



Sen. Robert Peters

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1 AMENDMENT TO HOUSE BILL 1095

2 AMENDMENT NO. _____. Amend House Bill 1095 by replacing
3 everything after the enacting clause with the following:

4 "Section 2. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; public defender grant
8 program. To provide for the expeditious and timely
9 implementation of Section 3-4014 of the Counties Code,
10 emergency rules implementing the public defender grant program
11 established under that Section may be adopted in accordance
12 with Section 5-45 by the Administrative Office of the Illinois
13 Courts. The adoption of emergency rules authorized by Section
14 5-45 and this Section is deemed to be necessary for the public
15 interest, safety, and welfare.

16 This Section is repealed one year after the effective date

1 of this amendatory Act of the 102nd General Assembly.

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

4 (5 ILCS 140/2.15)

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

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

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

22 (b) Criminal history records. The following documents
23 maintained by a public body pertaining to criminal history
24 record information are public records subject to inspection

1 and copying by the public pursuant to this Act: (i) court
2 records that are public; (ii) records that are otherwise
3 available under State or local law; and (iii) records in which
4 the requesting party is the individual identified, except as
5 provided under Section 7(1)(d)(vi).

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

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

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

1 or Class B misdemeanor. As used in this subsection, "social
2 networking website" has the meaning provided in Section 10 of
3 the Right to Privacy in the Workplace Act.

4 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19.)

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

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

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

22 (b) Criminal history records. The following documents
23 maintained by a public body pertaining to criminal history
24 record information are public records subject to inspection
25 and copying by the public pursuant to this Act: (i) court

1 records that are public; (ii) records that are otherwise
2 available under State or local law; and (iii) records in which
3 the requesting party is the individual identified, except as
4 provided under Section 7(1)(d)(vi).

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

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

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

1 networking website" has the meaning provided in Section 10 of
2 the Right to Privacy in the Workplace Act.

3 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19;
4 101-652, eff. 1-1-23.)

5 Section 10. The State Records Act is amended by changing
6 Section 4a as follows:

7 (5 ILCS 160/4a)

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

9 Sec. 4a. Arrest records and reports.

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

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

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

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

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

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

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

1 transferred from the arresting agency's custody.

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

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

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

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

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

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

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

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

6 (f) All information, including photographs, made available
7 under this Section is subject to the provisions of Section
8 2QQQ of the Consumer Fraud and Deceptive Business Practices
9 Act.

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

23 (Source: P.A. 101-433, eff. 8-20-19.)

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

25 Sec. 4a. Arrest records and 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). ~~If the individual is incarcerated, the~~
13 ~~conditions of pretrial release.~~

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

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

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

26 (2) endanger the life or physical safety of law

1 enforcement or correctional personnel or any other person;
2 or

3 (3) compromise the security of any correctional
4 facility.

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

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

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

21 (f) All information, including photographs, made available
22 under this Section is subject to the provisions of Section
23 2000 of the Consumer Fraud and Deceptive Business Practices
24 Act.

25 (g) Notwithstanding the requirements of subsection (a), a
26 law enforcement agency may not publish booking photographs,

1 commonly known as "mugshots", on its social networking website
2 in connection with civil offenses, petty offenses, business
3 offenses, Class C misdemeanors, and Class B misdemeanors
4 unless the booking photograph is posted to the social
5 networking website to assist in the search for a missing
6 person or to assist in the search for a fugitive, person of
7 interest, or individual wanted in relation to a crime other
8 than a petty offense, business offense, Class C misdemeanor,
9 or Class B misdemeanor. As used in this subsection, "social
10 networking website" has the meaning provided in Section 10 of
11 the Right to Privacy in the Workplace Act.

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

13 Section 15. The Illinois State Police Law of the Civil
14 Administrative Code of Illinois is amended by changing Section
15 2605-302 as follows:

16 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

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

18 Sec. 2605-302. Arrest reports.

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

22 (1) Information that identifies the individual,
23 including the name, age, address, and photograph, when and
24 if available.

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

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

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

6 (5) 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 items (3),
15 (4), (5), and (6) of subsection (a), however, may be withheld
16 if it is determined that disclosure would (i) interfere with
17 pending or actually and reasonably contemplated law
18 enforcement proceedings conducted by any law enforcement or
19 correctional agency; (ii) endanger the life or physical safety
20 of law enforcement or correctional personnel or any other
21 person; or (iii) compromise the security of any correctional
22 facility.

23 (c) For the purposes of this Section, the term "news
24 media" means personnel of a newspaper or other periodical
25 issued at regular intervals whether in print or electronic
26 format, a news service whether in print or electronic format,

1 a radio station, a television station, a television network, a
2 community antenna television service, or a person or
3 corporation engaged in making news reels or other motion
4 picture news for public showing.

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

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

13 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
14 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02.)

15 (Text of Section after amendment by P.A. 101-652)
16 Sec. 2605-302. Arrest reports.

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

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

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

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

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

3 (5) (Blank). ~~If the individual is incarcerated, the~~
4 ~~conditions of pretrial release.~~

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

8 (b) The information required by this Section must be made
9 available to the news media for inspection and copying as soon
10 as practicable, but in no event shall the time period exceed 72
11 hours from the arrest. The information described in items (3),
12 (4), (5), and (6) of subsection (a), however, may be withheld
13 if it is determined that disclosure would (i) interfere with
14 pending or actually and reasonably contemplated law
15 enforcement proceedings conducted by any law enforcement or
16 correctional agency; (ii) endanger the life or physical safety
17 of law enforcement or correctional personnel or any other
18 person; or (iii) compromise the security of any correctional
19 facility.

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

1 picture news for public showing.

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

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

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

11 Section 20. The Illinois Criminal Justice Information Act
12 is amended by changing Section 7.7 as follows:

13 (20 ILCS 3930/7.7)

14 Sec. 7.7. Pretrial data collection.

15 (a) The Administrative Director of the Administrative
16 Office of the Illinois Courts shall convene an oversight board
17 to be known as the Pretrial Practices Data Oversight Board to
18 oversee the collection and analysis of data regarding pretrial
19 practices in circuit court systems. The Board shall include,
20 but is not limited to, designees from the Administrative
21 Office of the Illinois Courts, the Illinois Criminal Justice
22 Information Authority, and other entities that possess
23 knowledge of pretrial practices and data collection issues.
24 Members of the Board shall serve without compensation.

1 (b) The Oversight Board shall:

2 (1) identify existing pretrial data collection
3 processes in local jurisdictions;

4 (2) define, gather and maintain records of pretrial
5 data relating to the topics listed in subsection (c) from
6 circuit clerks' offices, sheriff's departments, law
7 enforcement agencies, jails, pretrial departments,
8 probation department, prosecutors' ~~State's Attorneys'~~
9 offices, public defenders' offices and other applicable
10 criminal justice system agencies;

11 (3) identify resources necessary to systematically
12 collect and report data related to the topics listed in
13 subsection (c); and

14 (4) develop a plan to implement data collection
15 processes sufficient to collect data on the topics listed
16 in subsection (c) no later than one year after July 1, 2021
17 (the effective date of Public Act 101-652). The plan and,
18 once implemented, the reports and analysis shall be
19 published and made publicly available on the
20 Administrative Office of the Illinois Courts (AOIC)
21 website.

22 (c) The Pretrial Practices Data Oversight Board shall
23 develop a strategy to collect quarterly, county-level data on
24 the following topics; which collection of data shall begin
25 starting one year after July 1, 2021 (the effective date of
26 Public Act 101-652):

1 (1) information on all persons arrested and charged
2 with misdemeanor or felony charges, or both, including
3 information on persons released directly from law
4 enforcement custody;

5 (2) information on the outcomes of pretrial conditions
6 and pretrial detention hearings in the county courts,
7 including but not limited to the number of hearings held,
8 the number of defendants detained, the number of
9 defendants released, ~~and~~ the number of defendants released
10 with electronic monitoring, and, beginning January 1,
11 2023, information comparing detention hearing outcomes
12 when the hearing is held in person and by two-way
13 audio-visual communication;

14 (3) information regarding persons detained in the
15 county jail pretrial, including, but not limited to, the
16 number of persons detained in the jail pretrial and the
17 number detained in the jail for other reasons, the
18 demographics of the pretrial jail population, race, sex,
19 sexual orientation, gender identity, age, and ethnicity,
20 the charges including on which pretrial defendants are
21 detained, the average length of stay of pretrial
22 defendants;

23 (4) information regarding persons placed on electronic
24 monitoring programs pretrial, including, but not limited
25 to, the number of participants, the demographics of the
26 participant population, including race, sex, sexual

1 orientation, gender identity, age, and ethnicity, the
2 charges on which participants are ordered to the program,
3 and the average length of participation in the program;

4 (5) discharge data regarding persons detained pretrial
5 in the county jail, including, but not limited to, the
6 number who are sentenced to the Illinois Department of
7 Corrections, the number released after being sentenced to
8 time served, the number who are released on probation,
9 conditional discharge, or other community supervision, the
10 number found not guilty, the number whose cases are
11 dismissed, the number whose cases are dismissed as part of
12 diversion or deferred prosecution program, and the number
13 who are released pretrial after a hearing re-examining
14 their pretrial detention;

15 (6) information on the pretrial rearrest of
16 individuals released pretrial, including the number
17 arrested and charged with a new misdemeanor offense while
18 released, the number arrested and charged with a new
19 felony offense while released, and the number arrested and
20 charged with a new forcible felony offense while released,
21 and how long after release these arrests occurred;

22 (7) information on the pretrial failure to appear
23 rates of individuals released pretrial, including the
24 number who missed one or more court dates, how many
25 warrants for failures to appear were issued, and how many
26 individuals were detained pretrial or placed on electronic

1 monitoring pretrial after a failure to appear in court;

2 (8) what, if any, validated pretrial risk assessment
3 tools are in use in each jurisdiction, and comparisons of
4 the pretrial release and pretrial detention decisions of
5 judges as compared to and the risk assessment scores of
6 individuals; and

7 (9) any other information the Pretrial Practices Data
8 Oversight Board considers important and probative of the
9 effectiveness of pretrial practices in the State of
10 Illinois.

11 (d) Circuit clerks' offices, sheriff's departments, law
12 enforcement agencies, jails, pretrial departments, probation
13 department, State's Attorneys' offices, public defenders'
14 offices and other applicable criminal justice system agencies
15 are mandated to provide data to the Administrative Office of
16 the Illinois Courts as described in subsection (c).

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

18 Section 22. The State Finance Act is amended by adding
19 Section 5.990 as follows:

20 (30 ILCS 105/5.990 new)

21 Sec. 5.990. The Public Defender Fund.

22 Section 25. The Local Records Act is amended by changing
23 Section 3b as follows:

1 (50 ILCS 205/3b)

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

3 Sec. 3b. Arrest records and reports.

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

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

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

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

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

15 (5) 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. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

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

5 Sec. 3b. Arrest records and reports.

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

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

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

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

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

17 (5) (Blank). ~~If the individual is incarcerated, the~~
18 ~~conditions of pretrial release.~~

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

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

1 (3), (4), (5), and (6) of subsection (a), however, may be
2 withheld if it is determined that disclosure would:

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

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

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

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

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

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

1 (f) All information, including photographs, made available
2 under this Section is subject to the provisions of Section
3 2000 of the Consumer Fraud and Deceptive Business Practices
4 Act.

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

6 Section 30. The Law Enforcement Officer-Worn Body Camera
7 Act is amended by changing Sections 10-10, 10-15, 10-20, and
8 10-25 as follows:

9 (50 ILCS 706/10-10)

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

11 "Badge" means an officer's department issued
12 identification number associated with his or her position as a
13 police officer with that department.

14 "Board" means the Illinois Law Enforcement Training
15 Standards Board created by the Illinois Police Training Act.

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

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

21 "Community caretaking function" includes, but is not limited
22 to, participating in town halls or other community outreach,
23 helping a child find his or her parents, providing death
24 notifications, and performing in-home or hospital well-being

1 checks on the sick, elderly, or persons presumed missing.
2 "Community caretaking function" excludes law
3 enforcement-related encounters or activities.

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

5 "In uniform" means a law enforcement officer who is
6 wearing any officially authorized uniform designated by a law
7 enforcement agency, or a law enforcement officer who is
8 visibly wearing articles of clothing, a badge, tactical gear,
9 gun belt, a patch, or other insignia that he or she is a law
10 enforcement officer acting in the course of his or her duties.

11 "Law enforcement officer" or "officer" means any person
12 employed by a State, county, municipality, special district,
13 college, unit of government, or any other entity authorized by
14 law to employ peace officers or exercise police authority and
15 who is primarily responsible for the prevention or detection
16 of crime and the enforcement of the laws of this State.

17 "Law enforcement agency" means all State agencies with law
18 enforcement officers, county sheriff's offices, municipal,
19 special district, college, or unit of local government police
20 departments.

21 "Law enforcement-related encounters or activities"
22 include, but are not limited to, traffic stops, pedestrian
23 stops, arrests, searches, interrogations, investigations,
24 pursuits, crowd control, traffic control, non-community
25 caretaking interactions with an individual while on patrol, or
26 any other instance in which the officer is enforcing the laws

1 of the municipality, county, or State. "Law
2 enforcement-related encounter or activities" does not include
3 when the officer is completing paperwork alone, is
4 participating in training in a classroom setting, or is only
5 in the presence of another law enforcement officer or officers
6 while not performing any other law enforcement-related
7 activity.

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

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

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

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

19 "Recording" means the process of capturing data or
20 information stored on a recording medium as required under
21 this Act.

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

1 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

2 (50 ILCS 706/10-15)

3 Sec. 10-15. Applicability.

4 (a) All law enforcement agencies must employ the use of
5 officer-worn body cameras in accordance with the provisions of
6 this Act, whether or not the agency receives or has received
7 monies from the Law Enforcement Camera Grant Fund.

8 (b) Except as provided in subsection (b-5), all ~~All~~ law
9 enforcement agencies must implement the use of body cameras
10 for all law enforcement officers, according to the following
11 schedule:

12 (1) for municipalities and counties with populations
13 of 500,000 or more, body cameras shall be implemented by
14 January 1, 2022;

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

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

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

23 (5) for all State agencies with law enforcement
24 officers and other remaining law enforcement agencies,
25 body cameras shall be implemented by January 1, 2025.

1 (b-5) If a law enforcement agency that serves a
2 municipality with a population of at least 100,000 but not
3 more than 500,000 or a law enforcement agency that serves a
4 county with a population of at least 100,000 but not more than
5 500,000 has ordered by October 1, 2022 or purchased by that
6 date officer-worn body cameras for use by the law enforcement
7 agency, then the law enforcement agency may implement the use
8 of body cameras for all of its law enforcement officers by no
9 later than July 1, 2023. Records of purchase within this
10 timeline shall be submitted to the Illinois Law Enforcement
11 Training Standards Board by January 1, 2023.

12 (c) A law enforcement agency's compliance with the
13 requirements under this Section shall receive preference by
14 the Illinois Law Enforcement Training Standards Board in
15 awarding grant funding under the Law Enforcement Camera Grant
16 Act.

17 (d) This Section does not apply to court security
18 officers, State's Attorney investigators, and Attorney General
19 investigators.

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

21 (50 ILCS 706/10-20)

22 Sec. 10-20. Requirements.

23 (a) The Board shall develop basic guidelines for the use
24 of officer-worn body cameras by law enforcement agencies. The
25 guidelines developed by the Board shall be the basis for the

1 written policy which must be adopted by each law enforcement
2 agency which employs the use of officer-worn body cameras. The
3 written policy adopted by the law enforcement agency must
4 include, at a minimum, all of the following:

5 (1) Cameras must be equipped with pre-event recording,
6 capable of recording at least the 30 seconds prior to
7 camera activation, unless the officer-worn body camera was
8 purchased and acquired by the law enforcement agency prior
9 to July 1, 2015.

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

14 (3) Cameras must be turned on at all times when the
15 officer is in uniform and is responding to calls for
16 service or engaged in any law enforcement-related
17 encounter or activity that occurs while the officer is on
18 duty.

19 (A) If exigent circumstances exist which prevent
20 the camera from being turned on, the camera must be
21 turned on as soon as practicable.

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

1 (C) Officer-worn body cameras may be turned off
2 when the officer is inside a correctional facility or
3 courthouse which is equipped with a functioning camera
4 system.

5 (4) Cameras must be turned off when:

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

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

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

15 (D) an officer of the Department of Revenue enters
16 a Department of Revenue facility or conducts an
17 interview during which return information will be
18 discussed or visible.

19 However, an officer may continue to record or resume
20 recording a victim or a witness, if exigent circumstances
21 exist, or if the officer has reasonable articulable
22 suspicion that a victim or witness, or confidential
23 informant has committed or is in the process of committing
24 a crime. Under these circumstances, and unless impractical
25 or impossible, the officer must indicate on the recording
26 the reason for continuing to record despite the request of

1 the victim or witness.

2 (4.5) Cameras may be turned off when the officer is
3 engaged in community caretaking functions. However, the
4 camera must be turned on when the officer has reason to
5 believe that the person on whose behalf the officer is
6 performing a community caretaking function has committed
7 or is in the process of committing a crime. If exigent
8 circumstances exist which prevent the camera from being
9 turned on, the camera must be turned on as soon as
10 practicable.

11 (5) The officer must provide notice of recording to
12 any person if the person has a reasonable expectation of
13 privacy and proof of notice must be evident in the
14 recording. If exigent circumstances exist which prevent
15 the officer from providing notice, notice must be provided
16 as soon as practicable.

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

1 fact in the report or documentation.

