3 ~~(ii) is not the subject of a decertification proceeding,~~
4 ~~and (iii) meets all other criteria for re-activation~~
5 ~~required by the Board. The Board may also establish~~
6 ~~special training requirements to be completed as a~~
7 ~~condition for re-activation.~~

8 ~~The Board shall review a notice for reactivation from~~
9 ~~a law enforcement agency and provide a response within 30~~
10 ~~days. The Board may extend this review. A law enforcement~~
11 ~~officer shall be allowed to be employed as a full-time law~~
12 ~~enforcement officer while the law enforcement officer~~
13 ~~reactivation waiver is under review.~~

14 ~~A law enforcement officer who is refused reactivation~~
15 ~~or an employing agency of a law enforcement officer who is~~
16 ~~refused reactivation under this Section may request a~~
17 ~~hearing in accordance with the hearing procedures as~~
18 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

19 ~~The Board may refuse to re-activate the certification~~
20 ~~of a law enforcement officer who was involuntarily~~
21 ~~terminated for good cause by an employing agency for~~
22 ~~conduct subject to decertification under this Act or~~
23 ~~resigned or retired after receiving notice of a law~~
24 ~~enforcement agency's investigation.~~

25 ~~(2) A law enforcement agency may place an officer who~~
26 ~~is currently certified on inactive status by sending a~~

1 ~~written request to the Board. A law enforcement officer~~
2 ~~whose certificate has been placed on inactive status shall~~
3 ~~not function as a law enforcement officer until the~~
4 ~~officer has completed any requirements for reactivating~~
5 ~~the certificate as required by the Board. A request for~~
6 ~~inactive status in this subsection shall be in writing,~~
7 ~~accompanied by verifying documentation, and shall be~~
8 ~~submitted to the Board with a copy to the chief~~
9 ~~administrator of the law enforcement officer's current or~~
10 ~~new employing agency.~~

11 ~~(3) Certification that has become inactive under~~
12 ~~paragraph (2) of this subsection (b) shall be reactivated~~
13 ~~by written notice from the law enforcement officer's~~
14 ~~agency upon a showing that the law enforcement officer:~~
15 ~~(i) is employed in a full-time law enforcement position~~
16 ~~with the same law enforcement agency, (ii) is not the~~
17 ~~subject of a decertification proceeding, and (iii) meets~~
18 ~~all other criteria for re activation required by the~~
19 ~~Board.~~

20 ~~(4) Notwithstanding paragraph (3) of this subsection~~
21 ~~(b), a law enforcement officer whose certification has~~
22 ~~become inactive under paragraph (2) may have the officer's~~
23 ~~employing agency submit a request for a waiver of training~~
24 ~~requirements to the Board in writing and accompanied by~~
25 ~~any verifying documentation. A grant of a waiver is within~~
26 ~~the discretion of the Board. Within 7 days of receiving a~~

1 ~~request for a waiver under this Section, the Board shall~~
2 ~~notify the law enforcement officer and the chief~~
3 ~~administrator of the law enforcement officer's employing~~
4 ~~agency, whether the request has been granted, denied, or~~
5 ~~if the Board will take additional time for information. A~~
6 ~~law enforcement agency whose request for a waiver under~~
7 ~~this subsection is denied is entitled to request a review~~
8 ~~of the denial by the Board. The law enforcement agency~~
9 ~~must request a review within 20 days of the waiver being~~
10 ~~denied. The burden of proof shall be on the law~~
11 ~~enforcement agency to show why the law enforcement officer~~
12 ~~is entitled to a waiver of the legislatively required~~
13 ~~training and eligibility requirements.~~

14 ~~(c) No provision of this Section shall be construed to~~
15 ~~mean that a county corrections officer employed by a~~
16 ~~governmental agency at the time of the effective date of this~~
17 ~~amendatory Act, either as a probationary county corrections~~
18 ~~officer or as a permanent county corrections officer, shall~~
19 ~~require certification under the provisions of this Section. No~~
20 ~~provision of this Section shall be construed to apply to~~
21 ~~certification of elected county sheriffs.~~

22 ~~(d) Within 14 days, a law enforcement officer shall report~~
23 ~~to the Board: (1) any name change; (2) any change in~~
24 ~~employment; or (3) the filing of any criminal indictment or~~
25 ~~charges against the officer alleging that the officer~~
26 ~~committed any offense as enumerated in Section 6.1 of this~~

