

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 110-5.2 as follows:

(725 ILCS 5/110-5.2 new)

Sec. 110-5.2. Bail; pregnant pre-trial detainee.

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

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

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

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

of any person or persons or the general public.

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

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