2 (i) A law enforcement officer shall not have
3 access to or review his or her body-worn camera
4 recordings or the body-worn camera recordings of
5 another officer prior to completing incident reports
6 or other documentation when the officer:

7 (a) has been involved in or is a witness to an
8 officer-involved shooting, use of deadly force
9 incident, or use of force incidents resulting in
10 great bodily harm;

11 (b) is ordered to write a report in response
12 to or during the investigation of a misconduct
13 complaint against the officer.

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

22 (B) The recording officer's assigned field
23 training officer may access and review recordings for
24 training purposes. Any detective or investigator
25 directly involved in the investigation of a matter may
26 access and review recordings which pertain to that

1 investigation but may not have access to delete or
2 alter such recordings.

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

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

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

25 (i) a formal or informal complaint has been
26 filed;

1 (ii) the officer discharged his or her firearm
2 or used force during the encounter;

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

5 (iv) the encounter resulted in a detention or
6 an arrest, excluding traffic stops which resulted
7 in only a minor traffic offense or business
8 offense;

9 (v) the officer is the subject of an internal
10 investigation or otherwise being investigated for
11 possible misconduct;

12 (vi) the supervisor of the officer,
13 prosecutor, defendant, or court determines that
14 the encounter has evidentiary value in a criminal
15 prosecution; or

16 (vii) the recording officer requests that the
17 video be flagged for official purposes related to
18 his or her official duties or believes it may have
19 evidentiary value in a criminal prosecution.

20 (C) Under no circumstances shall any recording
21 made with an officer-worn body camera relating to a
22 flagged encounter be altered or destroyed prior to 2
23 years after the recording was flagged. If the flagged
24 recording was used in a criminal, civil, or
25 administrative proceeding, the recording shall not be
26 destroyed except upon a final disposition and order

1 from the court.

2 (D) Nothing in this Act prohibits law enforcement
3 agencies from labeling officer-worn body camera video
4 within the recording medium; provided that the
5 labeling does not alter the actual recording of the
6 incident captured on the officer-worn body camera. The
7 labels, titles, and tags shall not be construed as
8 altering the officer-worn body camera video in any
9 way.

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

18 (9) Recordings shall not be used to discipline law
19 enforcement officers unless:

20 (A) a formal or informal complaint of misconduct
21 has been made;

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

23 (C) the encounter on the recording could result in
24 a formal investigation under the Uniform Peace
25 Officers' Disciplinary Act; or

26 (D) as corroboration of other evidence of

1 misconduct.

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

5 (10) The law enforcement agency shall ensure proper
6 care and maintenance of officer-worn body cameras. Upon
7 becoming aware, officers must as soon as practical
8 document and notify the appropriate supervisor of any
9 technical difficulties, failures, or problems with the
10 officer-worn body camera or associated equipment. Upon
11 receiving notice, the appropriate supervisor shall make
12 every reasonable effort to correct and repair any of the
13 officer-worn body camera equipment.

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

1 safety and order.

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

5 (1) if the subject of the encounter has a reasonable
6 expectation of privacy, at the time of the recording, any
7 recording which is flagged, due to the filing of a
8 complaint, discharge of a firearm, use of force, arrest or
9 detention, or resulting death or bodily harm, shall be
10 disclosed in accordance with the Freedom of Information
11 Act if:

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

14 (B) the law enforcement agency obtains written
15 permission of the subject or the subject's legal
16 representative;

17 (2) except as provided in paragraph (1) of this
18 subsection (b), any recording which is flagged due to the
19 filing of a complaint, discharge of a firearm, use of
20 force, arrest or detention, or resulting death or bodily
21 harm shall be disclosed in accordance with the Freedom of
22 Information Act; and

23 (3) upon request, the law enforcement agency shall
24 disclose, in accordance with the Freedom of Information
25 Act, the recording to the subject of the encounter
26 captured on the recording or to the subject's attorney, or

1 the officer or his or her legal representative.

2 For the purposes of paragraph (1) of this subsection (b),
3 the subject of the encounter does not have a reasonable
4 expectation of privacy if the subject was arrested as a result
5 of the encounter. For purposes of subparagraph (A) of
6 paragraph (1) of this subsection (b), "witness" does not
7 include a person who is a victim or who was arrested as a
8 result of the encounter.

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

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

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

23 (50 ILCS 706/10-25)

24 Sec. 10-25. Reporting.

25 (a) Each law enforcement agency must provide an annual

1 report on the use of officer-worn body cameras to the Board, on
2 or before May 1 of the year. The report shall include:

3 (1) a brief overview of the makeup of the agency,
4 including the number of officers utilizing officer-worn
5 body cameras;

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

8 (3) any technical issues with the equipment and how
9 those issues were remedied;

10 (4) a brief description of the review process used by
11 supervisors within the law enforcement agency;⁺

12 (5) (blank); and ~~for each recording used in~~
13 ~~prosecutions of conservation, criminal, or traffic~~
14 ~~offenses or municipal ordinance violations:~~

15 ~~(A) the time, date, location, and precinct of the~~
16 ~~incident;~~

17 ~~(B) the offense charged and the date charges were~~
18 ~~filed; and~~

19 (6) any other information relevant to the
20 administration of the program.

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

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

25 Section 35. The Law Enforcement Camera Grant Act is

1 amended by changing Section 10 as follows:

2 (50 ILCS 707/10)

3 Sec. 10. Law Enforcement Camera Grant Fund; creation,
4 rules.

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

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

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

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

1 (c) (Blank).

2 (d) (Blank).

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank).

6 (h) (Blank).

7 (Source: P.A. 102-16, eff. 6-17-21.)

8 Section 37. The Counties Code is amended by changing
9 Section 3-4013 and by adding Section 3-4014 as follows:

10 (55 ILCS 5/3-4013)

11 (Section scheduled to be repealed on December 31, 2023)

12 Sec. 3-4013. Public Defender Quality Defense Task Force.

13 (a) The Public Defender Quality Defense Task Force is
14 established to: (i) examine the current caseload and determine
15 the optimal caseload for public defenders in the State; (ii)
16 examine the quality of legal services being offered to
17 defendants by public defenders of the State; ~~and~~ (iii) make
18 recommendations to improve the caseload of public defenders
19 and quality of legal services offered by public defenders; and
20 (iv) provide recommendations to the General Assembly and
21 Governor on legislation to provide for an effective public
22 defender system throughout the State and encourage the active
23 and substantial participation of the private bar in the
24 representation of accused people.

1 (b) The following members shall be appointed to the Task
2 Force by the Governor no later than 30 days after the effective
3 date of this amendatory Act of the 102nd General Assembly:

4 (1) 2 assistant public defenders from the Office of
5 the Cook County Public Defender.

6 (2) 5 public defenders or assistant public defenders
7 from 5 counties other than Cook County.

8 (3) One Cook County circuit judge experienced in the
9 litigation of criminal law matters.

10 (4) One circuit judge from outside of Cook County
11 experienced in the litigation of criminal law matters.

12 (5) One representative from the Office of the State
13 Appellate Defender.

14 Task Force members shall serve without compensation but
15 may be reimbursed for their expenses incurred in performing
16 their duties. If a vacancy occurs in the Task Force
17 membership, the vacancy shall be filled in the same manner as
18 the original appointment for the remainder of the Task Force.

19 (c) The Task Force shall hold a minimum of 2 public
20 hearings. At the public hearings, the Task Force shall take
21 testimony of public defenders, former criminal defendants
22 represented by public defenders, and any other person the Task
23 Force believes would aid the Task Force's examination and
24 recommendations under subsection (a). The Task may meet as
25 such other times as it deems appropriate.

26 (d) The Office of the State Appellate Defender shall

1 provide administrative and other support to the Task Force.

2 (e) The Task Force shall prepare a report that summarizes
3 its work and makes recommendations resulting from its study.
4 The Task Force shall submit the report of its findings and
5 recommendations to the Governor and the General Assembly no
6 later than December 31, 2023 ~~2022~~.

7 (f) This Section is repealed on December 31, 2024 ~~2023~~.

8 (Source: P.A. 102-430, eff. 8-20-21.)

9 (55 ILCS 5/3-4014 new)

10 Sec. 3-4014. Public defender grant program.

11 (a) Subject to appropriation, the Administrative Office of
12 the Illinois Courts shall establish a grant program for
13 counties for the purpose of training and hiring attorneys on
14 contract to assist the county public defender in pretrial
15 detention hearings. The Administrative Office of the Illinois
16 Courts may establish, by rule, administrative procedures for
17 the grant program, including application procedures and
18 requirements concerning grant agreements, certifications,
19 payment methodologies, and other accountability measures that
20 may be imposed upon participants in the program. Emergency
21 rules may be adopted to implement the program in accordance
22 with Section 5-45 of the Illinois Administrative Procedure
23 Act.

24 (b) The Public Defender Fund is created as a special fund
25 in the State treasury. All money in the Public Defender Fund

1 shall be used, subject to appropriation, to provide funding to
2 counties for public defenders and public defender services
3 pursuant to this Section 3-4014.

4 Section 40. The Campus Security Enhancement Act of 2008 is
5 amended by changing Section 15 as follows:

6 (110 ILCS 12/15)

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

8 Sec. 15. Arrest reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 record.

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

5 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
6 92-335, eff. 8-10-01.)

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

8 Sec. 15. Arrest reports.

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

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

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

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

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

20 (5) (Blank). ~~If the individual is incarcerated, the~~
21 ~~conditions of pretrial release.~~

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

25 (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 media"
15 means personnel of a newspaper or other periodical issued at
16 regular intervals whether in print or electronic format, a
17 news service whether in print or electronic format, a radio
18 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 (Source: P.A. 101-652, eff. 1-1-23.)

5 Section 45. The Illinois Insurance Code is amended by
6 changing Section 143.19 as follows:

7 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

8 (Text of Section before amendment by P.A. 101-652 and P.A.
9 102-982)

10 Sec. 143.19. Cancellation of automobile insurance policy;
11 grounds. After a policy of automobile insurance as defined in
12 Section 143.13(a) has been effective for 60 days, or if such
13 policy is a renewal policy, the insurer shall not exercise its
14 option to cancel such policy except for one or more of the
15 following reasons:

16 a. Nonpayment of premium;

17 b. The policy was obtained through a material
18 misrepresentation;

19 c. Any insured violated any of the terms and
20 conditions of the policy;

21 d. The named insured failed to disclose fully his
22 motor vehicle accidents and moving traffic violations for
23 the preceding 36 months if called for in the application;

24 e. Any insured made a false or fraudulent claim or

1 knowingly aided or abetted another in the presentation of
2 such a claim;

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

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

9 2. is or becomes subject to epilepsy or heart
10 attacks, and such individual does not produce a
11 certificate from a physician testifying to his
12 unqualified ability to operate a motor vehicle safely;

13 3. has an accident record, conviction record
14 (criminal or traffic), physical, or mental condition
15 which is such that his operation of an automobile
16 might endanger the public safety;

17 4. has, within the 36 months prior to the notice of
18 cancellation, been addicted to the use of narcotics or
19 other drugs; or

20 5. has been convicted, or forfeited bail, during
21 the 36 months immediately preceding the notice of
22 cancellation, for any felony, criminal negligence
23 resulting in death, homicide or assault arising out of
24 the operation of a motor vehicle, operating a motor
25 vehicle while in an intoxicated condition or while
26 under the influence of drugs, being intoxicated while

1 in, or about, an automobile or while having custody of
2 an automobile, leaving the scene of an accident
3 without stopping to report, theft or unlawful taking
4 of a motor vehicle, making false statements in an
5 application for an operator's or chauffeur's license
6 or has been convicted or forfeited bail for 3 or more
7 violations within the 12 months immediately preceding
8 the notice of cancellation, of any law, ordinance, or
9 regulation limiting the speed of motor vehicles or any
10 of the provisions of the motor vehicle laws of any
11 state, violation of which constitutes a misdemeanor,
12 whether or not the violations were repetitions of the
13 same offense or different offenses;

14 g. The insured automobile is:

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

17 2. used in carrying passengers for hire or
18 compensation (the use of an automobile for a car pool
19 shall not be considered use of an automobile for hire
20 or compensation);

21 3. used in the business of transportation of
22 flammables or explosives;

23 4. an authorized emergency vehicle;

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

26 6. subject to an inspection law and has not been

1 inspected or, if inspected, has failed to qualify.

2 Nothing in this Section shall apply to nonrenewal.

3 (Source: P.A. 100-201, eff. 8-18-17.)

4 (Text of Section after amendment by P.A. 101-652 but
5 before amendment by P.A. 102-982)

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

12 a. Nonpayment of premium;

13 b. The policy was obtained through a material
14 misrepresentation;

15 c. Any insured violated any of the terms and
16 conditions of the policy;

17 d. The named insured failed to disclose fully his
18 motor vehicle accidents and moving traffic violations for
19 the preceding 36 months if called for in the application;

20 e. Any insured made a false or fraudulent claim or
21 knowingly aided or abetted another in the presentation of
22 such a claim;

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

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

4 2. is or becomes subject to epilepsy or heart
5 attacks, and such individual does not produce a
6 certificate from a physician testifying to his
7 unqualified ability to operate a motor vehicle safely;

8 3. has an accident record, conviction record
9 (criminal or traffic), physical, or mental condition
10 which is such that his operation of an automobile
11 might endanger the public safety;

12 4. has, within the 36 months prior to the notice of
13 cancellation, been addicted to the use of narcotics or
14 other drugs; or

15 5. has been convicted, or had pretrial release
16 revoked ~~violated conditions of pretrial release,~~
17 during the 36 months immediately preceding the notice
18 of cancellation, for any felony, criminal negligence
19 resulting in death, homicide or assault arising out of
20 the operation of a motor vehicle, operating a motor
21 vehicle while in an intoxicated condition or while
22 under the influence of drugs, being intoxicated while
23 in, or about, an automobile or while having custody of
24 an automobile, leaving the scene of an accident
25 without stopping to report, theft or unlawful taking
26 of a motor vehicle, making false statements in an

1 application for an operator's or chauffeur's license
2 or has been convicted or pretrial release has been
3 revoked for 3 or more violations within the 12 months
4 immediately preceding the notice of cancellation, of
5 any law, ordinance, or regulation limiting the speed
6 of motor vehicles or any of the provisions of the motor
7 vehicle laws of any state, violation of which
8 constitutes a misdemeanor, whether or not the
9 violations were repetitions of the same offense or
10 different offenses;

11 g. The insured automobile is:

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

14 2. used in carrying passengers for hire or
15 compensation (the use of an automobile for a car pool
16 shall not be considered use of an automobile for hire
17 or compensation);

18 3. used in the business of transportation of
19 flammables or explosives;

20 4. an authorized emergency vehicle;

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

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

25 Nothing in this Section shall apply to nonrenewal.

26 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

1 (Text of Section after amendment by P.A. 102-982)

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

8 a. Nonpayment of premium;

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

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

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

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

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

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

25 2. is or becomes subject to epilepsy or heart

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

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

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

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

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

7 g. The insured automobile is:

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

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

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

16 4. an authorized emergency vehicle;

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

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

21 Nothing in this Section shall apply to nonrenewal.

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

23 Section 50. The Illinois Vehicle Code is amended by
24 changing Sections 6-204 and 6-500 as follows:

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

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

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

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

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

23 (2) Whenever any person is convicted of any offense
24 under this Code or similar offenses under a municipal
25 ordinance, other than regulations governing standing,
26 parking or weights of vehicles, and excepting the

1 following enumerated Sections of this Code: Sections
2 11-1406 (obstruction to driver's view or control), 11-1407
3 (improper opening of door into traffic), 11-1410 (coasting
4 on downgrade), 11-1411 (following fire apparatus),
5 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
6 vehicle which is in unsafe condition or improperly
7 equipped), 12-201(a) (daytime lights on motorcycles),
8 12-202 (clearance, identification and side marker lamps),
9 12-204 (lamp or flag on projecting load), 12-205 (failure
10 to display the safety lights required), 12-401
11 (restrictions as to tire equipment), 12-502 (mirrors),
12 12-503 (windshields must be unobstructed and equipped with
13 wipers), 12-601 (horns and warning devices), 12-602
14 (mufflers, prevention of noise or smoke), 12-603 (seat
15 safety belts), 12-702 (certain vehicles to carry flares or
16 other warning devices), 12-703 (vehicles for oiling roads
17 operated on highways), 12-710 (splash guards and
18 replacements), 13-101 (safety tests), 15-101 (size, weight
19 and load), 15-102 (width), 15-103 (height), 15-104 (name
20 and address on second division vehicles), 15-107 (length
21 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
22 (weights), 15-112 (weights), 15-301 (weights), 15-316
23 (weights), 15-318 (weights), and also excepting the
24 following enumerated Sections of the Chicago Municipal
25 Code: Sections 27-245 (following fire apparatus), 27-254
26 (obstruction of traffic), 27-258 (driving vehicle which is

1 in unsafe condition), 27-259 (coasting on downgrade),
2 27-264 (use of horns and signal devices), 27-265
3 (obstruction to driver's view or driver mechanism), 27-267
4 (dimming of headlights), 27-268 (unattended motor
5 vehicle), 27-272 (illegal funeral procession), 27-273
6 (funeral procession on boulevard), 27-275 (driving freight
7 hauling vehicles on boulevard), 27-276 (stopping and
8 standing of buses or taxicabs), 27-277 (cruising of public
9 passenger vehicles), 27-305 (parallel parking), 27-306
10 (diagonal parking), 27-307 (parking not to obstruct
11 traffic), 27-308 (stopping, standing or parking
12 regulated), 27-311 (parking regulations), 27-312 (parking
13 regulations), 27-313 (parking regulations), 27-314
14 (parking regulations), 27-315 (parking regulations),
15 27-316 (parking regulations), 27-317 (parking
16 regulations), 27-318 (parking regulations), 27-319
17 (parking regulations), 27-320 (parking regulations),
18 27-321 (parking regulations), 27-322 (parking
19 regulations), 27-324 (loading and unloading at an angle),
20 27-333 (wheel and axle loads), 27-334 (load restrictions
21 in the downtown district), 27-335 (load restrictions in
22 residential areas), 27-338 (width of vehicles), 27-339
23 (height of vehicles), 27-340 (length of vehicles), 27-352
24 (reflectors on trailers), 27-353 (mufflers), 27-354
25 (display of plates), 27-355 (display of city vehicle tax
26 sticker), 27-357 (identification of vehicles), 27-358

1 (projecting of loads), and also excepting the following
2 enumerated paragraphs of Section 2-201 of the Rules and
3 Regulations of the Illinois State Toll Highway Authority:
4 (l) (driving unsafe vehicle on tollway), (m) (vehicles
5 transporting dangerous cargo not properly indicated), it
6 shall be the duty of the clerk of the court in which such
7 conviction is had within 5 days thereafter to forward to
8 the Secretary of State a report of the conviction and the
9 court may recommend the suspension of the driver's license
10 or permit of the person so convicted.