1 ~~Act.~~

2 ~~(c) All law enforcement officers must report the~~
3 ~~completion of the training requirements required in this Act~~
4 ~~in compliance with Section 8.4 of this Act.~~

5 ~~(c-1) Each employing law enforcement agency shall allow~~
6 ~~and provide an opportunity for a law enforcement officer to~~
7 ~~complete the mandated requirements in this Act. All mandated~~
8 ~~training shall be provided at no cost to the employees.~~
9 ~~Employees shall be paid for all time spent attending mandated~~
10 ~~training.~~

11 ~~(c-2) Each agency, academy, or training provider shall~~
12 ~~maintain proof of a law enforcement officer's completion of~~
13 ~~legislatively required training in a format designated by the~~
14 ~~Board. The report of training shall be submitted to the Board~~
15 ~~within 30 days following completion of the training. A copy of~~
16 ~~the report shall be submitted to the law enforcement officer.~~
17 ~~Upon receipt of a properly completed report of training, the~~
18 ~~Board will make the appropriate entry into the training~~
19 ~~records of the law enforcement officer.~~

20 (f) This Section does not apply to part-time law
21 enforcement officers or probationary part-time law enforcement
22 officers.

23 ~~(g) Notwithstanding any provision of law to the contrary,~~
24 ~~the changes made to this Section by Public Act 101-652, Public~~
25 ~~Act 102-28, and Public Act 102-694 take effect July 1, 2022.~~

26 (Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22;

1 103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

2 (50 ILCS 705/8.2)

3 Sec. 8.2. Part-time police ~~law enforcement~~ officers.

4 (a) A person hired to serve as a part-time police officer
5 must obtain from the Board a certificate (i) attesting to his
6 or her successful completion of the part-time police training
7 course; (ii) attesting to his or her satisfactory completion
8 of a training program of similar content and number of hours
9 that has been found acceptable by the Board under the
10 provisions of this Act; or (iii) attesting to the Board's
11 determination that the part-time police training course is
12 unnecessary because of the person's extensive prior law
13 enforcement experience. A person hired on or after March 14,
14 2002 (the effective date of Public Act 92-533) must obtain
15 this certificate within 18 months after the initial date of
16 hire as a probationary part-time police officer in the State
17 of Illinois. The probationary part-time police officer must be
18 enrolled and accepted into a Board-approved course within 6
19 months after active employment by any department in the State.
20 A person hired on or after January 1, 1996 and before March 14,
21 2002 (the effective date of Public Act 92-533) must obtain
22 this certificate within 18 months after the date of hire. A
23 person hired before January 1, 1996 must obtain this
24 certificate within 24 months after January 1, 1996 (the
25 effective date of Public Act 89-170).

1 The employing agency may seek a waiver from the Board
2 extending the period for compliance. A waiver shall be issued
3 only for good and justifiable reasons, and the probationary
4 part-time police officer may not practice as a part-time
5 police officer during the waiver period. If training is
6 required and not completed within the applicable time period,
7 as extended by any waiver that may be granted, then the officer
8 must forfeit his or her position.

9 (b) (Blank).

10 (c) The part-time police training course referred to in
11 this Section shall be of similar content and the same number of
12 hours as the courses for full-time officers and shall be
13 provided by Mobile Team In-Service Training Units under the
14 Intergovernmental Law Enforcement Officer's In-Service
15 Training Act or by another approved program or facility in a
16 manner prescribed by the Board.

17 (d) For the purposes of this Section, the Board shall
18 adopt rules defining what constitutes employment on a
19 part-time basis.

20 ~~(a) A person hired to serve as a part-time law enforcement~~
21 ~~officer must obtain from the Board a certificate (i) attesting~~
22 ~~to the officer's successful completion of the part-time police~~
23 ~~training course; (ii) attesting to the officer's satisfactory~~
24 ~~completion of a training program of similar content and number~~
25 ~~of hours that has been found acceptable by the Board under the~~
26 ~~provisions of this Act; or (iii) a training waiver attesting~~