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

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

23 The reporting requirements of this subsection (a)
24 apply to all violations listed in paragraphs (1) and (2)
25 of this subsection (a), excluding parking violations, when
26 the driver holds a CLP or CDL, regardless of the type of

1 vehicle in which the violation occurred, or when any
2 driver committed the violation in a commercial motor
3 vehicle as defined in Section 6-500 of this Code.

4 (3) Whenever an order is entered vacating the
5 forfeiture of any bail, security or bond given to secure
6 appearance for any offense under this Code or similar
7 offenses under municipal ordinance, it shall be the duty
8 of the clerk of the court in which such vacation was had or
9 the judge of such court if such court has no clerk, within
10 5 days thereafter to forward to the Secretary of State a
11 report of the vacation.

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

24 (5) Reports of conviction under this Code and
25 sentencing hearings under the Juvenile Court Act of 1987
26 in an electronic format or a computer processible medium

1 shall be forwarded to the Secretary of State via the
2 Supreme Court in the form and format required by the
3 Illinois Supreme Court and established by a written
4 agreement between the Supreme Court and the Secretary of
5 State. In counties with a population over 300,000, instead
6 of forwarding reports to the Supreme Court, reports of
7 conviction under this Code and sentencing hearings under
8 the Juvenile Court Act of 1987 in an electronic format or a
9 computer processible medium may be forwarded to the
10 Secretary of State by the Circuit Court Clerk in a form and
11 format required by the Secretary of State and established
12 by written agreement between the Circuit Court Clerk and
13 the Secretary of State. Failure to forward the reports of
14 conviction or sentencing hearing under the Juvenile Court
15 Act of 1987 as required by this Section shall be deemed an
16 omission of duty and it shall be the duty of the several
17 State's Attorneys to enforce the requirements of this
18 Section.

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

26 (c) For the purposes of this Code, a forfeiture of bail or

1 collateral deposited to secure a defendant's appearance in
2 court when forfeiture has not been vacated, or the failure of a
3 defendant to appear for trial after depositing his driver's
4 license in lieu of other bail, shall be equivalent to a
5 conviction.

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

1 information, available only (i) to the affected driver, (ii)
2 to the parent or guardian of a person under the age of 18 years
3 holding an instruction permit or a graduated driver's license,
4 and (iii) for use by the courts, police officers, prosecuting
5 authorities, the Secretary of State, and the driver licensing
6 administrator of any other state. In accordance with 49 C.F.R.
7 Part 384, all reports of court supervision, except violations
8 related to parking, shall be forwarded to the Secretary of
9 State for all holders of a CLP or CDL or any driver who commits
10 an offense while driving a commercial motor vehicle. These
11 reports shall be recorded to the driver's record as a
12 conviction for use in the disqualification of the driver's
13 commercial motor vehicle privileges and shall not be
14 privileged information.

15 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

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

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

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

1 officials:

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

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

1 12-503 (windshields must be unobstructed and equipped with
2 wipers), 12-601 (horns and warning devices), 12-602
3 (mufflers, prevention of noise or smoke), 12-603 (seat
4 safety belts), 12-702 (certain vehicles to carry flares or
5 other warning devices), 12-703 (vehicles for oiling roads
6 operated on highways), 12-710 (splash guards and
7 replacements), 13-101 (safety tests), 15-101 (size, weight
8 and load), 15-102 (width), 15-103 (height), 15-104 (name
9 and address on second division vehicles), 15-107 (length
10 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
11 (weights), 15-112 (weights), 15-301 (weights), 15-316
12 (weights), 15-318 (weights), and also excepting the
13 following enumerated Sections of the Chicago Municipal
14 Code: Sections 27-245 (following fire apparatus), 27-254
15 (obstruction of traffic), 27-258 (driving vehicle which is
16 in unsafe condition), 27-259 (coasting on downgrade),
17 27-264 (use of horns and signal devices), 27-265
18 (obstruction to driver's view or driver mechanism), 27-267
19 (dimming of headlights), 27-268 (unattended motor
20 vehicle), 27-272 (illegal funeral procession), 27-273
21 (funeral procession on boulevard), 27-275 (driving freight
22 hauling vehicles on boulevard), 27-276 (stopping and
23 standing of buses or taxicabs), 27-277 (cruising of public
24 passenger vehicles), 27-305 (parallel parking), 27-306
25 (diagonal parking), 27-307 (parking not to obstruct
26 traffic), 27-308 (stopping, standing or parking

1 regulated), 27-311 (parking regulations), 27-312 (parking
2 regulations), 27-313 (parking regulations), 27-314
3 (parking regulations), 27-315 (parking regulations),
4 27-316 (parking regulations), 27-317 (parking
5 regulations), 27-318 (parking regulations), 27-319
6 (parking regulations), 27-320 (parking regulations),
7 27-321 (parking regulations), 27-322 (parking
8 regulations), 27-324 (loading and unloading at an angle),
9 27-333 (wheel and axle loads), 27-334 (load restrictions
10 in the downtown district), 27-335 (load restrictions in
11 residential areas), 27-338 (width of vehicles), 27-339
12 (height of vehicles), 27-340 (length of vehicles), 27-352
13 (reflectors on trailers), 27-353 (mufflers), 27-354
14 (display of plates), 27-355 (display of city vehicle tax
15 sticker), 27-357 (identification of vehicles), 27-358
16 (projecting of loads), and also excepting the following
17 enumerated paragraphs of Section 2-201 of the Rules and
18 Regulations of the Illinois State Toll Highway Authority:
19 (l) (driving unsafe vehicle on tollway), (m) (vehicles
20 transporting dangerous cargo not properly indicated), it
21 shall be the duty of the clerk of the court in which such
22 conviction is had within 5 days thereafter to forward to
23 the Secretary of State a report of the conviction and the
24 court may recommend the suspension of the driver's license
25 or permit of the person so convicted.

26 The reporting requirements of this subsection shall

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

1 and driving privilege for such time as determined by the
2 court, but only until he or she attains the age of 18
3 years. All juvenile court dispositions reported to the
4 Secretary of State under this provision shall be processed
5 by the Secretary of State as if the cases had been
6 adjudicated in traffic or criminal court. However,
7 information reported relative to the offense of reckless
8 homicide, or Section 11-501 of this Code, or a similar
9 provision of a local ordinance, shall be privileged and
10 available only to the Secretary of State, courts, and
11 police officers.

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

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

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

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

1 by written agreement between the Circuit Court Clerk and
2 the Secretary of State. Failure to forward the reports of
3 conviction or sentencing hearing under the Juvenile Court
4 Act of 1987 as required by this Section shall be deemed an
5 omission of duty and it shall be the duty of the several
6 State's Attorneys to enforce the requirements of this
7 Section.

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

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

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

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

1 conviction for use in the disqualification of the driver's
2 commercial motor vehicle privileges and shall not be
3 privileged information.

4 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20;
5 101-652, eff. 1-1-23.)

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

7 (Text of Section before amendment by P.A. 101-652 and P.A.
8 102-982)

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

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

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

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

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

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

24 Alcohol tests administered within 2 hours of the driver
25 being "stopped or detained" shall be considered that driver's

1 "alcohol concentration" for the purposes of enforcing this
2 UCCLA.

3 (3) (Blank).

4 (4) (Blank).

5 (5) (Blank).

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

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

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

19 (A) a state allows the driver to change his or her
20 self-certification to interstate, but operating
21 exclusively in transportation or operation excepted from
22 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
23 391.2, 391.68, or 398.3;

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

1 requirements for intrastate only;

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

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

8 (6) Commercial Motor Vehicle.

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

13 (i) has a gross combination weight rating or gross
14 combination weight of 11,794 kilograms or more (26,001
15 pounds or more), whichever is greater, inclusive of
16 any towed unit with a gross vehicle weight rating or
17 gross vehicle weight of more than 4,536 kilograms
18 (10,000 pounds), whichever is greater; or

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

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

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

26 (B) Pursuant to the interpretation of the Commercial

1 Motor Vehicle Safety Act of 1986 by the Federal Highway
2 Administration, the definition of "commercial motor
3 vehicle" does not include:

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

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

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

25 (7) Controlled Substance. "Controlled substance" shall
26 have the same meaning as defined in Section 102 of the Illinois

1 Controlled Substances Act, and shall also include cannabis as
2 defined in Section 3 of the Cannabis Control Act and
3 methamphetamine as defined in Section 10 of the
4 Methamphetamine Control and Community Protection Act.

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

17 (8.5) Day. "Day" means calendar day.

18 (9) (Blank).

19 (10) (Blank).

20 (11) (Blank).

21 (12) (Blank).

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

1 (13.5) Driver applicant. "Driver applicant" means an
2 individual who applies to a state or other jurisdiction to
3 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
4 a CLP.

5 (13.8) Electronic device. "Electronic device" includes,
6 but is not limited to, a cellular telephone, personal digital
7 assistant, pager, computer, or any other device used to input,
8 write, send, receive, or read text.

9 (14) Employee. "Employee" means a person who is employed
10 as a commercial motor vehicle driver. A person who is
11 self-employed as a commercial motor vehicle driver must comply
12 with the requirements of this UCCLA pertaining to employees.
13 An owner-operator on a long-term lease shall be considered an
14 employee.

15 (15) Employer. "Employer" means a person (including the
16 United States, a State or a local authority) who owns or leases
17 a commercial motor vehicle or assigns employees to operate
18 such a vehicle. A person who is self-employed as a commercial
19 motor vehicle driver must comply with the requirements of this
20 UCCLA.

21 (15.1) Endorsement. "Endorsement" means an authorization
22 to an individual's CLP or CDL required to permit the
23 individual to operate certain types of commercial motor
24 vehicles.

25 (15.2) Entry-level driver training. "Entry-level driver
26 training" means the training an entry-level driver receives

1 from an entity listed on the Federal Motor Carrier Safety
2 Administration's Training Provider Registry prior to: (i)
3 taking the CDL skills test required to receive the Class A or
4 Class B CDL for the first time; (ii) taking the CDL skills test
5 required to upgrade to a Class A or Class B CDL; or (iii)
6 taking the CDL skills test required to obtain a passenger or
7 school bus endorsement for the first time or the CDL knowledge
8 test required to obtain a hazardous materials endorsement for
9 the first time.

10 (15.3) Excepted interstate. "Excepted interstate" means a
11 person who operates or expects to operate in interstate
12 commerce, but engages exclusively in transportation or
13 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
14 or 398.3 from all or part of the qualification requirements of
15 49 C.F.R. Part 391 and is not required to obtain a medical
16 examiner's certificate by 49 C.F.R. 391.45.

17 (15.5) Excepted intrastate. "Excepted intrastate" means a
18 person who operates in intrastate commerce but engages
19 exclusively in transportation or operations excepted from all
20 or parts of the state driver qualification requirements.

21 (16) (Blank).

22 (16.5) Fatality. "Fatality" means the death of a person as
23 a result of a motor vehicle accident.

24 (16.7) Foreign commercial driver. "Foreign commercial
25 driver" means a person licensed to operate a commercial motor
26 vehicle by an authority outside the United States, or a

1 citizen of a foreign country who operates a commercial motor
2 vehicle in the United States.

3 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
4 sovereign jurisdiction that does not fall within the
5 definition of "State".

6 (18) (Blank).

7 (19) (Blank).

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

13 (20.5) Imminent Hazard. "Imminent hazard" means the
14 existence of any condition of a vehicle, employee, or
15 commercial motor vehicle operations that substantially
16 increases the likelihood of serious injury or death if not
17 discontinued immediately; or a condition relating to hazardous
18 material that presents a substantial likelihood that death,
19 serious illness, severe personal injury, or a substantial
20 endangerment to health, property, or the environment may occur
21 before the reasonably foreseeable completion date of a formal
22 proceeding begun to lessen the risk of that death, illness,
23 injury or endangerment.

24 (20.6) Issuance. "Issuance" means initial issuance,
25 transfer, renewal, or upgrade of a CLP or CDL and
26 non-domiciled CLP or CDL.

1 (20.7) Issue. "Issue" means initial issuance, transfer,
2 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
3 non-domiciled CDL.

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

7 (21.01) Manual transmission. "Manual transmission" means a
8 transmission utilizing a driver-operated clutch that is
9 activated by a pedal or lever and a gear-shift mechanism
10 operated either by hand or foot including those known as a
11 stick shift, stick, straight drive, or standard transmission.
12 All other transmissions, whether semi-automatic or automatic,
13 shall be considered automatic for the purposes of the
14 standardized restriction code.

15 (21.1) Medical examiner. "Medical examiner" means an
16 individual certified by the Federal Motor Carrier Safety
17 Administration and listed on the National Registry of
18 Certified Medical Examiners in accordance with Federal Motor
19 Carrier Safety Regulations, 49 CFR 390.101 et seq.

20 (21.2) Medical examiner's certificate. "Medical examiner's
21 certificate" means either (1) prior to June 22, 2021, a
22 document prescribed or approved by the Secretary of State that
23 is issued by a medical examiner to a driver to medically
24 qualify him or her to drive; or (2) beginning June 22, 2021, an
25 electronic submission of results of an examination conducted
26 by a medical examiner listed on the National Registry of

1 Certified Medical Examiners to the Federal Motor Carrier
2 Safety Administration of a driver to medically qualify him or
3 her to drive.

4 (21.5) Medical variance. "Medical variance" means a driver
5 has received one of the following from the Federal Motor
6 Carrier Safety Administration which allows the driver to be
7 issued a medical certificate: (1) an exemption letter
8 permitting operation of a commercial motor vehicle pursuant to
9 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
10 skill performance evaluation (SPE) certificate permitting
11 operation of a commercial motor vehicle pursuant to 49 C.F.R.
12 391.49.

13 (21.7) Mobile telephone. "Mobile telephone" means a mobile
14 communication device that falls under or uses any commercial
15 mobile radio service, as defined in regulations of the Federal
16 Communications Commission, 47 CFR 20.3. It does not include
17 two-way or citizens band radio services.

18 (22) Motor Vehicle. "Motor vehicle" means every vehicle
19 which is self-propelled, and every vehicle which is propelled
20 by electric power obtained from over head trolley wires but
21 not operated upon rails, except vehicles moved solely by human
22 power and motorized wheel chairs.

23 (22.2) Motor vehicle record. "Motor vehicle record" means
24 a report of the driving status and history of a driver
25 generated from the driver record provided to users, such as
26 drivers or employers, and is subject to the provisions of the

1 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

2 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
3 combination of motor vehicles not defined by the term
4 "commercial motor vehicle" or "CMV" in this Section.

5 (22.7) Non-excepted interstate. "Non-excepted interstate"
6 means a person who operates or expects to operate in
7 interstate commerce, is subject to and meets the qualification
8 requirements under 49 C.F.R. Part 391, and is required to
9 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

10 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
11 means a person who operates only in intrastate commerce and is
12 subject to State driver qualification requirements.

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

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

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

23 (24) (Blank).

24 (25) (Blank).

25 (25.5) Railroad-Highway Grade Crossing Violation.

26 "Railroad-highway grade crossing violation" means a violation,

1 while operating a commercial motor vehicle, of any of the
2 following:

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

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

6 (25.7) School Bus. "School bus" means a commercial motor
7 vehicle used to transport pre-primary, primary, or secondary
8 school students from home to school, from school to home, or to
9 and from school-sponsored events. "School bus" does not
10 include a bus used as a common carrier.

11 (26) Serious Traffic Violation. "Serious traffic
12 violation" means:

13 (A) a conviction when operating a commercial motor
14 vehicle, or when operating a non-CMV while holding a CLP
15 or CDL, of:

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

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

20 (iii) a violation of any State law or local
21 ordinance relating to motor vehicle traffic control
22 (other than parking violations) arising in connection
23 with a fatal traffic accident; or

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

26 (v) a violation of paragraph (a) of Section 6-507,

1 relating to the requirement to have a valid CLP or CDL;

2 or

3 (vi) a violation relating to improper or erratic
4 traffic lane changes; or

5 (vii) a violation relating to following another
6 vehicle too closely; or

7 (viii) a violation relating to texting while
8 driving; or

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

11 (B) any other similar violation of a law or local
12 ordinance of any state relating to motor vehicle traffic
13 control, other than a parking violation, which the
14 Secretary of State determines by administrative rule to be
15 serious.

16 (27) State. "State" means a state of the United States,
17 the District of Columbia and any province or territory of
18 Canada.

19 (28) (Blank).

20 (29) (Blank).

21 (30) (Blank).

22 (31) (Blank).

23 (32) Texting. "Texting" means manually entering
24 alphanumeric text into, or reading text from, an electronic
25 device.

26 (1) Texting includes, but is not limited to, short

1 message service, emailing, instant messaging, a command or
2 request to access a World Wide Web page, pressing more
3 than a single button to initiate or terminate a voice
4 communication using a mobile telephone, or engaging in any
5 other form of electronic text retrieval or entry for
6 present or future communication.

7 (2) Texting does not include:

8 (i) inputting, selecting, or reading information
9 on a global positioning system or navigation system;
10 or

11 (ii) pressing a single button to initiate or
12 terminate a voice communication using a mobile
13 telephone; or

14 (iii) using a device capable of performing
15 multiple functions (for example, a fleet management
16 system, dispatching device, smart phone, citizens band
17 radio, or music player) for a purpose that is not
18 otherwise prohibited by Part 392 of the Federal Motor
19 Carrier Safety Regulations.

20 (32.3) Third party skills test examiner. "Third party
21 skills test examiner" means a person employed by a third party
22 tester who is authorized by the State to administer the CDL
23 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

24 (32.5) Third party tester. "Third party tester" means a
25 person (including, but not limited to, another state, a motor
26 carrier, a private driver training facility or other private

1 institution, or a department, agency, or instrumentality of a
2 local government) authorized by the State to employ skills
3 test examiners to administer the CDL skills tests specified in
4 49 C.F.R. Part 383, subparts G and H.

5 (32.7) United States. "United States" means the 50 states
6 and the District of Columbia.

7 (33) Use a hand-held mobile telephone. "Use a hand-held
8 mobile telephone" means:

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

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

13 (3) reaching for a mobile telephone in a manner that
14 requires a driver to maneuver so that he or she is no
15 longer in a seated driving position, restrained by a seat
16 belt that is installed in accordance with 49 CFR 393.93
17 and adjusted in accordance with the vehicle manufacturer's
18 instructions.

19 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

20 (Text of Section after amendment by P.A. 101-652 but
21 before amendment by P.A. 102-982)

22 Sec. 6-500. Definitions of words and phrases.
23 Notwithstanding the definitions set forth elsewhere in this
24 Code, for purposes of the Uniform Commercial Driver's License
25 Act (UCDLA), the words and phrases listed below have the

1 meanings ascribed to them as follows:

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

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

6 (A) the number of grams of alcohol per 210 liters of
7 breath; or

8 (B) the number of grams of alcohol per 100 milliliters
9 of blood; or

10 (C) the number of grams of alcohol per 67 milliliters
11 of urine.

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

16 (3) (Blank).

17 (4) (Blank).

18 (5) (Blank).

19 (5.3) CDLIS driver record. "CDLIS driver record" means the
20 electronic record of the individual CDL driver's status and
21 history stored by the State-of-Record as part of the
22 Commercial Driver's License Information System, or CDLIS,
23 established under 49 U.S.C. 31309.

24 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
25 record" or "CDLIS MVR" means a report generated from the CDLIS
26 driver record meeting the requirements for access to CDLIS

1 information and provided by states to users authorized in 49
2 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the
3 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

4 (5.7) Commercial driver's license downgrade. "Commercial
5 driver's license downgrade" or "CDL downgrade" means either:

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

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

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

19 (D) a state removes the CDL privilege from the driver
20 license.

21 (6) Commercial Motor Vehicle.

22 (A) "Commercial motor vehicle" or "CMV" means a motor
23 vehicle or combination of motor vehicles used in commerce,
24 except those referred to in subdivision (B), designed to
25 transport passengers or property if the motor vehicle:

26 (i) has a gross combination weight rating or gross

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

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

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

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

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

17 (i) recreational vehicles, when operated primarily
18 for personal use;

19 (ii) vehicles owned by or operated under the
20 direction of the United States Department of Defense
21 or the United States Coast Guard only when operated by
22 non-civilian personnel. This includes any operator on
23 active military duty; members of the Reserves;
24 National Guard; personnel on part-time training; and
25 National Guard military technicians (civilians who are
26 required to wear military uniforms and are subject to

1 the Code of Military Justice); or

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

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

18 (8) Conviction. "Conviction" means an unvacated
19 adjudication of guilt or a determination that a person has
20 violated or failed to comply with the law in a court of
21 original jurisdiction or by an authorized administrative
22 tribunal; an unvacated revocation of pretrial release ~~or~~
23 ~~forfeiture of bail or collateral deposited to secure the~~
24 ~~person's appearance in court;~~ a plea of guilty or nolo
25 contendere accepted by the court; or the payment of a fine or
26 court cost regardless of whether the imposition of sentence is

1 deferred and ultimately a judgment dismissing the underlying
2 charge is entered; ~~or a violation of a condition of pretrial~~
3 ~~release without bail, regardless of whether or not the penalty~~
4 ~~is rebated, suspended or probated.~~

5 (8.5) Day. "Day" means calendar day.

6 (9) (Blank).

7 (10) (Blank).

8 (11) (Blank).

9 (12) (Blank).

10 (13) Driver. "Driver" means any person who drives,
11 operates, or is in physical control of a commercial motor
12 vehicle, any person who is required to hold a CDL, or any
13 person who is a holder of a CDL while operating a
14 non-commercial motor vehicle.

15 (13.5) Driver applicant. "Driver applicant" means an
16 individual who applies to a state or other jurisdiction to
17 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
18 a CLP.

19 (13.8) Electronic device. "Electronic device" includes,
20 but is not limited to, a cellular telephone, personal digital
21 assistant, pager, computer, or any other device used to input,
22 write, send, receive, or read text.

23 (14) Employee. "Employee" means a person who is employed
24 as a commercial motor vehicle driver. A person who is
25 self-employed as a commercial motor vehicle driver must comply
26 with the requirements of this UCDLA pertaining to employees.

1 An owner-operator on a long-term lease shall be considered an
2 employee.

3 (15) Employer. "Employer" means a person (including the
4 United States, a State or a local authority) who owns or leases
5 a commercial motor vehicle or assigns employees to operate
6 such a vehicle. A person who is self-employed as a commercial
7 motor vehicle driver must comply with the requirements of this
8 UCCLA.

9 (15.1) Endorsement. "Endorsement" means an authorization
10 to an individual's CLP or CDL required to permit the
11 individual to operate certain types of commercial motor
12 vehicles.

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

24 (15.3) Excepted interstate. "Excepted interstate" means a
25 person who operates or expects to operate in interstate
26 commerce, but engages exclusively in transportation or

1 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
2 or 398.3 from all or part of the qualification requirements of
3 49 C.F.R. Part 391 and is not required to obtain a medical
4 examiner's certificate by 49 C.F.R. 391.45.

5 (15.5) Excepted intrastate. "Excepted intrastate" means a
6 person who operates in intrastate commerce but engages
7 exclusively in transportation or operations excepted from all
8 or parts of the state driver qualification requirements.

9 (16) (Blank).

10 (16.5) Fatality. "Fatality" means the death of a person as
11 a result of a motor vehicle accident.

12 (16.7) Foreign commercial driver. "Foreign commercial
13 driver" means a person licensed to operate a commercial motor
14 vehicle by an authority outside the United States, or a
15 citizen of a foreign country who operates a commercial motor
16 vehicle in the United States.

17 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
18 sovereign jurisdiction that does not fall within the
19 definition of "State".

20 (18) (Blank).

21 (19) (Blank).

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

1 (20.5) Imminent Hazard. "Imminent hazard" means the
2 existence of any condition of a vehicle, employee, or
3 commercial motor vehicle operations that substantially
4 increases the likelihood of serious injury or death if not
5 discontinued immediately; or a condition relating to hazardous
6 material that presents a substantial likelihood that death,
7 serious illness, severe personal injury, or a substantial
8 endangerment to health, property, or the environment may occur
9 before the reasonably foreseeable completion date of a formal
10 proceeding begun to lessen the risk of that death, illness,
11 injury or endangerment.

12 (20.6) Issuance. "Issuance" means initial issuance,
13 transfer, renewal, or upgrade of a CLP or CDL and
14 non-domiciled CLP or CDL.

15 (20.7) Issue. "Issue" means initial issuance, transfer,
16 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
17 non-domiciled CDL.

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

21 (21.01) Manual transmission. "Manual transmission" means a
22 transmission utilizing a driver-operated clutch that is
23 activated by a pedal or lever and a gear-shift mechanism
24 operated either by hand or foot including those known as a
25 stick shift, stick, straight drive, or standard transmission.
26 All other transmissions, whether semi-automatic or automatic,

1 shall be considered automatic for the purposes of the
2 standardized restriction code.

3 (21.1) Medical examiner. "Medical examiner" means an
4 individual certified by the Federal Motor Carrier Safety
5 Administration and listed on the National Registry of
6 Certified Medical Examiners in accordance with Federal Motor
7 Carrier Safety Regulations, 49 CFR 390.101 et seq.

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

18 (21.5) Medical variance. "Medical variance" means a driver
19 has received one of the following from the Federal Motor
20 Carrier Safety Administration which allows the driver to be
21 issued a medical certificate: (1) an exemption letter
22 permitting operation of a commercial motor vehicle pursuant to
23 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
24 skill performance evaluation (SPE) certificate permitting
25 operation of a commercial motor vehicle pursuant to 49 C.F.R.
26 391.49.

1 (21.7) Mobile telephone. "Mobile telephone" means a mobile
2 communication device that falls under or uses any commercial
3 mobile radio service, as defined in regulations of the Federal
4 Communications Commission, 47 CFR 20.3. It does not include
5 two-way or citizens band radio services.

6 (22) Motor Vehicle. "Motor vehicle" means every vehicle
7 which is self-propelled, and every vehicle which is propelled
8 by electric power obtained from over head trolley wires but
9 not operated upon rails, except vehicles moved solely by human
10 power and motorized wheel chairs.

11 (22.2) Motor vehicle record. "Motor vehicle record" means
12 a report of the driving status and history of a driver
13 generated from the driver record provided to users, such as
14 drivers or employers, and is subject to the provisions of the
15 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

16 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
17 combination of motor vehicles not defined by the term
18 "commercial motor vehicle" or "CMV" in this Section.

19 (22.7) Non-excepted interstate. "Non-excepted interstate"
20 means a person who operates or expects to operate in
21 interstate commerce, is subject to and meets the qualification
22 requirements under 49 C.F.R. Part 391, and is required to
23 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

24 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
25 means a person who operates only in intrastate commerce and is
26 subject to State driver qualification requirements.

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

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

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

11 (24) (Blank).

12 (25) (Blank).

13 (25.5) Railroad-Highway Grade Crossing Violation.
14 "Railroad-highway grade crossing violation" means a violation,
15 while operating a commercial motor vehicle, of any of the
16 following:

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

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

20 (25.7) School Bus. "School bus" means a commercial motor
21 vehicle used to transport pre-primary, primary, or secondary
22 school students from home to school, from school to home, or to
23 and from school-sponsored events. "School bus" does not
24 include a bus used as a common carrier.

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

1 (A) a conviction when operating a commercial motor
2 vehicle, or when operating a non-CMV while holding a CLP
3 or CDL, of:

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

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

8 (iii) a violation of any State law or local
9 ordinance relating to motor vehicle traffic control
10 (other than parking violations) arising in connection
11 with a fatal traffic accident; or

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

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

17 (vi) a violation relating to improper or erratic
18 traffic lane changes; or

19 (vii) a violation relating to following another
20 vehicle too closely; or

21 (viii) a violation relating to texting while
22 driving; or

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

25 (B) any other similar violation of a law or local
26 ordinance of any state relating to motor vehicle traffic

1 control, other than a parking violation, which the
2 Secretary of State determines by administrative rule to be
3 serious.

4 (27) State. "State" means a state of the United States,
5 the District of Columbia and any province or territory of
6 Canada.

7 (28) (Blank).

8 (29) (Blank).

9 (30) (Blank).

10 (31) (Blank).

11 (32) Texting. "Texting" means manually entering
12 alphanumeric text into, or reading text from, an electronic
13 device.

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

21 (2) Texting does not include:

22 (i) inputting, selecting, or reading information
23 on a global positioning system or navigation system;
24 or

25 (ii) pressing a single button to initiate or
26 terminate a voice communication using a mobile

1 telephone; or

2 (iii) using a device capable of performing
3 multiple functions (for example, a fleet management
4 system, dispatching device, smart phone, citizens band
5 radio, or music player) for a purpose that is not
6 otherwise prohibited by Part 392 of the Federal Motor
7 Carrier Safety Regulations.

8 (32.3) Third party skills test examiner. "Third party
9 skills test examiner" means a person employed by a third party
10 tester who is authorized by the State to administer the CDL
11 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

12 (32.5) Third party tester. "Third party tester" means a
13 person (including, but not limited to, another state, a motor
14 carrier, a private driver training facility or other private
15 institution, or a department, agency, or instrumentality of a
16 local government) authorized by the State to employ skills
17 test examiners to administer the CDL skills tests specified in
18 49 C.F.R. Part 383, subparts G and H.

19 (32.7) United States. "United States" means the 50 states
20 and the District of Columbia.

21 (33) Use a hand-held mobile telephone. "Use a hand-held
22 mobile telephone" means:

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

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

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

7 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
8 101-652, eff. 1-1-23.)

9 (Text of Section after amendment by P.A. 102-982)

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

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

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

19 (A) the number of grams of alcohol per 210 liters of
20 breath; or

21 (B) the number of grams of alcohol per 100 milliliters
22 of blood; or

23 (C) the number of grams of alcohol per 67 milliliters
24 of urine.

25 Alcohol tests administered within 2 hours of the driver

1 being "stopped or detained" shall be considered that driver's
2 "alcohol concentration" for the purposes of enforcing this
3 UCCLA.

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

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

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

18 (5.7) Commercial driver's license downgrade. "Commercial
19 driver's license downgrade" or "CDL downgrade" means either:

20 (A) a state allows the driver to change his or her
21 self-certification to interstate, but operating
22 exclusively in transportation or operation excepted from
23 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
24 391.2, 391.68, or 398.3;

25 (B) a state allows the driver to change his or her
26 self-certification to intrastate only, if the driver

1 qualifies under that state's physical qualification
2 requirements for intrastate only;

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

7 (D) a state removes the CDL privilege from the driver
8 license.

9 (6) Commercial Motor Vehicle.

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

14 (i) has a gross combination weight rating or gross
15 combination weight of 11,794 kilograms or more (26,001
16 pounds or more), whichever is greater, inclusive of
17 any towed unit with a gross vehicle weight rating or
18 gross vehicle weight of more than 4,536 kilograms
19 (10,000 pounds), whichever is greater; or

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

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

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

1 (B) Pursuant to the interpretation of the Commercial
2 Motor Vehicle Safety Act of 1986 by the Federal Highway
3 Administration, the definition of "commercial motor
4 vehicle" does not include:

5 (i) recreational vehicles, when operated primarily
6 for personal use;

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

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

26 (7) Controlled Substance. "Controlled substance" shall

1 have the same meaning as defined in Section 102 of the Illinois
2 Controlled Substances Act, and shall also include cannabis as
3 defined in Section 3 of the Cannabis Control Act and
4 methamphetamine as defined in Section 10 of the
5 Methamphetamine Control and Community Protection Act.

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

19 (8.5) Day. "Day" means calendar day.

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

23 (12) (Blank).

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

1 person who is a holder of a CDL while operating a
2 non-commercial motor vehicle.

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

7 (13.8) Electronic device. "Electronic device" includes,
8 but is not limited to, a cellular telephone, personal digital
9 assistant, pager, computer, or any other device used to input,
10 write, send, receive, or read text.

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

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

23 (15.1) Endorsement. "Endorsement" means an authorization
24 to an individual's CLP or CDL required to permit the
25 individual to operate certain types of commercial motor
26 vehicles.

1 (15.2) Entry-level driver training. "Entry-level driver
2 training" means the training an entry-level driver receives
3 from an entity listed on the Federal Motor Carrier Safety
4 Administration's Training Provider Registry prior to: (i)
5 taking the CDL skills test required to receive the Class A or
6 Class B CDL for the first time; (ii) taking the CDL skills test
7 required to upgrade to a Class A or Class B CDL; or (iii)
8 taking the CDL skills test required to obtain a passenger or
9 school bus endorsement for the first time or the CDL knowledge
10 test required to obtain a hazardous materials endorsement for
11 the first time.

12 (15.3) Excepted interstate. "Excepted interstate" means a
13 person who operates or expects to operate in interstate
14 commerce, but engages exclusively in transportation or
15 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
16 or 398.3 from all or part of the qualification requirements of
17 49 C.F.R. Part 391 and is not required to obtain a medical
18 examiner's certificate by 49 C.F.R. 391.45.

19 (15.5) Excepted intrastate. "Excepted intrastate" means a
20 person who operates in intrastate commerce but engages
21 exclusively in transportation or operations excepted from all
22 or parts of the state driver qualification requirements.

23 (16) (Blank).

24 (16.5) Fatality. "Fatality" means the death of a person as
25 a result of a motor vehicle crash.

26 (16.7) Foreign commercial driver. "Foreign commercial

1 driver" means a person licensed to operate a commercial motor
2 vehicle by an authority outside the United States, or a
3 citizen of a foreign country who operates a commercial motor
4 vehicle in the United States.