1 ~~to the Board's determination that the part-time police~~
2 ~~training course is unnecessary because of the person's prior~~
3 ~~law enforcement experience obtained in Illinois, in any other~~
4 ~~state, or with an agency of the federal government. A person~~
5 ~~hired on or after the effective date of this amendatory Act of~~
6 ~~the 92nd General Assembly must obtain this certificate within~~
7 ~~18 months after the initial date of hire as a probationary~~
8 ~~part-time law enforcement officer in the State of Illinois.~~
9 ~~The probationary part-time law enforcement officer must be~~
10 ~~enrolled and accepted into a Board approved course within 6~~
11 ~~months after active employment by any department in the State.~~
12 ~~A person hired on or after January 1, 1996 and before the~~
13 ~~effective date of this amendatory Act of the 92nd General~~
14 ~~Assembly must obtain this certificate within 18 months after~~
15 ~~the date of hire. A person hired before January 1, 1996 must~~
16 ~~obtain this certificate within 24 months after the effective~~
17 ~~date of this amendatory Act of 1995. Agencies seeking a~~
18 ~~reciprocity waiver for training completed outside of Illinois~~
19 ~~must conduct a thorough background check and provide~~
20 ~~verification of the officer's prior training. After review and~~
21 ~~satisfaction of all requested conditions, the officer shall be~~
22 ~~awarded an equivalency certificate satisfying the requirements~~
23 ~~of this Section. Within 60 days after the effective date of~~
24 ~~this amendatory Act of the 103rd General Assembly, the Board~~
25 ~~shall adopt uniform rules providing for a waiver process for a~~
26 ~~person previously employed and qualified as a law enforcement~~

1 ~~or county corrections officer under federal law or the laws of~~
2 ~~any other state, or who has completed a basic law enforcement~~
3 ~~officer or correctional officer academy who would be qualified~~
4 ~~to be employed as a law enforcement officer or correctional~~
5 ~~officer by the federal government or any other state. These~~
6 ~~rules shall address the process for evaluating prior training~~
7 ~~credit, a description and list of the courses typically~~
8 ~~required for reciprocity candidates to complete prior to~~
9 ~~taking the exam, and a procedure for employers seeking a~~
10 ~~pre activation determination for a reciprocity training~~
11 ~~waiver. The rules shall provide that any eligible person~~
12 ~~previously trained as a law enforcement or county corrections~~
13 ~~officer under federal law or the laws of any other state shall~~
14 ~~successfully complete the following prior to the approval of a~~
15 ~~waiver:~~

16 ~~(1) a training program or set of coursework approved~~
17 ~~by the Board on the laws of this State relevant to the~~
18 ~~duties and training requirements of law enforcement and~~
19 ~~county correctional officers;~~

20 ~~(2) firearms training; and~~

21 ~~(3) successful passage of the equivalency~~
22 ~~certification examination.~~

23 ~~The employing agency may seek an extension waiver from the~~
24 ~~Board extending the period for compliance. An extension waiver~~
25 ~~shall be issued only for good and justifiable reasons, and the~~
26 ~~probationary part time law enforcement officer may not~~

1 ~~practice as a part time law enforcement officer during the~~
2 ~~extension waiver period. If training is required and not~~
3 ~~completed within the applicable time period, as extended by~~
4 ~~any waiver that may be granted, then the officer must forfeit~~
5 ~~the officer's position.~~

6 ~~An individual who is not certified by the Board or whose~~
7 ~~certified status is inactive shall not function as a law~~
8 ~~enforcement officer, be assigned the duties of a law~~
9 ~~enforcement officer by an agency, or be authorized to carry~~
10 ~~firearms under the authority of the employer, except that~~
11 ~~sheriffs who are elected are exempt from the requirement of~~
12 ~~certified status. Failure to be in accordance with this Act~~
13 ~~shall cause the officer to forfeit the officer's position.~~

14 ~~(a-5) A part time probationary law enforcement officer~~
15 ~~shall be allowed to complete six months of a part time police~~
16 ~~training course and function as a law enforcement officer as~~
17 ~~permitted by this subsection with a waiver from the Board,~~
18 ~~provided the part time law enforcement officer is still~~
19 ~~enrolled in the training course. If the part time probationary~~
20 ~~law enforcement officer withdraws from the course for any~~
21 ~~reason or does not complete the course within the applicable~~
22 ~~time period, as extended by any waiver that may be granted,~~
23 ~~then the officer must forfeit the officer's position. A~~
24 ~~probationary law enforcement officer must function under the~~
25 ~~following rules:~~

26 ~~(1) A law enforcement agency may not grant a person~~

1 ~~status as a law enforcement officer unless the person has~~
2 ~~been granted an active law enforcement officer~~
3 ~~certification by the Board.~~

4 ~~(2) A part time probationary law enforcement officer~~
5 ~~shall not be used as a permanent replacement for a~~
6 ~~full time law enforcement.~~