5 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
6 sovereign jurisdiction that does not fall within the
7 definition of "State".

8 (18) (Blank).

9 (19) (Blank).

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

15 (20.5) Imminent Hazard. "Imminent hazard" means the
16 existence of any condition of a vehicle, employee, or
17 commercial motor vehicle operations that substantially
18 increases the likelihood of serious injury or death if not
19 discontinued immediately; or a condition relating to hazardous
20 material that presents a substantial likelihood that death,
21 serious illness, severe personal injury, or a substantial
22 endangerment to health, property, or the environment may occur
23 before the reasonably foreseeable completion date of a formal
24 proceeding begun to lessen the risk of that death, illness,
25 injury or endangerment.

26 (20.6) Issuance. "Issuance" means initial issuance,

1 transfer, renewal, or upgrade of a CLP or CDL and
2 non-domiciled CLP or CDL.

3 (20.7) Issue. "Issue" means initial issuance, transfer,
4 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
5 non-domiciled CDL.

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

9 (21.01) Manual transmission. "Manual transmission" means a
10 transmission utilizing a driver-operated clutch that is
11 activated by a pedal or lever and a gear-shift mechanism
12 operated either by hand or foot including those known as a
13 stick shift, stick, straight drive, or standard transmission.
14 All other transmissions, whether semi-automatic or automatic,
15 shall be considered automatic for the purposes of the
16 standardized restriction code.

17 (21.1) Medical examiner. "Medical examiner" means an
18 individual certified by the Federal Motor Carrier Safety
19 Administration and listed on the National Registry of
20 Certified Medical Examiners in accordance with Federal Motor
21 Carrier Safety Regulations, 49 CFR 390.101 et seq.

22 (21.2) Medical examiner's certificate. "Medical examiner's
23 certificate" means either (1) prior to June 22, 2021, a
24 document prescribed or approved by the Secretary of State that
25 is issued by a medical examiner to a driver to medically
26 qualify him or her to drive; or (2) beginning June 22, 2021, an

1 electronic submission of results of an examination conducted
2 by a medical examiner listed on the National Registry of
3 Certified Medical Examiners to the Federal Motor Carrier
4 Safety Administration of a driver to medically qualify him or
5 her to drive.

6 (21.5) Medical variance. "Medical variance" means a driver
7 has received one of the following from the Federal Motor
8 Carrier Safety Administration which allows the driver to be
9 issued a medical certificate: (1) an exemption letter
10 permitting operation of a commercial motor vehicle pursuant to
11 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
12 skill performance evaluation (SPE) certificate permitting
13 operation of a commercial motor vehicle pursuant to 49 C.F.R.
14 391.49.

15 (21.7) Mobile telephone. "Mobile telephone" means a mobile
16 communication device that falls under or uses any commercial
17 mobile radio service, as defined in regulations of the Federal
18 Communications Commission, 47 CFR 20.3. It does not include
19 two-way or citizens band radio services.

20 (22) Motor Vehicle. "Motor vehicle" means every vehicle
21 which is self-propelled, and every vehicle which is propelled
22 by electric power obtained from over head trolley wires but
23 not operated upon rails, except vehicles moved solely by human
24 power and motorized wheel chairs.

25 (22.2) Motor vehicle record. "Motor vehicle record" means
26 a report of the driving status and history of a driver

1 generated from the driver record provided to users, such as
2 drivers or employers, and is subject to the provisions of the
3 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

4 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
5 combination of motor vehicles not defined by the term
6 "commercial motor vehicle" or "CMV" in this Section.

7 (22.7) Non-excepted interstate. "Non-excepted interstate"
8 means a person who operates or expects to operate in
9 interstate commerce, is subject to and meets the qualification
10 requirements under 49 C.F.R. Part 391, and is required to
11 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

12 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
13 means a person who operates only in intrastate commerce and is
14 subject to State driver qualification requirements.

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

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

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

25 (24) (Blank).

26 (25) (Blank).

1 (25.5) Railroad-Highway Grade Crossing Violation.
2 "Railroad-highway grade crossing violation" means a violation,
3 while operating a commercial motor vehicle, of any of the
4 following:

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

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

8 (25.7) School Bus. "School bus" means a commercial motor
9 vehicle used to transport pre-primary, primary, or secondary
10 school students from home to school, from school to home, or to
11 and from school-sponsored events. "School bus" does not
12 include a bus used as a common carrier.

13 (26) Serious Traffic Violation. "Serious traffic
14 violation" means:

15 (A) a conviction when operating a commercial motor
16 vehicle, or when operating a non-CMV while holding a CLP
17 or CDL, of:

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

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

22 (iii) a violation of any State law or local
23 ordinance relating to motor vehicle traffic control
24 (other than parking violations) arising in connection
25 with a fatal traffic crash; or

26 (iv) a violation of Section 6-501, relating to

1 having multiple driver's licenses; or

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

5 (vi) a violation relating to improper or erratic
6 traffic lane changes; or

7 (vii) a violation relating to following another
8 vehicle too closely; or

9 (viii) a violation relating to texting while
10 driving; or

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

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

18 (27) State. "State" means a state of the United States,
19 the District of Columbia and any province or territory of
20 Canada.

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

25 (32) Texting. "Texting" means manually entering
26 alphanumeric text into, or reading text from, an electronic

1 device.

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

9 (2) Texting does not include:

10 (i) inputting, selecting, or reading information
11 on a global positioning system or navigation system;
12 or

13 (ii) pressing a single button to initiate or
14 terminate a voice communication using a mobile
15 telephone; or

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

22 (32.3) Third party skills test examiner. "Third party
23 skills test examiner" means a person employed by a third party
24 tester who is authorized by the State to administer the CDL
25 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

26 (32.5) Third party tester. "Third party tester" means a

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

7 (32.7) United States. "United States" means the 50 states
8 and the District of Columbia.

9 (33) Use a hand-held mobile telephone. "Use a hand-held
10 mobile telephone" means:

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

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

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

21 (Source: P.A. 101-185, eff. 1-1-20; 101-652, eff. 1-1-23;
22 102-982, eff. 7-1-23.)

23 Section 55. The Snowmobile Registration and Safety Act is
24 amended by changing Section 5-7 as follows:

1 (625 ILCS 40/5-7)

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

3 Sec. 5-7. Operating a snowmobile while under the influence
4 of alcohol or other drug or drugs, intoxicating compound or
5 compounds, or a combination of them; criminal penalties;
6 suspension of operating privileges.

7 (a) A person may not operate or be in actual physical
8 control of a snowmobile within this State while:

9 1. The alcohol concentration in that person's blood,
10 other bodily substance, or breath is a concentration at
11 which driving a motor vehicle is prohibited under
12 subdivision (1) of subsection (a) of Section 11-501 of the
13 Illinois Vehicle Code;

14 2. The person is under the influence of alcohol;

15 3. The person is under the influence of any other drug
16 or combination of drugs to a degree that renders that
17 person incapable of safely operating a snowmobile;

18 3.1. The person is under the influence of any
19 intoxicating compound or combination of intoxicating
20 compounds to a degree that renders the person incapable of
21 safely operating a snowmobile;

22 4. The person is under the combined influence of
23 alcohol and any other drug or drugs or intoxicating
24 compound or compounds to a degree that renders that person
25 incapable of safely operating a snowmobile;

26 4.3. The person who is not a CDL holder has a

1 tetrahydrocannabinol concentration in the person's whole
2 blood or other bodily substance at which driving a motor
3 vehicle is prohibited under subdivision (7) of subsection
4 (a) of Section 11-501 of the Illinois Vehicle Code;

5 4.5. The person who is a CDL holder has any amount of a
6 drug, substance, or compound in the person's breath,
7 blood, other bodily substance, or urine resulting from the
8 unlawful use or consumption of cannabis listed in the
9 Cannabis Control Act; or

10 5. There is any amount of a drug, substance, or
11 compound in that person's breath, blood, other bodily
12 substance, or urine resulting from the unlawful use or
13 consumption of a controlled substance listed in the
14 Illinois Controlled Substances Act, methamphetamine as
15 listed in the Methamphetamine Control and Community
16 Protection Act, or intoxicating compound listed in the use
17 of Intoxicating Compounds Act.

18 (b) The fact that a person charged with violating this
19 Section is or has been legally entitled to use alcohol, other
20 drug or drugs, any intoxicating compound or compounds, or any
21 combination of them does not constitute a defense against a
22 charge of violating this Section.

23 (c) Every person convicted of violating this Section or a
24 similar provision of a local ordinance is guilty of a Class A
25 misdemeanor, except as otherwise provided in this Section.

26 (c-1) As used in this Section, "first time offender" means

1 any person who has not had a previous conviction or been
2 assigned supervision for violating this Section or a similar
3 provision of a local ordinance, or any person who has not had a
4 suspension imposed under subsection (e) of Section 5-7.1.

5 (c-2) For purposes of this Section, the following are
6 equivalent to a conviction:

7 (1) a forfeiture of bail or collateral deposited to
8 secure a defendant's appearance in court when forfeiture
9 has not been vacated; or

10 (2) the failure of a defendant to appear for trial.

11 (d) Every person convicted of violating this Section is
12 guilty of a Class 4 felony if:

13 1. The person has a previous conviction under this
14 Section;

15 2. The offense results in personal injury where a
16 person other than the operator suffers great bodily harm
17 or permanent disability or disfigurement, when the
18 violation was a proximate cause of the injuries. A person
19 guilty of a Class 4 felony under this paragraph 2, if
20 sentenced to a term of imprisonment, shall be sentenced to
21 not less than one year nor more than 12 years; or

22 3. The offense occurred during a period in which the
23 person's privileges to operate a snowmobile are revoked or
24 suspended, and the revocation or suspension was for a
25 violation of this Section or was imposed under Section
26 5-7.1.

1 (e) Every person convicted of violating this Section is
2 guilty of a Class 2 felony if the offense results in the death
3 of a person. A person guilty of a Class 2 felony under this
4 subsection (e), if sentenced to a term of imprisonment, shall
5 be sentenced to a term of not less than 3 years and not more
6 than 14 years.

7 (e-1) Every person convicted of violating this Section or
8 a similar provision of a local ordinance who had a child under
9 the age of 16 on board the snowmobile at the time of offense
10 shall be subject to a mandatory minimum fine of \$500 and shall
11 be subject to a mandatory minimum of 5 days of community
12 service in a program benefiting children. The assignment under
13 this subsection shall not be subject to suspension nor shall
14 the person be eligible for probation in order to reduce the
15 assignment.

16 (e-2) Every person found guilty of violating this Section,
17 whose operation of a snowmobile while in violation of this
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the
20 expense of an emergency response as provided in subsection (i)
21 of Section 11-501.01 of the Illinois Vehicle Code.

22 (e-3) In addition to any other penalties and liabilities,
23 a person who is found guilty of violating this Section,
24 including any person placed on court supervision, shall be
25 fined \$100, payable to the circuit clerk, who shall distribute
26 the money to the law enforcement agency that made the arrest or

1 as provided in subsection (c) of Section 10-5 of the Criminal
2 and Traffic Assessment Act if the arresting agency is a State
3 agency, unless more than one agency is responsible for the
4 arrest, in which case the amount shall be remitted to each unit
5 of government equally. Any moneys received by a law
6 enforcement agency under this subsection (e-3) shall be used
7 to purchase law enforcement equipment or to provide law
8 enforcement training that will assist in the prevention of
9 alcohol related criminal violence throughout the State. Law
10 enforcement equipment shall include, but is not limited to,
11 in-car video cameras, radar and laser speed detection devices,
12 and alcohol breath testers.

13 (f) In addition to any criminal penalties imposed, the
14 Department of Natural Resources shall suspend the snowmobile
15 operation privileges of a person convicted or found guilty of
16 a misdemeanor under this Section for a period of one year,
17 except that first-time offenders are exempt from this
18 mandatory one-year suspension.

19 (g) In addition to any criminal penalties imposed, the
20 Department of Natural Resources shall suspend for a period of
21 5 years the snowmobile operation privileges of any person
22 convicted or found guilty of a felony under this Section.

23 (Source: P.A. 102-145, eff. 7-23-21; 102-813, eff. 5-13-22.)

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

25 Sec. 5-7. Operating a snowmobile while under the influence

1 of alcohol or other drug or drugs, intoxicating compound or
2 compounds, or a combination of them; criminal penalties;
3 suspension of operating privileges.

4 (a) A person may not operate or be in actual physical
5 control of a snowmobile within this State while:

6 1. The alcohol concentration in that person's blood,
7 other bodily substance, or breath is a concentration at
8 which driving a motor vehicle is prohibited under
9 subdivision (1) of subsection (a) of Section 11-501 of the
10 Illinois Vehicle Code;

11 2. The person is under the influence of alcohol;

12 3. The person is under the influence of any other drug
13 or combination of drugs to a degree that renders that
14 person incapable of safely operating a snowmobile;

15 3.1. The person is under the influence of any
16 intoxicating compound or combination of intoxicating
17 compounds to a degree that renders the person incapable of
18 safely operating a snowmobile;

19 4. The person is under the combined influence of
20 alcohol and any other drug or drugs or intoxicating
21 compound or compounds to a degree that renders that person
22 incapable of safely operating a snowmobile;

23 4.3. The person who is not a CDL holder has a
24 tetrahydrocannabinol concentration in the person's whole
25 blood or other bodily substance at which driving a motor
26 vehicle is prohibited under subdivision (7) of subsection

1 (a) of Section 11-501 of the Illinois Vehicle Code;

2 4.5. The person who is a CDL holder has any amount of a
3 drug, substance, or compound in the person's breath,
4 blood, other bodily substance, or urine resulting from the
5 unlawful use or consumption of cannabis listed in the
6 Cannabis Control Act; or

7 5. There is any amount of a drug, substance, or
8 compound in that person's breath, blood, other bodily
9 substance, or urine resulting from the unlawful use or
10 consumption of a controlled substance listed in the
11 Illinois Controlled Substances Act, methamphetamine as
12 listed in the Methamphetamine Control and Community
13 Protection Act, or intoxicating compound listed in the use
14 of Intoxicating Compounds Act.

15 (b) The fact that a person charged with violating this
16 Section is or has been legally entitled to use alcohol, other
17 drug or drugs, any intoxicating compound or compounds, or any
18 combination of them does not constitute a defense against a
19 charge of violating this Section.

20 (c) Every person convicted of violating this Section or a
21 similar provision of a local ordinance is guilty of a Class A
22 misdemeanor, except as otherwise provided in this Section.

23 (c-1) As used in this Section, "first time offender" means
24 any person who has not had a previous conviction or been
25 assigned supervision for violating this Section or a similar
26 provision of a local ordinance, or any person who has not had a

1 suspension imposed under subsection (e) of Section 5-7.1.

2 (c-2) For purposes of this Section, the following are
3 equivalent to a conviction:

4 (1) an unvacated revocation of pretrial release ~~a~~
5 ~~violation of the terms of pretrial release when the court~~
6 ~~has not relieved the defendant of complying with the terms~~
7 ~~of pretrial release; or~~

8 (2) the failure of a defendant to appear for trial.

9 (d) Every person convicted of violating this Section is
10 guilty of a Class 4 felony if:

11 1. The person has a previous conviction under this
12 Section;

13 2. The offense results in personal injury where a
14 person other than the operator suffers great bodily harm
15 or permanent disability or disfigurement, when the
16 violation was a proximate cause of the injuries. A person
17 guilty of a Class 4 felony under this paragraph 2, if
18 sentenced to a term of imprisonment, shall be sentenced to
19 not less than one year nor more than 12 years; or

20 3. The offense occurred during a period in which the
21 person's privileges to operate a snowmobile are revoked or
22 suspended, and the revocation or suspension was for a
23 violation of this Section or was imposed under Section
24 5-7.1.

25 (e) Every person convicted of violating this Section is
26 guilty of a Class 2 felony if the offense results in the death

1 of a person. A person guilty of a Class 2 felony under this
2 subsection (e), if sentenced to a term of imprisonment, shall
3 be sentenced to a term of not less than 3 years and not more
4 than 14 years.

5 (e-1) Every person convicted of violating this Section or
6 a similar provision of a local ordinance who had a child under
7 the age of 16 on board the snowmobile at the time of offense
8 shall be subject to a mandatory minimum fine of \$500 and shall
9 be subject to a mandatory minimum of 5 days of community
10 service in a program benefiting children. The assignment under
11 this subsection shall not be subject to suspension nor shall
12 the person be eligible for probation in order to reduce the
13 assignment.

14 (e-2) Every person found guilty of violating this Section,
15 whose operation of a snowmobile while in violation of this
16 Section proximately caused any incident resulting in an
17 appropriate emergency response, shall be liable for the
18 expense of an emergency response as provided in subsection (i)
19 of Section 11-501.01 of the Illinois Vehicle Code.

20 (e-3) In addition to any other penalties and liabilities,
21 a person who is found guilty of violating this Section,
22 including any person placed on court supervision, shall be
23 fined \$100, payable to the circuit clerk, who shall distribute
24 the money to the law enforcement agency that made the arrest or
25 as provided in subsection (c) of Section 10-5 of the Criminal
26 and Traffic Assessment Act if the arresting agency is a State

1 agency, unless more than one agency is responsible for the
2 arrest, in which case the amount shall be remitted to each unit
3 of government equally. Any moneys received by a law
4 enforcement agency under this subsection (e-3) shall be used
5 to purchase law enforcement equipment or to provide law
6 enforcement training that will assist in the prevention of
7 alcohol related criminal violence throughout the State. Law
8 enforcement equipment shall include, but is not limited to,
9 in-car video cameras, radar and laser speed detection devices,
10 and alcohol breath testers.