7 ~~(3) A part time probationary law enforcement officer~~
8 ~~shall be directly supervised at all times by a Board~~
9 ~~certified law enforcement officer. Direct supervision~~
10 ~~requires oversight and control with the supervisor having~~
11 ~~final decision making authority as to the actions of the~~
12 ~~recruit during duty hours.~~

13 ~~(b) Inactive status. A person who has an inactive law~~
14 ~~enforcement officer certification has no law enforcement~~
15 ~~authority.~~

16 ~~(1) A law enforcement officer's certification becomes~~
17 ~~inactive upon termination, resignation, retirement, or~~
18 ~~separation from the employing agency for any reason. The~~
19 ~~Board shall re activate a certification upon written~~
20 ~~application from the law enforcement officer's employing~~
21 ~~agency that shows the law enforcement officer: (i) has~~
22 ~~accepted a part time law enforcement position with that a~~
23 ~~law enforcement agency, (ii) is not the subject of a~~
24 ~~decertification proceeding, and (iii) meets all other~~
25 ~~criteria for re-activation required by the Board.~~

26 ~~The Board may refuse to re activate the certification~~

1 ~~of a law enforcement officer who was involuntarily~~
2 ~~terminated for good cause by the officer's employing~~
3 ~~agency for conduct subject to decertification under this~~
4 ~~Act or resigned or retired after receiving notice of a law~~
5 ~~enforcement agency's investigation.~~

6 ~~(2) A law enforcement agency may place an officer who~~
7 ~~is currently certified on inactive status by sending a~~
8 ~~written request to the Board. A law enforcement officer~~
9 ~~whose certificate has been placed on inactive status shall~~
10 ~~not function as a law enforcement officer until the~~
11 ~~officer has completed any requirements for reactivating~~
12 ~~the certificate as required by the Board. A request for~~
13 ~~inactive status in this subsection shall be in writing,~~
14 ~~accompanied by verifying documentation, and shall be~~
15 ~~submitted to the Board by the law enforcement officer's~~
16 ~~employing agency.~~

17 ~~(3) Certification that has become inactive under~~
18 ~~paragraph (2) of this subsection (b), shall be reactivated~~
19 ~~by written notice from the law enforcement officer's law~~
20 ~~enforcement agency upon a showing that the law enforcement~~
21 ~~officer is: (i) employed in a part-time law enforcement~~
22 ~~position with the same law enforcement agency, (ii) not~~
23 ~~the subject of a decertification proceeding, and (iii)~~
24 ~~meets all other criteria for re-activation required by the~~
25 ~~Board. The Board may also establish special training~~
26 ~~requirements to be completed as a condition for~~

1 ~~re-activation.~~

2 ~~The Board shall review a notice for reactivation from~~
3 ~~a law enforcement agency and provide a response within 30~~
4 ~~days. The Board may extend this review. A law enforcement~~
5 ~~officer shall be allowed to be employed as a part time law~~
6 ~~enforcement officer while the law enforcement officer~~
7 ~~reactivation waiver is under review.~~

8 ~~A law enforcement officer who is refused reactivation~~
9 ~~or an employing agency of a law enforcement officer who is~~
10 ~~refused reactivation under this Section may request a~~
11 ~~hearing in accordance with the hearing procedures as~~
12 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

13 ~~(4) Notwithstanding paragraph (3) of this Section, a~~
14 ~~law enforcement officer whose certification has become~~
15 ~~inactive under paragraph (2) may have the officer's~~
16 ~~employing agency submit a request for a waiver of training~~
17 ~~requirements to the Board in writing and accompanied by~~
18 ~~any verifying documentation. A grant of a waiver is within~~
19 ~~the discretion of the Board. Within 7 days of receiving a~~
20 ~~request for a waiver under this section, the Board shall~~
21 ~~notify the law enforcement officer and the chief~~
22 ~~administrator of the law enforcement officer's employing~~
23 ~~agency, whether the request has been granted, denied, or~~
24 ~~if the Board will take additional time for information. A~~
25 ~~law enforcement agency or law enforcement officer, whose~~
26 ~~request for a waiver under this subsection is denied, is~~

1 ~~entitled to request a review of the denial by the Board.~~
2 ~~The law enforcement agency must request a review within 20~~
3 ~~days after the waiver being denied. The burden of proof~~
4 ~~shall be on the law enforcement agency to show why the law~~
5 ~~enforcement officer is entitled to a waiver of the~~
6 ~~legislatively required training and eligibility~~
7 ~~requirements.~~