11 (f) In addition to any criminal penalties imposed, the
12 Department of Natural Resources shall suspend the snowmobile
13 operation privileges of a person convicted or found guilty of
14 a misdemeanor under this Section for a period of one year,
15 except that first-time offenders are exempt from this
16 mandatory one-year suspension.

17 (g) In addition to any criminal penalties imposed, the
18 Department of Natural Resources shall suspend for a period of
19 5 years the snowmobile operation privileges of any person
20 convicted or found guilty of a felony under this Section.

21 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
22 102-813, eff. 5-13-22.)

23 Section 60. The Criminal Code of 2012 is amended by
24 changing Section 32-10 as follows:

1 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

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

3 Sec. 32-10. Violation of bail bond.

4 (a) Whoever, having been admitted to bail for appearance
5 before any court of this State, incurs a forfeiture of the bail
6 and knowingly fails to surrender himself or herself within 30
7 days following the date of the forfeiture, commits, if the
8 bail was given in connection with a charge of felony or pending
9 appeal or certiorari after conviction of any offense, a felony
10 of the next lower Class or a Class A misdemeanor if the
11 underlying offense was a Class 4 felony; or, if the bail was
12 given in connection with a charge of committing a misdemeanor,
13 or for appearance as a witness, commits a misdemeanor of the
14 next lower Class, but not less than a Class C misdemeanor.

15 (a-5) Any person who knowingly violates a condition of
16 bail bond by possessing a firearm in violation of his or her
17 conditions of bail commits a Class 4 felony for a first
18 violation and a Class 3 felony for a second or subsequent
19 violation.

20 (b) Whoever, having been admitted to bail for appearance
21 before any court of this State, while charged with a criminal
22 offense in which the victim is a family or household member as
23 defined in Article 112A of the Code of Criminal Procedure of
24 1963, knowingly violates a condition of that release as set
25 forth in Section 110-10, subsection (d) of the Code of
26 Criminal Procedure of 1963, commits a Class A misdemeanor.

1 (c) Whoever, having been admitted to bail for appearance
2 before any court of this State for a felony, Class A
3 misdemeanor or a criminal offense in which the victim is a
4 family or household member as defined in Article 112A of the
5 Code of Criminal Procedure of 1963, is charged with any other
6 felony, Class A misdemeanor, or a criminal offense in which
7 the victim is a family or household member as defined in
8 Article 112A of the Code of Criminal Procedure of 1963 while on
9 this release, must appear before the court before bail is
10 statutorily set.

11 (d) Nothing in this Section shall interfere with or
12 prevent the exercise by any court of its power to punishment
13 for contempt. Any sentence imposed for violation of this
14 Section shall be served consecutive to the sentence imposed
15 for the charge for which bail had been granted and with respect
16 to which the defendant has been convicted.

17 (Source: P.A. 97-1108, eff. 1-1-13.)

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

19 Sec. 32-10. Violation of conditions of pretrial release.

20 (a) (Blank). ~~Whoever, having been released pretrial under~~
21 ~~conditions for appearance before any court of this State,~~
22 ~~incurs a violation of conditions of pretrial release and~~
23 ~~knowingly fails to surrender himself or herself within 30 days~~
24 ~~following the date of the violation, commits, if the~~
25 ~~conditions of pretrial release was given in connection with a~~

1 ~~charge of felony or pending appeal or certiorari after~~
2 ~~conviction of any offense, a Class A misdemeanor if the~~
3 ~~underlying offense was a felony. If the violation of pretrial~~
4 ~~conditions were made in connection with a charge of committing~~
5 ~~a misdemeanor, or for appearance as a witness, commits a Class~~
6 ~~C misdemeanor.~~

7 (a-5) Any person who knowingly violates a condition of
8 pretrial release by possessing a firearm in violation of his
9 or her conditions of pretrial release commits a Class 4 felony
10 for a first violation and a Class 3 felony for a second or
11 subsequent violation.

12 (b) (Blank). ~~Whoever, having been released pretrial under~~
13 ~~conditions for appearance before any court of this State,~~
14 ~~while charged with a criminal offense in which the victim is a~~
15 ~~family or household member as defined in Article 112A of the~~
16 ~~Code of Criminal Procedure of 1963, knowingly violates a~~
17 ~~condition of that release as set forth in Section 110 10,~~
18 ~~subsection (d) of the Code of Criminal Procedure of 1963,~~
19 ~~commits a Class A misdemeanor.~~

20 (c) Whoever, having been released pretrial ~~under~~
21 ~~conditions~~ for appearance before any court of this State for a
22 felony, Class A misdemeanor or a criminal offense in which the
23 victim is a family or household member as defined in Article
24 112A of the Code of Criminal Procedure of 1963, is charged with
25 any other felony, Class A misdemeanor, or a criminal offense
26 in which the victim is a family or household member as defined

1 in Article 112A of the Code of Criminal Procedure of 1963 while
2 on this release, must appear before the court and may not be
3 released by law enforcement under 109-1 of the Code of
4 Criminal Procedure of 1963 prior to the court appearance.

5 (d) Nothing in this Section shall interfere with or
6 prevent the exercise by any court of its power to punish
7 ~~punishment~~ for contempt. Any sentence imposed for violation of
8 this Section may be served consecutive to the sentence imposed
9 for the charge for which pretrial release had been granted and
10 with respect to which the defendant has been convicted.

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

12 (720 ILCS 5/32-15 rep.)

13 Section 65. The Criminal Code of 2012 is amended by
14 repealing Section 32-15.

15 Section 70. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 102-6, 102-7, 106D-1, 107-9,
17 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-5,
18 110-5.2, 110-6, 110-6.1, 110-10, 110-12, and 113-3.1 and by
19 adding Sections 102-10.5, 102-14.5, 110-6.6, and 110-7.5 as
20 follows:

21 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

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

23 Sec. 102-6. "Bail". "Bail" means the amount of money set

1 by the court which is required to be obligated and secured as
2 provided by law for the release of a person in custody in order
3 that he will appear before the court in which his appearance
4 may be required and that he will comply with such conditions as
5 set forth in the bail bond.

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

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

8 Sec. 102-6. Pretrial release. "Pretrial release" has the
9 meaning ascribed to bail in Section 9 of Article I of the
10 Illinois Constitution where the sureties provided are
11 nonmonetary in nature ~~that is non-monetary~~.

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

13 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

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

15 Sec. 102-7. "Bail bond". "Bail bond" means an undertaking
16 secured by bail entered into by a person in custody by which he
17 binds himself to comply with such conditions as are set forth
18 therein.

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

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

21 Sec. 102-7. Conditions of pretrial release. "Conditions of
22 pretrial release" means the requirements imposed upon a
23 criminal defendant by the court under Section 110-5 ~~the~~

1 ~~conditions established by the court entered into by a person~~
2 ~~in custody by which he binds himself to comply with such~~
3 ~~conditions as are set forth therein.~~

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

5 (725 ILCS 5/102-10.5 new)

6 Sec. 102-10.5. "Felony".

7 "Felony" has the meaning provided in Section 2-7 of the
8 Criminal Code of 2012.

9 (725 ILCS 5/102-14.5 new)

10 Sec. 102-14.5. "Misdemeanor".

11 "Misdemeanor" has the meaning provided in Section 2-11 of
12 the Criminal Code of 2012.

13 (725 ILCS 5/106D-1)

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

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

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

1 television and computerized video conference, in the following
2 proceedings:

3 (1) the initial appearance before a judge on a
4 criminal complaint, at which bail will be set;

5 (2) the waiver of a preliminary hearing;

6 (3) the arraignment on an information or indictment at
7 which a plea of not guilty will be entered;

8 (4) the presentation of a jury waiver;

9 (5) any status hearing;

10 (6) any hearing conducted under the Sexually Violent
11 Persons Commitment Act at which no witness testimony will
12 be taken; and

13 (7) at any hearing at which no witness testimony will
14 be taken conducted under the following:

15 (A) Section 104-20 of this Code (90-day hearings);

16 (B) Section 104-22 of this Code (trial with
17 special provisions and assistance);

18 (C) Section 104-25 of this Code (discharge
19 hearing); or

20 (D) Section 5-2-4 of the Unified Code of
21 Corrections (proceedings after acquittal by reason of
22 insanity).

23 (b) The two-way audio-visual communication facilities must
24 provide two-way audio-visual communication between the court
25 and the place of custody or confinement, and must include a
26 secure line over which the person in custody and his or her

1 counsel, if any, may communicate.

2 (c) Nothing in this Section shall be construed to prohibit
3 other court appearances through the use of two-way
4 audio-visual communication, upon waiver of any right the
5 person in custody or confinement may have to be present
6 physically.

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

13 (Source: P.A. 102-486, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

15 Sec. 106D-1. Defendant's appearance by two-way
16 audio-visual communication system ~~closed circuit television~~
17 ~~and video conference.~~

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

1 proceedings:

2 (1) the initial appearance before a judge on a
3 criminal complaint as provided in subsection (f) of
4 Section 109-1, ~~at which the conditions of pretrial release~~
5 ~~will be set;~~

6 (2) the waiver of a preliminary hearing;

7 (3) the arraignment on an information or indictment at
8 which a plea of not guilty will be entered;

9 (4) the presentation of a jury waiver;

10 (5) any status hearing;

11 (6) any hearing conducted under the Sexually Violent
12 Persons Commitment Act at which no witness testimony will
13 be taken; and

14 (7) at any hearing at which no witness testimony will
15 be taken conducted under the following:

16 (A) Section 104-20 of this Code (90-day hearings);

17 (B) Section 104-22 of this Code (trial with
18 special provisions and assistance);

19 (C) Section 104-25 of this Code (discharge
20 hearing); or

21 (D) Section 5-2-4 of the Unified Code of
22 Corrections (proceedings after acquittal by reason of
23 insanity).

24 (b) The two-way audio-visual communication facilities must
25 provide two-way audio-visual communication between the court
26 and the place of custody or confinement, and must include a

1 secure line over which the person in custody and his or her
2 counsel, if any, may communicate.

3 (c) Nothing in this Section shall be construed to prohibit
4 other court appearances through the use of a two-way
5 audio-visual communication system if the person in custody or
6 confinement waives the right to be present physically in
7 court, the court determines that the physical health and
8 safety of any person necessary to the proceedings would be
9 endangered by appearing in court, or the chief judge of the
10 circuit orders use of that system due to operational
11 challenges in conducting the hearing in person, upon waiver of
12 any right the person in custody or confinement may have to be
13 present physically. Such operational challenges must be
14 documented and approved by the chief judge of the circuit, and
15 a plan to address the challenges through reasonable efforts
16 must be presented and approved by the Administrative Office of
17 the Illinois Courts every 6 months.

18 (d) Nothing in this Section shall be construed to
19 establish a right of any person held in custody or confinement
20 to appear in court through a two-way audio-visual
21 communication system or to require that any governmental
22 entity, or place of custody or confinement, provide a two-way
23 audio-visual communication system.

24 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
25 102-813, eff. 5-13-22.)

1 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

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

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

12 (2) State the offense with which the accused is
13 charged;

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

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

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

22 (c) A warrant shall be issued by the court for the arrest
23 of the person complained against if it appears from the
24 contents of the complaint and the examination of the
25 complainant or other witnesses, if any, that the person
26 against whom the complaint was made has committed an offense.

1 (d) The warrant of arrest shall:

2 (1) Be in writing;

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

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

9 (4) State the date when issued and the municipality or
10 county where issued;

11 (5) Be signed by the judge of the court with the title
12 of his office;

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

17 (7) Specify the amount of bail; and

18 (8) Specify any geographical limitation placed on the
19 execution of the warrant, but such limitation shall not be
20 expressed in mileage.

21 (e) The warrant shall be directed to all peace officers in
22 the State. It shall be executed by the peace officer, or by a
23 private person specially named therein, at any location within
24 the geographic limitation for execution placed on the warrant.
25 If no geographic limitation is placed on the warrant, then it
26 may be executed anywhere in the State.

1 (f) The arrest warrant may be issued electronically or
2 electromagnetically by use of electronic mail or a facsimile
3 transmission machine and any arrest warrant shall have the
4 same validity as a written warrant.

5 (Source: P.A. 101-239, eff. 1-1-20.)

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

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

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

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

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

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

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

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

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

1 transmission.

2 (c) A warrant or summons may ~~shall~~ be issued by the court
3 for the arrest or appearance of the person complained against
4 if it appears from the contents of the complaint and the
5 examination of the complainant or other witnesses, if any,
6 that the person against whom the complaint was made has
7 committed an offense.

8 (d) The warrant of arrest or summons shall:

9 (1) Be in writing;

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

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

16 (4) State the date when issued and the municipality or
17 county where issued;

18 (5) Be signed by the judge of the court with the title
19 of the judge's ~~his~~ office; and

20 (6) Command that the person against whom the complaint
21 was made to be arrested and brought before the court
22 issuing the warrant or the nearest or most accessible
23 court in the same county, or appear before the court at a
24 certain time and place; ~~issuing the warrant or if he is~~
25 ~~absent or unable to act before the nearest or most~~
26 ~~accessible court in the same county;~~

1 (7) Specify the conditions of pretrial release, if
2 any; and

3 (8) Specify any geographical limitation placed on the
4 execution of the warrant, if any, but such limitation
5 shall not be expressed in mileage.

6 (e) The summons may be served in the same manner as the
7 summons in a civil action, except that a police officer may
8 serve a summons for a violation of an ordinance occurring
9 within the municipality of the police officer.

10 (f) If the person summoned fails to appear by the date
11 required or cannot be located to serve the summons, a warrant
12 may be issued by the court for the arrest of the person
13 complained against.

14 (g) A warrant of arrest issued under this Section shall
15 incorporate the information included in the summons, and shall
16 comply with the following:

17 (1) The arrest warrant shall specify any geographic
18 limitation placed on the execution of the warrant, but
19 such limitation shall not be expressed in mileage.

20 (2) ~~(e)~~ The arrest warrant shall be directed to all
21 peace officers in the State. It shall be executed by the
22 peace officer, or by a private person specially named
23 therein, at any location within the geographic limitation
24 for execution placed on the warrant. If no geographic
25 limitation is placed on the warrant, then it may be
26 executed anywhere in the State.

1 (h) ~~(f)~~ The arrest warrant or summons may be issued
2 electronically or electromagnetically by use of electronic
3 mail or a facsimile transmission machine and any such arrest
4 warrant or summons shall have the same validity as a written
5 arrest warrant or summons.

6 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23.)

7 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

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

9 Sec. 109-1. Person arrested.

10 (a) A person arrested with or without a warrant shall be
11 taken without unnecessary delay before the nearest and most
12 accessible judge in that county, except when such county is a
13 participant in a regional jail authority, in which event such
14 person may be taken to the nearest and most accessible judge,
15 irrespective of the county where such judge presides, and a
16 charge shall be filed. Whenever a person arrested either with
17 or without a warrant is required to be taken before a judge, a
18 charge may be filed against such person by way of a two-way
19 closed circuit television system, except that a hearing to
20 deny bail to the defendant may not be conducted by way of
21 closed circuit television.

22 (a-5) A person charged with an offense shall be allowed
23 counsel at the hearing at which bail is determined under
24 Article 110 of this Code. If the defendant desires counsel for
25 his or her initial appearance but is unable to obtain counsel,

1 the court shall appoint a public defender or licensed attorney
2 at law of this State to represent him or her for purposes of
3 that hearing.

4 (b) The judge shall:

5 (1) Inform the defendant of the charge against him and
6 shall provide him with a copy of the charge;

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

12 (3) Schedule a preliminary hearing in appropriate
13 cases;

14 (4) Admit the defendant to bail in accordance with the
15 provisions of Article 110 of this Code; and

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

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

26 (d) At the initial appearance of a defendant in any

1 criminal proceeding, the court must advise the defendant in
2 open court that any foreign national who is arrested or
3 detained has the right to have notice of the arrest or
4 detention given to his or her country's consular
5 representatives and the right to communicate with those
6 consular representatives if the notice has not already been
7 provided. The court must make a written record of so advising
8 the defendant.

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

19 (Source: P.A. 102-813, eff. 5-13-22.)

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

21 Sec. 109-1. Person arrested; release from law enforcement
22 custody and court appearance; geographic ~~geographical~~
23 constraints prevent in-person appearances.