8 ~~(c) The part time police training course referred to in~~
9 ~~this Section shall be of similar content and the same number of~~
10 ~~hours as the courses for full time officers and shall be~~
11 ~~provided by Mobile Team In-Service Training Units under the~~
12 ~~Intergovernmental Law Enforcement Officer's In-Service~~
13 ~~Training Act or by another approved program or facility in a~~
14 ~~manner prescribed by the Board.~~

15 ~~(d) Within 14 days, a law enforcement officer shall report~~
16 ~~to the Board: (1) any name change; (2) any change in~~
17 ~~employment; or (3) the filing of any criminal indictment or~~
18 ~~charges against the officer alleging that the officer~~
19 ~~committed any offense as enumerated in Section 6.1 of this~~
20 ~~Act.~~

21 ~~(e) All law enforcement officers must report the~~
22 ~~completion of the training requirements required in this Act~~
23 ~~in compliance with Section 8.4 of this Act.~~

24 ~~(e-1) Each employing agency shall allow and provide an~~
25 ~~opportunity for a law enforcement officer to complete the~~
26 ~~requirements in this Act. All mandated training shall be~~

1 ~~provided for at no cost to the employees. Employees shall be~~
2 ~~paid for all time spent attending mandated training.~~

3 ~~(e-2) Each agency, academy, or training provider shall~~
4 ~~maintain proof of a law enforcement officer's completion of~~
5 ~~legislatively required training in a format designated by the~~
6 ~~Board. The report of training shall be submitted to the Board~~
7 ~~within 30 days following completion of the training. A copy of~~
8 ~~the report shall be submitted to the law enforcement officer.~~
9 ~~Upon receipt of a properly completed report of training, the~~
10 ~~Board will make the appropriate entry into the training~~
11 ~~records of the law enforcement officer.~~

12 ~~(f) For the purposes of this Section, the Board shall~~
13 ~~adopt rules defining what constitutes employment on a~~
14 ~~part-time basis.~~

15 ~~(g) Notwithstanding any provision of law to the contrary,~~
16 ~~the changes made to this Section by this amendatory Act of the~~
17 ~~102nd General Assembly and Public Act 101-652 take effect July~~
18 ~~1, 2022.~~

19 (Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24.)

20 (50 ILCS 705/9) (from Ch. 85, par. 509)

21 Sec. 9. A special fund is hereby established in the State
22 Treasury to be known as the Traffic and Criminal Conviction
23 Surcharge Fund. Moneys in this Fund shall be expended as
24 follows:

25 (1) a portion of the total amount deposited in the

1 Fund may be used, as appropriated by the General Assembly,
2 for the ordinary and contingent expenses of the Illinois
3 Law Enforcement Training Standards Board;

4 (2) a portion of the total amount deposited in the
5 Fund shall be appropriated for the reimbursement of local
6 governmental agencies participating in training programs
7 certified by the Board, in an amount equaling 1/2 of the
8 total sum paid by such agencies during the State's
9 previous fiscal year for mandated training for
10 probationary police ~~law enforcement~~ officers or
11 probationary county corrections officers and for optional
12 advanced and specialized law enforcement or county
13 corrections training; these reimbursements may include the
14 costs for tuition at training schools, the salaries of
15 trainees while in schools, and the necessary travel and
16 room and board expenses for each trainee; if the
17 appropriations under this paragraph (2) are not sufficient
18 to fully reimburse the participating local governmental
19 agencies, the available funds shall be apportioned among
20 such agencies, with priority first given to repayment of
21 the costs of mandatory training given to law enforcement
22 officer or county corrections officer recruits, then to
23 repayment of costs of advanced or specialized training for
24 permanent police ~~law enforcement~~ officers or permanent
25 county corrections officers;

26 (3) a portion of the total amount deposited in the

1 Fund may be used to fund the Intergovernmental Law
2 Enforcement Officer's In-Service Training Act, veto
3 overridden October 29, 1981, as now or hereafter amended,
4 at a rate and method to be determined by the board;

5 (4) a portion of the Fund also may be used by the
6 Illinois State Police for expenses incurred in the
7 training of employees from any State, county, or municipal
8 agency whose function includes enforcement of criminal or
9 traffic law;

10 (5) a portion of the Fund may be used by the Board to
11 fund grant-in-aid programs and services for the training
12 of employees from any county or municipal agency whose
13 functions include corrections or the enforcement of
14 criminal or traffic law;

15 (6) for fiscal years 2013 through 2017 only, a portion
16 of the Fund also may be used by the Department of State
17 Police to finance any of its lawful purposes or functions;

18 (7) a portion of the Fund may be used by the Board,
19 subject to appropriation, to administer grants to local
20 law enforcement agencies for the purpose of purchasing
21 bulletproof vests under the Law Enforcement Officer
22 Bulletproof Vest Act; and

23 (8) a portion of the Fund may be used by the Board to
24 create a law enforcement grant program available for units
25 of local government to fund crime prevention programs,
26 training, and interdiction efforts, including enforcement

1 and prevention efforts, relating to the illegal cannabis
2 market and driving under the influence of cannabis.