24 (a) A person arrested with or without a warrant for an
25 offense for which pretrial release may be denied under

1 paragraphs (1) through (6) of Section 110-6.1 shall be taken
2 without unnecessary delay before the nearest and most
3 accessible judge in that county, except when such county is a
4 participant in a regional jail authority, in which event such
5 person may be taken to the nearest and most accessible judge,
6 irrespective of the county where such judge presides, within
7 48 hours, and a charge shall be filed. Whenever a person
8 arrested either with or without a warrant is required to be
9 taken before a judge, a charge may be filed against such person
10 by way of a two-way audio-visual communication system ~~closed~~
11 ~~circuit television system,~~ except that a hearing to deny
12 pretrial release to the defendant may not be conducted by
13 two-way audio-visual communication system unless the accused
14 waives the right to be present physically in court, the court
15 determines that the physical health and safety of any person
16 necessary to the proceedings would be endangered by appearing
17 in court, or the chief judge of the circuit orders use of that
18 system due to operational challenges in conducting the hearing
19 in person. Such operational challenges must be documented and
20 approved by the chief judge of the circuit, and a plan to
21 address the challenges through reasonable efforts must be
22 presented and approved by the Administrative Office of the
23 Illinois Courts every 6 months. ~~way of closed circuit~~
24 ~~television.~~

25 (a-1) Law enforcement shall issue a citation in lieu of
26 custodial arrest, upon proper identification, for those

1 accused of any offense that is not a felony or Class A
2 misdemeanor unless (i) a law enforcement officer reasonably
3 believes the accused poses a threat to the community or any
4 person, (ii) a custodial arrest is necessary because the
5 criminal activity persists after the issuance of a citation
6 ~~traffic and Class B and C criminal misdemeanor offenses, or of~~
7 ~~petty and business offenses, who pose no obvious threat to the~~
8 ~~community or any person, or (iii) the accused has an who have~~
9 ~~no obvious medical or mental health issue issues that poses~~
10 ~~pose a risk to the accused's their own safety. Nothing in this~~
11 Section requires arrest in the case of Class A misdemeanor and
12 felony offenses, or otherwise limits existing law enforcement
13 discretion to decline to effect a custodial arrest ~~Those~~
14 ~~released on citation shall be scheduled into court within 21~~
15 ~~days.~~

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

24 (a-5) A person charged with an offense shall be allowed
25 counsel at the hearing at which pretrial release is determined
26 under Article 110 of this Code. If the defendant desires

1 counsel for his or her initial appearance but is unable to
2 obtain counsel, the court shall appoint a public defender or
3 licensed attorney at law of this State to represent him or her
4 ~~for purposes of that hearing.~~

5 (b) Upon initial appearance of a person before the court,
6 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 in
17 accordance with the provisions of Article 110 of this
18 Code, or upon verified petition of the State, proceed with
19 the setting of a detention hearing as provided in Section
20 110-6.1; and

21 (5) order the confiscation of the person's passport or
22 impose travel restrictions on a defendant arrested for
23 first degree murder or other violent crime as defined in
24 Section 3 of the Rights of Crime Victims and Witnesses
25 Act, if the judge determines, based on the factors in
26 Section 110-5 of this Code, that this will reasonably

1 ensure the appearance of the defendant and compliance by
2 the defendant with all conditions of release.

3 (c) The court may issue an order of protection in
4 accordance with the provisions of Article 112A of this Code.
5 Crime victims shall be given notice by the State's Attorney's
6 office of this hearing as required in paragraph (2) of
7 subsection (b) of Section 4.5 of the Rights of Crime Victims
8 and Witnesses Act and shall be informed of their opportunity
9 at this hearing to obtain an order of protection under Article
10 112A of this Code.

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

20 (e) If consular notification is not provided to a
21 defendant before his or her first appearance in court, the
22 court shall grant any reasonable request for a continuance of
23 the proceedings to allow contact with the defendant's
24 consulate. Any delay caused by the granting of the request by a
25 defendant shall temporarily suspend for the time of the delay
26 the period within which a person shall be tried as prescribed

1 by subsection (a), (b), or (e) of Section 103-5 of this Code
2 and on the day of the expiration of delay the period shall
3 continue at the point at which it was suspended.

4 (f) At the hearing at which conditions of pretrial release
5 are determined, the person charged shall be present in person
6 rather than by two-way audio-video communication system unless
7 the accused waives the right to be present physically in
8 court, the court determines that the physical health and
9 safety of any person necessary to the proceedings would be
10 endangered by appearing in court, or the chief judge of the
11 circuit orders use of that system due to operational
12 challenges in conducting the hearing in person. Such
13 operational challenges must be documented and approved by the
14 chief judge of the circuit, and a plan to address the
15 challenges through reasonable efforts must be presented and
16 approved by the Administrative Office of the Illinois Courts
17 every 6 months. ~~video phone or any other form of electronic~~
18 ~~communication, unless the physical health and safety of the~~
19 ~~person would be endangered by appearing in court or the~~
20 ~~accused waives the right to be present in person.~~

21 (g) Defense counsel shall be given adequate opportunity to
22 confer with the defendant prior to any hearing in which
23 conditions of release or the detention of the defendant is to
24 be considered, with a physical accommodation made to
25 facilitate attorney/client consultation. If defense counsel
26 needs to confer or consult with the defendant during any

1 hearing conducted via a two-way audio-visual communication
2 system, such consultation shall not be recorded and shall be
3 undertaken consistent with constitutional protections.

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

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

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

7 Sec. 109-2. Person arrested in another county.

8 (a) Any person arrested in a county other than the one in
9 which a warrant for his arrest was issued shall be taken
10 without unnecessary delay before the nearest and most
11 accessible judge in the county where the arrest was made or, if
12 no additional delay is created, before the nearest and most
13 accessible judge in the county from which the warrant was
14 issued. He shall be admitted to bail in the amount specified in
15 the warrant or, for offenses other than felonies, in an amount
16 as set by the judge, and such bail shall be conditioned on his
17 appearing in the court issuing the warrant on a certain date.
18 The judge may hold a hearing to determine if the defendant is
19 the same person as named in the warrant.

20 (b) Notwithstanding the provisions of subsection (a), any
21 person arrested in a county other than the one in which a
22 warrant for his arrest was issued, may waive the right to be
23 taken before a judge in the county where the arrest was made.
24 If a person so arrested waives such right, the arresting
25 agency shall surrender such person to a law enforcement agency

1 of the county that issued the warrant without unnecessary
2 delay. The provisions of Section 109-1 shall then apply to the
3 person so arrested.

4 (Source: P.A. 86-298.)

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

6 Sec. 109-2. Person arrested in another county.

7 (a) Any person arrested in a county other than the one in
8 which a warrant for his arrest was issued shall be taken
9 without unnecessary delay before the nearest and most
10 accessible judge in the county where the arrest was made or, if
11 no additional delay is created, before the nearest and most
12 accessible judge in the county from which the warrant was
13 issued. ~~Upon arrival in the county in which the warrant was~~
14 ~~issued, the status of the arrested person's release status~~
15 ~~shall be determined by the release revocation process~~
16 ~~described in Section 110-6.~~ The judge may hold a hearing to
17 determine if the defendant is the same person as named in the
18 warrant.

19 (b) Notwithstanding the provisions of subsection (a), any
20 person arrested in a county other than the one in which a
21 warrant for his arrest was issued, may waive the right to be
22 taken before a judge in the county where the arrest was made.
23 If a person so arrested waives such right, the arresting
24 agency shall surrender such person to a law enforcement agency
25 of the county that issued the warrant without unnecessary

1 delay. The provisions of Section 109-1 shall then apply to the
2 person so arrested.

3 (c) If a person is taken before a judge in any county and a
4 warrant for arrest issued by another Illinois county exists
5 for that person, the court in the arresting county shall hold
6 for that person a detention hearing under Section 110-6.1, or
7 other hearing under Section 110-5 or Section 110-6. ~~If a~~
8 defendant is charged with a felony offense, but has a warrant
9 in another county, the defendant shall be taken to the county
10 that issued the warrant within 72 hours of the completion of
11 condition or detention hearing, so that release or detention
12 status can be resolved. This provision shall not apply to
13 warrants issued outside of Illinois.

14 (d) After the court in the arresting county has determined
15 whether the person shall be released or detained on the
16 arresting offense, the court shall then order the sheriff to
17 immediately contact the sheriff in any county where any
18 warrant is outstanding and notify them of the arrest of the
19 individual.

20 (e) If a person has a warrant in another county for an
21 offense, then, no later than 5 calendar days after the end of
22 any detention issued on the charge in the arresting county,
23 the county where the warrant is outstanding shall do one of the
24 following:

25 (1) transport the person to the county where the
26 warrant was issued for a hearing under Section 110-6 or

1 110-6.1 in the matter for which the warrant was issued; or

2 (2) quash the warrant and order the person released on
3 the case for which the warrant was issued only when the
4 county that issued the warrant fails to transport the
5 defendant in the timeline as proscribed.

6 (f) If the issuing county fails to take any action under
7 subsection (e) within 5 calendar days, the defendant shall be
8 released from custody on the warrant, and the circuit judge or
9 associate circuit judge in the county of arrest shall set
10 conditions of release under Section 110-5 and shall admit the
11 defendant to pretrial release for his or her appearance before
12 the court named in the warrant. Upon releasing the defendant,
13 the circuit judge or associate circuit judge shall certify
14 such a fact on the warrant and deliver the warrant and the
15 acknowledgment by the defendant of his or her receiving the
16 conditions of pretrial release to the officer having charge of
17 the defendant from arrest and without delay deliver such
18 warrant and such acknowledgment by the defendant of his or her
19 receiving the conditions to the court before which the
20 defendant is required to appear.

21 (g) If a person has a warrant in another county, in lieu of
22 transporting the person to the issuing county as outlined in
23 subsection (e), the issuing county may hold the hearing by way
24 of a two-way audio-visual communication system if the accused
25 waives the right to be physically present in court, the court
26 determines that the physical health and safety of any person

1 necessary to the proceedings would be endangered by appearing
2 in court, or the chief judge of the circuit orders use of that
3 system due to operational challenges in conducting the hearing
4 in person. Such operational challenges must be documented and
5 approved by the chief judge of the circuit, and a plan to
6 address the challenges through reasonable efforts must be
7 presented and approved by the Administrative Office of the
8 Illinois Courts every 6 months.

9 (h) If more than 2 Illinois county warrants exist, the
10 judge in the county of arrest shall order that the process
11 described in subsections (d) through (f) occur in each county
12 in whatever order the judge finds most appropriate. Each judge
13 in each subsequent county shall then follow the rules in this
14 Section.

15 (i) This Section applies only to warrants issued by
16 Illinois state, county, or municipal courts.

17 (j) When an issuing agency is contacted by an out-of-state
18 agency of a person arrested for any offense, or when an
19 arresting agency is contacted by or contacts an out-of-state
20 issuing agency, the Uniform Criminal Extradition Act shall
21 govern.

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

23 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

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

25 Sec. 109-3. Preliminary examination.)

1 (a) The judge shall hold the defendant to answer to the
2 court having jurisdiction of the offense if from the evidence
3 it appears there is probable cause to believe an offense has
4 been committed by the defendant, as provided in Section
5 109-3.1 of this Code, if the offense is a felony.

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

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

18 (d) If the defendant is held to answer the judge may
19 require any material witness for the State or defendant to
20 enter into a written undertaking to appear at the trial, and
21 may provide for the forfeiture of a sum certain in the event
22 the witness does not appear at the trial. Any witness who
23 refuses to execute a recognizance may be committed by the
24 judge to the custody of the sheriff until trial or further
25 order of the court having jurisdiction of the cause. Any
26 witness who executes a recognizance and fails to comply with

1 its terms shall, in addition to any forfeiture provided in the
2 recognizance, be subject to the penalty provided in Section
3 32-10 of the Criminal Code of 2012 for violation of bail bond.

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

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

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

11 Sec. 109-3. Preliminary examination.†

12 (a) The judge shall hold the defendant to answer to the
13 court having jurisdiction of the offense if from the evidence
14 it appears there is probable cause to believe an offense has
15 been committed by the defendant, as provided in Section
16 109-3.1 of this Code, if the offense is a felony.

17 (b) If the defendant waives preliminary examination the
18 judge shall hold him to answer and may, or on the demand of the
19 prosecuting attorney shall, cause the witnesses for the State
20 to be examined. After hearing the testimony if it appears that
21 there is not probable cause to believe the defendant guilty of
22 any offense the judge shall discharge him.

23 (c) During the examination of any witness or when the
24 defendant is making a statement or testifying the judge may
25 and on the request of the defendant or State shall exclude all

1 other witnesses. He may also cause the witnesses to be kept
2 separate and to be prevented from communicating with each
3 other until all are examined.

4 (d) If the defendant is held to answer the judge may
5 require any material witness for the State or defendant to
6 enter into a written undertaking to appear at the trial, ~~and~~
7 ~~may provide for the forfeiture of a sum certain in the event~~
8 ~~the witness does not appear at the trial.~~ Any witness who
9 refuses to execute a recognizance may be committed by the
10 judge to the custody of the sheriff until trial or further
11 order of the court having jurisdiction of the cause. Any
12 witness who executes a recognizance and fails to comply with
13 its terms commits a Class C misdemeanor ~~shall, in addition to~~
14 ~~any forfeiture provided in the recognizance, be subject to the~~
15 ~~penalty provided in Section 32-10 of the Criminal Code of 2012~~
16 ~~for violation of the conditions of pretrial release.~~

17 (e) During preliminary hearing or examination the
18 defendant may move for an order of suppression of evidence
19 pursuant to Section 114-11 or 114-12 of this Act or for other
20 reasons, and may move for dismissal of the charge pursuant to
21 Section 114-1 of this Act or for other reasons.

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

23 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

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

25 Sec. 109-3.1. Persons charged with felonies.

1 (a) In any case involving a person charged with a felony in
2 this State, alleged to have been committed on or after January
3 1, 1984, the provisions of this Section shall apply.

4 (b) Every person in custody in this State for the alleged
5 commission of a felony shall receive either a preliminary
6 examination as provided in Section 109-3 or an indictment by
7 Grand Jury as provided in Section 111-2, within 30 days from
8 the date he or she was taken into custody. Every person on bail
9 or recognizance for the alleged commission of a felony shall
10 receive either a preliminary examination as provided in
11 Section 109-3 or an indictment by Grand Jury as provided in
12 Section 111-2, within 60 days from the date he or she was
13 arrested.

14 The provisions of this paragraph shall not apply in the
15 following situations:

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

17 (2) when the defendant has been indicted by the Grand
18 Jury on the felony offense for which he or she was
19 initially taken into custody or on an offense arising from
20 the same transaction or conduct of the defendant that was
21 the basis for the felony offense or offenses initially
22 charged; or

23 (3) when a competency examination is ordered by the
24 court; or

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

26 (5) when an adjudication of incompetency for trial has

1 been made; or

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

6 (c) Delay occasioned by the defendant shall temporarily
7 suspend, for the time of the delay, the period within which the
8 preliminary examination must be held. On the day of expiration
9 of the delay the period in question shall continue at the point
10 at which it was suspended.

11 (Source: P.A. 83-644.)

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

13 Sec. 109-3.1. Persons charged with felonies.

14 (a) In any case involving a person charged with a felony in
15 this State, alleged to have been committed on or after January
16 1, 1984, the provisions of this Section shall apply.

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

1 60 days from the date he or she was arrested.

2 The provisions of this paragraph shall not apply in the
3 following situations:

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

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

11 (3) when a competency examination is ordered by the
12 court; or

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

14 (5) when an adjudication of incompetency for trial has
15 been made; or

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

20 (c) Delay occasioned by the defendant shall temporarily
21 suspend, for the time of the delay, the period within which the
22 preliminary examination must be held. On the day of expiration
23 of the delay the period in question shall continue at the point
24 at which it was suspended.

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

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

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

3 Sec. 110-1. Definitions.

4 (a) "Security" is that which is required to be pledged to
5 insure the payment of bail.

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

11 (c) The phrase "for which a sentence of imprisonment,
12 without conditional and revocable release, shall be imposed by
13 law as a consequence of conviction" means an offense for which
14 a sentence of imprisonment, without probation, periodic
15 imprisonment or conditional discharge, is required by law upon
16 conviction.

17 (d) "Real and present threat to the physical safety of any
18 person or persons", as used in this Article, includes a threat
19 to the community, person, persons or class of persons.

20 (Source: P.A. 85-892; 102-813, eff. 5-13-22.)

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

22 Sec. 110-1. Definitions. As used in this Article:

23 (a) ~~(Blank).~~

24 (b) "Sureties" encompasses the ~~monetary and~~ nonmonetary
25 requirements set by the court as conditions for release either

1 before or after conviction.

2 (c) The phrase "for which a sentence of imprisonment,
3 without conditional and revocable release, shall be imposed by
4 law as a consequence of conviction" means an offense for which
5 a sentence of imprisonment in the Department of Corrections,
6 without probation, periodic imprisonment or conditional
7 discharge, is required by law upon conviction.

8 (d) (Blank).

9 (e) "Protective order" means any order of protection
10 issued under Section 112A-14 of this Code or Section 214 of the
11 Illinois Domestic Violence Act of 1986, a stalking no contact
12 order issued under Section 80 of the Stalking No Contact Order
13 Act, or a civil no contact order issued under Section 213 of
14 the Civil No Contact Order Act.

15 (f) ~~(e)~~ "Willful flight" means intentional conduct with a
16 purpose to thwart the judicial process to avoid prosecution.
17 Isolated instances of nonappearance in court alone are not
18 evidence of the risk of willful flight. Reoccurrence and
19 patterns of intentional conduct to evade prosecution, along
20 with any affirmative steps to communicate or remedy any such
21 missed court date, may be considered as factors in assessing
22 future intent to evade prosecution ~~planning or attempting to~~
23 ~~intentionally evade prosecution by concealing oneself. Simple~~
24 ~~past non appearance in court alone is not evidence of future~~
25 ~~intent to evade prosecution.~~

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

1 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

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

3 Sec. 110-2. Release on own recognizance. When from all the
4 circumstances the court is of the opinion that the defendant
5 will appear as required either before or after conviction and
6 the defendant will not pose a danger to any person or the
7 community and that the defendant will comply with all
8 conditions of bond, which shall include the defendant's
9 current address with a written admonishment to the defendant
10 that he or she must comply with the provisions of Section
11 110-12 of this Code regarding any change in his or her address,
12 the defendant may be released on his or her own recognizance.
13 The defendant's address shall at all times remain a matter of
14 public record with the clerk of the court. A failure to appear
15 as required by such recognizance shall constitute an offense
16 subject to the penalty provided in Section 32-10 of the
17 Criminal Code of 2012 for violation of the bail bond, and any
18 obligated sum fixed in the recognizance shall be forfeited and
19 collected in accordance with subsection (g) of Section 110-7
20 of this Code.