3 All payments from the Traffic and Criminal Conviction
4 Surcharge Fund shall be made each year from moneys
5 appropriated for the purposes specified in this Section. No
6 more than 50% of any appropriation under this Act shall be
7 spent in any city having a population of more than 500,000. The
8 State Comptroller and the State Treasurer shall from time to
9 time, at the direction of the Governor, transfer from the
10 Traffic and Criminal Conviction Surcharge Fund to the General
11 Revenue Fund in the State Treasury such amounts as the
12 Governor determines are in excess of the amounts required to
13 meet the obligations of the Traffic and Criminal Conviction
14 Surcharge Fund.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
16 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

17 (50 ILCS 705/10) (from Ch. 85, par. 510)

18 Sec. 10. The Board may make, amend and rescind such rules
19 and regulations as may be necessary to carry out the
20 provisions of this Act, including those relating to the annual
21 certification of retired law enforcement officers qualified
22 under federal law to carry a concealed weapon. A copy of all
23 rules and regulations and amendments or rescissions thereof
24 shall be filed with the Secretary of State within a reasonable
25 time after their adoption. The schools certified by the Board

1 and participating in the training program may dismiss from the
2 school any trainee prior to the officer's completion of the
3 course, if in the opinion of the person in charge of the
4 training school, the trainee is unable or unwilling to
5 satisfactorily complete the prescribed course of training.

6 ~~The Board shall adopt emergency rules to administer this~~
7 ~~Act in accordance with Section 5-45 of the Illinois~~
8 ~~Administrative Procedure Act. For the purposes of the Illinois~~
9 ~~Administrative Procedure Act, the General Assembly finds that~~
10 ~~the adoption of rules to implement this Act is deemed an~~
11 ~~emergency and necessary to the public interest, safety, and~~
12 ~~welfare.~~

13 (Source: P.A. 101-652, eff. 1-1-22.)

14 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

15 Sec. 10.1. Additional training programs. The Board shall
16 initiate, administer, and conduct training programs for
17 permanent police ~~law enforcement~~ officers and permanent county
18 corrections officers in addition to the basic recruit training
19 program. The Board may initiate, administer, and conduct
20 training programs for part-time police ~~law enforcement~~
21 officers in addition to the basic part-time police ~~law~~
22 ~~enforcement~~ training course. The training for permanent and
23 part-time police ~~law enforcement~~ officers and permanent county
24 corrections officers may be given in any schools selected by
25 the Board. Such training may include all or any part of the

1 subjects enumerated in Sections 7 and 7.4 of this Act.

2 The corporate authorities of all participating local
3 governmental agencies may elect to participate in the advanced
4 training for permanent and part-time police ~~law enforcement~~
5 officers and permanent county corrections officers but
6 nonparticipation in this program shall not in any way affect
7 the mandatory responsibility of governmental units to
8 participate in the basic recruit training programs for
9 probationary full-time and part-time police ~~law enforcement~~
10 and permanent county corrections officers. The failure of any
11 permanent or part-time police ~~law enforcement~~ officer or
12 permanent county corrections officer to successfully complete
13 any course authorized under this Section shall not affect the
14 officer's status as a member of the police department or
15 county sheriff's office of any local governmental agency.

16 The Board may initiate, administer, and conduct training
17 programs for clerks of circuit courts. Those training
18 programs, at the Board's discretion, may be the same or
19 variations of training programs for law enforcement officers.

20 The Board shall initiate, administer, and conduct a
21 training program regarding the set up and operation of
22 portable scales for all municipal and county police officers,
23 technicians, and employees who set up and operate portable
24 scales. This training program must include classroom and field
25 training.

26 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

1 (50 ILCS 705/10.2)

2 Sec. 10.2. Criminal background investigations.

3 (a) On and after March 14, 2002 (the effective date of
4 Public Act 92-533), an applicant for employment as a peace
5 officer, or for annual certification as a retired law
6 enforcement officer qualified under federal law to carry a
7 concealed weapon, shall authorize an investigation to
8 determine if the applicant has been convicted of, or entered a
9 plea of guilty to, any criminal offense that disqualifies the
10 person as a peace officer.

11 (b) No law enforcement agency may knowingly employ a
12 person, or certify a retired law enforcement officer qualified
13 under federal law to carry a concealed weapon, unless (i) a
14 criminal background investigation of that person has been
15 completed and (ii) that investigation reveals no convictions
16 ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection
17 (a) of Section 6.1 of this Act.

18 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

20 (50 ILCS 705/10.3)

21 Sec. 10.3. Training of police ~~law enforcement~~ officers to
22 conduct electronic interrogations.

23 (a) From appropriations made to it for that purpose, the
24 Board shall initiate, administer, and conduct training

1 programs for permanent police ~~law enforcement~~ officers,
2 part-time police ~~law enforcement~~ officers, and recruits on the
3 methods and technical aspects of conducting electronic
4 recordings of interrogations.

5 (b) Subject to appropriation, the Board shall develop
6 technical guidelines for the mandated recording of custodial
7 interrogations in all homicide investigations by law
8 enforcement agencies. These guidelines shall be developed in
9 conjunction with law enforcement agencies and technology
10 accreditation groups to provide guidance for law enforcement
11 agencies in implementing the mandated recording of custodial
12 interrogations in all homicide investigations.

13 (Source: P.A. 101-652, eff. 1-1-22.)

14 (50 ILCS 705/10.5-1 new)

15 Sec. 10.5-1. Conservators of the Peace training course.
16 The Board shall initiate, administer, and conduct a training
17 course for conservators of the peace. The training course may
18 include all or any part of the subjects enumerated in Section
19 7. The Board shall issue a certificate to those persons
20 successfully completing the course. For the purposes of this
21 Section, "conservators of the peace" means those persons
22 designated under Section 3.1-15-25 of the Illinois Municipal
23 Code and Section 4-7 of the Park District Code.

24 (50 ILCS 705/10.11)

1 Sec. 10.11. Training; death and homicide investigation.
2 The Illinois Law Enforcement Training Standards Board shall
3 conduct or approve a training program in death and homicide
4 investigation for the training of law enforcement officers of
5 local law enforcement agencies. Only law enforcement officers
6 who successfully complete the training program may be assigned
7 as lead investigators in death and homicide investigations.
8 Satisfactory completion of the training program shall be
9 evidenced by a certificate issued to the law enforcement
10 officer by the Illinois Law Enforcement Training Standards
11 Board.

12 The Illinois Law Enforcement Training Standards Board
13 shall develop a process for waiver applications sent by a
14 local law enforcement ~~governmental~~ agency administrator for
15 those officers whose prior training and experience as homicide
16 investigators may qualify them for a waiver. The Board may
17 issue a waiver at its discretion, based solely on the prior
18 training and experience of an officer as a homicide
19 investigator. This Section does not affect or impede the
20 powers of the office of the coroner to investigate all deaths
21 as provided in Division 3-3 of the Counties Code and the
22 Coroner Training Board Act.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;
24 102-694, eff. 1-7-22.)

1 Sec. 10.18. Training; administration of opioid
2 antagonists. The Board shall conduct or approve an in-service
3 training program for police ~~law enforcement~~ officers in the
4 administration of opioid antagonists as defined in paragraph
5 (1) of subsection (e) of Section 5-23 of the Substance Use
6 Disorder Act that is in accordance with that Section. As used
7 in this Section, the term "police ~~law enforcement~~ officers"
8 includes full-time or part-time probationary police ~~law~~
9 ~~enforcement~~ officers, permanent or part-time police ~~law~~
10 ~~enforcement~~ officers, recruits, permanent or probationary
11 county corrections officers, permanent or probationary county
12 security officers, and court security officers. The term does
13 not include auxiliary police officers as defined in Section
14 3.1-30-20 of the Illinois Municipal Code.

15 (Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

16 (50 ILCS 705/10.19)

17 Sec. 10.19. Training; administration of epinephrine.

18 (a) This Section, along with Section 40 of the Illinois
19 State Police Act, may be referred to as the Annie LeGere Law.

20 (b) For purposes of this Section, "epinephrine
21 auto-injector" means a single-use device used for the
22 automatic injection of a pre-measured dose of epinephrine into
23 the human body prescribed in the name of a local law
24 enforcement agency.

25 (c) The Board shall conduct or approve an optional

1 advanced training program for police ~~law enforcement~~ officers
2 to recognize and respond to anaphylaxis, including the
3 administration of an epinephrine auto-injector. The training
4 must include, but is not limited to:

5 (1) how to recognize symptoms of an allergic reaction;

6 (2) how to respond to an emergency involving an
7 allergic reaction;

8 (3) how to administer an epinephrine auto-injector;

9 (4) how to respond to an individual with a known
10 allergy as well as an individual with a previously unknown
11 allergy;

12 (5) a test demonstrating competency of the knowledge
13 required to recognize anaphylaxis and administer an
14 epinephrine auto-injector; and

15 (6) other criteria as determined in rules adopted by
16 the Board.

17 (d) A local law enforcement agency may authorize a police
18 ~~law enforcement~~ officer who has completed an optional advanced
19 training program under subsection (c) to carry, administer, or
20 assist with the administration of epinephrine auto-injectors
21 provided by the local law enforcement agency whenever the
22 officer is performing official duties.

23 (e) A local law enforcement agency that authorizes its
24 officers to carry and administer epinephrine auto-injectors
25 under subsection (d) must establish a policy to control the
26 acquisition, storage, transportation, administration, and

1 disposal of epinephrine auto-injectors and to provide
2 continued training in the administration of epinephrine
3 auto-injectors.

4 (f) A physician, physician assistant with prescriptive
5 authority, or advanced practice registered nurse with
6 prescriptive authority may provide a standing protocol or
7 prescription for epinephrine auto-injectors in the name of a
8 local law enforcement agency to be maintained for use when
9 necessary.

10 (g) When a police ~~law enforcement~~ officer administers an
11 epinephrine auto-injector in good faith, the police ~~law~~
12 ~~enforcement~~ officer and local law enforcement agency, and its
13 employees and agents, including a physician, physician
14 assistant with prescriptive authority, or advanced practice
15 registered nurse with prescriptive authority who provides a
16 standing order or prescription for an epinephrine
17 auto-injector, incur no civil or professional liability,
18 except for willful and wanton conduct, or as a result of any
19 injury or death arising from the use of an epinephrine
20 auto-injector.

21 (Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22;
22 103-154, eff. 6-30-23.)

23 (50 ILCS 705/10.20)

24 Sec. 10.20. Disposal of medications. The Board shall
25 develop rules and minimum standards for local law enforcement

1 agencies that authorize police ~~law enforcement~~ officers to
2 dispose of unused medications under Section 18 of the Safe
3 Pharmaceutical Disposal Act.

4 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

5 (50 ILCS 705/3.1 rep.)

6 (50 ILCS 705/6.3 rep.)

7 (50 ILCS 705/6.6 rep.)

8 (50 ILCS 705/6.7 rep.)

9 (50 ILCS 705/8.3 rep.)

10 (50 ILCS 705/8.4 rep.)

11 (50 ILCS 705/9.2 rep.)

12 (50 ILCS 705/13 rep.)

13 Section 410. The Illinois Police Training Act is amended
14 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and
15 13.

16 Section 415. The Counties Code is amended by changing
17 Section 3-6001.5 as follows:

18 (55 ILCS 5/3-6001.5)

19 Sec. 3-6001.5. Sheriff qualifications. A person is not
20 eligible to be elected or appointed to the office of sheriff,
21 unless that person meets all of the following requirements:

22 (1) Is a United States citizen.

23 (2) Has been a resident of the county for at least one

1 year.

2 (3) Is not a convicted felon.

3 ~~(4) Has a certificate attesting to his or her~~
4 ~~successful completion of the Minimum Standards Basic Law~~
5 ~~Enforcement Officers Training Course as prescribed by the~~
6 ~~Illinois Law Enforcement Training Standards Board or a~~
7 ~~substantially similar training program of another state or~~
8 ~~the federal government. This paragraph does not apply to a~~
9 ~~sheriff currently serving on the effective date of this~~
10 ~~amendatory Act of the 101st General Assembly.~~

11 (Source: P.A. 101-652, eff. 1-1-22.)

12 Section 995. No acceleration or delay. Where this Act
13 makes changes in a statute that is represented in this Act by
14 text that is not yet or no longer in effect (for example, a
15 Section represented by multiple versions), the use of that
16 text does not accelerate or delay the taking effect of (i) the
17 changes made by this Act or (ii) provisions derived from any
18 other Public Act.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.

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