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

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

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

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

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

11 Sec. 110-2. Pretrial release. ~~Release on own 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.

1 (b) At all pretrial hearings, the prosecution shall have
2 the burden to prove by clear and convincing evidence that any
3 condition of release is necessary. ~~Additional conditions of~~
4 ~~release, including those highlighted above, shall be set only~~
5 ~~when it is determined that they are necessary to assure the~~
6 ~~defendant's appearance in court, assure the defendant does not~~
7 ~~commit any criminal offense, and complies with all conditions~~
8 ~~of pretrial release.~~

9 (c) When it is alleged that pretrial release should be
10 denied to a person upon the grounds that the person presents a
11 real and present threat to the safety of any person or persons
12 or the community, based on the specific articulable facts of
13 the case, the burden of proof of such allegations shall be upon
14 the State ~~Detention only shall be imposed when it is~~
15 ~~determined that the defendant poses a specific, real and~~
16 ~~present threat to a person, or has a high likelihood of willful~~
17 ~~flight. If the court deems that the defendant is to be released~~
18 ~~on personal recognizance, the court may require that a written~~
19 ~~admonishment be signed by the defendant requiring that he or~~
20 ~~she must comply with the provisions of Section 110-12 of this~~
21 ~~Code regarding any change in his or her address. The defendant~~
22 ~~may be released on his or her own recognizance upon signature.~~
23 ~~The defendant's address shall at all times remain a matter of~~
24 ~~public record with the clerk of the court. A failure to appear~~
25 ~~as required by such recognizance shall constitute an offense~~
26 ~~subject to the penalty provided in Section 32-10 of the~~

1 ~~Criminal Code of 2012 for violation of the conditions of~~
2 ~~pretrial release.~~

3 (d) When it is alleged that pretrial release should be
4 denied to a person charged with stalking or aggravated
5 stalking upon the grounds set forth in Section 110-6.3, the
6 burden of proof of those allegations shall be upon the State
7 ~~If, after the procedures set out in Section 110 6.1, the court~~
8 ~~decides to detain the defendant, the Court must make a written~~
9 ~~finding as to why less restrictive conditions would not assure~~
10 ~~safety to the community and assure the defendant's appearance~~
11 ~~in court. At each subsequent appearance of the defendant~~
12 ~~before the Court, the judge must find that continued detention~~
13 ~~or the current set of conditions imposed are necessary to~~
14 ~~avoid the specific, real and present threat to any person or of~~
15 ~~willful flight from prosecution to continue detention of the~~
16 ~~defendant. The court is not required to be presented with new~~
17 ~~information or a change in circumstance to consider~~
18 ~~reconsidering pretrial detention on current conditions.~~

19 (e) This Section shall be liberally construed to
20 effectuate the purpose of relying on pretrial release by
21 nonmonetary means to reasonably ensure an eligible person's
22 appearance in court, the protection of the safety of any other
23 person or the community, that the person will not attempt or
24 obstruct the criminal justice process, and the person's
25 compliance with all conditions of release, while authorizing
26 the court, upon motion of a prosecutor, to order pretrial

1 detention of the person under Section 110-6.1 when it finds
2 clear and convincing evidence that no condition or combination
3 of conditions can reasonably ensure the effectuation of these
4 goals ~~upon contempt of court proceedings or criminal sanctions~~
5 ~~instead of financial loss to assure the appearance of the~~
6 ~~defendant, and that the defendant will not pose a danger to any~~
7 ~~person or the community and that the defendant will not pose a~~
8 ~~danger to any person or the community and that the defendant~~
9 ~~will comply with all conditions of pretrial release.~~

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

11 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

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

13 Sec. 110-3. Issuance of warrant. Upon failure to comply
14 with any condition of a bail bond or recognizance, the court
15 having jurisdiction at the time of such failure may, in
16 addition to any other action provided by law, issue a warrant
17 for the arrest of the person at liberty on bail or his own
18 recognizance. The contents of such a warrant shall be the same
19 as required for an arrest warrant issued upon complaint. When
20 a defendant is at liberty on bail or his own recognizance on a
21 felony charge and fails to appear in court as directed, the
22 court shall issue a warrant for the arrest of such person. Such
23 warrant shall be noted with a directive to peace officers to
24 arrest the person and hold such person without bail and to
25 deliver such person before the court for further proceedings.

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

5 (Source: P.A. 102-813, eff. 5-13-22.)

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

7 Sec. 110-3. Options for warrant alternatives.

8 (a) Upon failure to comply with any condition of pretrial
9 release ~~or recognizance~~, the court having jurisdiction at the
10 time of such failure may, on its own motion or upon motion from
11 the State, issue a summons or ~~an order to show cause as to why~~
12 ~~he or she shall not be subject to revocation of pretrial~~
13 ~~release, or for sanctions, as provided in Section 110 6.~~
14 ~~Nothing in this Section prohibits the court from issuing a~~
15 ~~warrant~~ for the arrest of the person at liberty on pretrial
16 release. This Section shall be construed to effectuate the
17 goal of relying upon summonses rather than warrants to ensure
18 the appearance of the defendant in court whenever possible.
19 The contents of such a summons or warrant shall be the same as
20 required for those issued upon complaint under Section 107-9.
21 ~~under subsection (c) upon failure to comply with any condition~~
22 ~~of pretrial release or recognizance.~~

23 (b) A defendant who appears in court on the date assigned
24 or within 48 hours of service, whichever is later, in response
25 to a summons issued for failure to appear in court, shall not

1 be recorded in the official docket as having failed to appear
2 on the initial missed court date. If a person fails to appear
3 in court on the date listed on the summons, the court may issue
4 a warrant for the person's arrest.

5 (c) For the purpose of any risk assessment or future
6 evaluation of risk of willful flight or risk of failure to
7 appear, a nonappearance in court cured by an appearance in
8 response to a summons shall not be considered as evidence of
9 future likelihood of appearance in court.

10 ~~(b) The order issued by the court shall state the facts~~
11 ~~alleged to constitute the hearing to show cause or otherwise~~
12 ~~why the person is subject to revocation of pretrial release. A~~
13 ~~certified copy of the order shall be served upon the person at~~
14 ~~least 48 hours in advance of the scheduled hearing.~~

15 ~~(c) If the person does not appear at the hearing to show~~
16 ~~cause or absconds, the court may, in addition to any other~~
17 ~~action provided by law, issue a warrant for the arrest of the~~
18 ~~person at liberty on pretrial release. The contents of such a~~
19 ~~warrant shall be the same as required for an arrest warrant~~
20 ~~issued upon complaint and may modify any previously imposed~~
21 ~~conditions placed upon the person, rather than revoking~~
22 ~~pretrial release or issuing a warrant for the person in~~
23 ~~accordance with the requirements in subsections (d) and (e) of~~
24 ~~Section 110-5. When a defendant is at liberty on pretrial~~
25 ~~release or his own recognizance on a felony charge and fails to~~
26 ~~appear in court as directed, the court may issue a warrant for~~

1 ~~the arrest of such person after his or her failure to appear at~~
2 ~~the show for cause hearing as provided in this Section. Such~~
3 ~~warrant shall be noted with a directive to peace officers to~~
4 ~~arrest the person and hold such person without pretrial~~
5 ~~release and to deliver such person before the court for~~
6 ~~further proceedings.~~

7 ~~(d) If the order as described in subsection (b) is issued,~~
8 ~~a failure to appear shall not be recorded until the defendant~~
9 ~~fails to appear at the hearing to show cause. For the purpose~~
10 ~~of any risk assessment or future evaluation of risk of willful~~
11 ~~flight or risk of failure to appear, a non-appearance in court~~
12 ~~eured by an appearance at the hearing to show cause shall not~~
13 ~~be considered as evidence of future likelihood of appearance~~
14 ~~in court.~~

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

16 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

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

18 Sec. 110-5. Determining the amount of bail and conditions
19 of release.

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

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

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

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

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

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

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

8 (b) The amount of bail shall be:

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

17 (2) Not oppressive.

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

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

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

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

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

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

25 (3) the source of any money posted as cash bail, and
26 whether any such money constitutes the fruits of criminal

1 or unlawful conduct; and

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

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

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

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

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

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

25 (f) When a person is charged with a violation of an order
26 of protection under Section 12-3.4 or 12-30 of the Criminal

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

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

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

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

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

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

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

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

25 (8) based on the severity of the alleged incident that
26 is the basis of the alleged offense, including, but not

1 limited to, the duration of the current incident, and
2 whether the alleged incident involved the use of a weapon,
3 physical injury, sexual assault, strangulation, abuse
4 during the alleged victim's pregnancy, abuse of pets, or
5 forcible entry to gain access to the alleged victim;

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

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

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

17 (12) based on any information contained in the
18 complaint and any police reports, affidavits, or other
19 documents accompanying the complaint,
20 the court may, in its discretion, order the respondent to
21 undergo a risk assessment evaluation using a recognized,
22 evidence-based instrument conducted by an Illinois Department
23 of Human Services approved partner abuse intervention program
24 provider, pretrial service, probation, or parole agency. These
25 agencies shall have access to summaries of the defendant's
26 criminal history, which shall not include victim interviews or

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

17 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
18 102-813, eff. 5-13-22.)

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

20 Sec. 110-5. Determining the amount of bail and conditions
21 of release.

22 (a) In determining which conditions of pretrial release,
23 if any, will reasonably ensure ~~assure~~ the appearance of a
24 defendant as required or the safety of any other person or the
25 community and the likelihood of compliance by the defendant

1 with all the conditions of pretrial release, the court shall,
2 on the basis of available information, take into account such
3 matters as:

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

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

9 (3) the history and characteristics of the ~~eligible~~
10 defendant, including:

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

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

22 (4) the nature and seriousness of the real and present
23 threat to the safety of any person or persons or the
24 community, based on the specific articulable facts of the
25 case, ~~specific, real and present threat to any person that~~
26 would be posed by the ~~eligible~~ defendant's release, if

1 applicable, as required under paragraph (7.5) of Section 4
2 of the Rights of Crime Victims and Witnesses Act; ~~and~~

3 (5) the nature and seriousness of the risk of
4 obstructing or attempting to obstruct the criminal justice
5 process that would be posed by the ~~eligible~~ defendant's
6 release, if applicable; ~~and~~

7 (6) when a person is charged with a violation of a
8 protective order, domestic battery, aggravated domestic
9 battery, kidnapping, aggravated kidnaping, unlawful
10 restraint, aggravated unlawful restraint, cyberstalking,
11 harassment by telephone, harassment through electronic
12 communications, or an attempt to commit first degree
13 murder committed against a spouse or a current or former
14 partner in a cohabitation or dating relationship,
15 regardless of whether an order of protection has been
16 issued against the person, the court may consider the
17 following additional factors:

18 (A) whether the alleged incident involved
19 harassment or abuse, as defined in the Illinois
20 Domestic Violence Act of 1986;

21 (B) whether the person has a history of domestic
22 violence, as defined in the Illinois Domestic Violence
23 Act of 1986, or a history of other criminal acts;

24 (C) the mental health of the person;

25 (D) whether the person has a history of violating
26 the orders of any court or governmental entity;

1 (E) whether the person has been, or is,
2 potentially a threat to any other person;

3 (F) whether the person has access to deadly
4 weapons or a history of using deadly weapons;

5 (G) whether the person has a history of abusing
6 alcohol or any controlled substance;

7 (H) the severity of the alleged incident that is
8 the basis of the alleged offense, including, but not
9 limited to, the duration of the current incident, and
10 whether the alleged incident involved the use of a
11 weapon, physical injury, sexual assault,
12 strangulation, abuse during the alleged victim's
13 pregnancy, abuse of pets, or forcible entry to gain
14 access to the alleged victim;

15 (I) whether a separation of the person from the
16 victim of abuse or a termination of the relationship
17 between the person and the victim of abuse has
18 recently occurred or is pending;

19 (J) whether the person has exhibited obsessive or
20 controlling behaviors toward the victim of abuse,
21 including, but not limited to, stalking, surveillance,
22 or isolation of the victim of abuse or the victim's
23 family member or members;

24 (K) whether the person has expressed suicidal or
25 homicidal ideations; and

26 (L) any other factors deemed by the court to have a

1 reasonable bearing upon the defendant's propensity or
2 reputation for violent, abusive, or assaultive
3 behavior, or lack of that behavior.

4 (7) in cases of stalking or aggravated stalking under
5 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
6 court may consider the factors listed in paragraph (6) and
7 the following additional factors:

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

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

18 (C) the nature of the threat that is the basis of
19 the charge against the defendant;

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

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

25 (F) whether the defendant is known to possess or
26 have access to any weapon or weapons; and

1 (G) any other factors deemed by the court to have a
2 reasonable bearing upon the defendant's propensity or
3 reputation for violent, abusive, or assaultive
4 behavior, or lack of that behavior.

5 (b) The court may use a regularly validated risk
6 assessment tool to aid its determination of appropriate
7 conditions of release as provided under Section 110-6.4. If a
8 risk assessment tool is used, the defendant's counsel shall be
9 provided with the information and scoring system of the risk
10 assessment tool used to arrive at the determination. The
11 defendant retains the right to challenge the validity of a
12 risk assessment tool used by the court and to present evidence
13 relevant to the defendant's challenge.

14 (c) ~~(b)~~ The court shall impose any conditions that are
15 mandatory under subsection (a) of Section 110-10. The court
16 may impose any conditions that are permissible under
17 subsection (b) of Section 110-10. The conditions of release
18 imposed shall be the least restrictive conditions or
19 combination of conditions necessary to reasonably ensure the
20 appearance of the defendant as required or the safety of any
21 other person or persons or the community.

22 ~~(b-5) When a person is charged with a violation of an order~~
23 ~~of protection under Section 12-3.4 or 12-30 of the Criminal~~
24 ~~Code of 1961 or the Criminal Code of 2012 or when a person is~~
25 ~~charged with domestic battery, aggravated domestic battery,~~
26 ~~kidnapping, aggravated kidnaping, unlawful restraint,~~

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

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

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

13 ~~(3) based on the mental health of the person;~~

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

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

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

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

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

1 ~~during the alleged victim's pregnancy, abuse of pets, or~~
2 ~~forcible entry to gain access to the alleged victim;~~

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

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

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

14 ~~(11.5) any other factors deemed by the court to have a~~
15 ~~reasonable bearing upon the defendant's propensity or~~
16 ~~reputation for violent, abusive or assaultive behavior, or~~
17 ~~lack of that behavior.~~

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

21 ~~(1) Any evidence of the defendant's prior criminal~~
22 ~~history indicative of violent, abusive or assaultive~~
23 ~~behavior, or lack of that behavior. The evidence may~~
24 ~~include testimony or documents received in juvenile~~
25 ~~proceedings, criminal, quasi criminal, civil commitment,~~
26 ~~domestic relations or other proceedings;~~

1 ~~(2) Any evidence of the defendant's psychological,~~
2 ~~psychiatric or other similar social history that tends to~~
3 ~~indicate a violent, abusive, or assaultive nature, or lack~~
4 ~~of any such history;~~

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

7 ~~(4) Any statements made by, or attributed to the~~
8 ~~defendant, together with the circumstances surrounding~~
9 ~~them;~~

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

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

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

18 (d) When a person is charged with a violation of a
19 protective order, the court may order the defendant placed
20 under electronic surveillance as a condition of pretrial
21 release, as provided in Section 5-8A-7 of the Unified Code of
22 Corrections, based on the information collected under
23 paragraph (6) of subsection (a) of this Section, the results
24 of any assessment conducted, or other circumstances of the
25 violation ~~The Court may use a regularly validated risk~~
26 ~~assessment tool to aid its determination of appropriate~~

1 ~~conditions of release as provided for in Section 110-6.4. Risk~~
2 ~~assessment tools may not be used as the sole basis to deny~~
3 ~~pretrial release. If a risk assessment tool is used, the~~
4 ~~defendant's counsel shall be provided with the information and~~
5 ~~scoring system of the risk assessment tool used to arrive at~~
6 ~~the determination. The defendant retains the right to~~
7 ~~challenge the validity of a risk assessment tool used by the~~
8 ~~court and to present evidence relevant to the defendant's~~
9 ~~challenge.~~

10 (e) If a person remains in pretrial detention 48 hours
11 ~~after his or her pretrial conditions hearing after~~ having been
12 ordered released with pretrial conditions, the court shall
13 hold a hearing to determine the reason for continued
14 detention. If the reason for continued detention is due to the
15 unavailability or the defendant's ineligibility for one or
16 more pretrial conditions previously ordered by the court or
17 directed by a pretrial services agency, the court shall reopen
18 the conditions of release hearing to determine what available
19 pretrial conditions exist that will reasonably ensure ~~assure~~
20 the appearance of a defendant as required, or ~~or~~ the safety of any
21 other person, and the likelihood of compliance by the
22 defendant with all the conditions of pretrial release. The
23 inability of the defendant to pay for a condition of release or
24 any other ineligibility for a condition of pretrial release
25 shall not be used as a justification for the pretrial
26 detention of that defendant.

1 (f) Prior to the defendant's first appearance, and with
2 sufficient time for meaningful attorney-client contact to
3 gather information in order to advocate effectively for the
4 defendant's pretrial release, the court ~~Court~~ shall appoint
5 the public defender or a licensed attorney at law of this State
6 to represent the defendant for purposes of that hearing,
7 unless the defendant has obtained licensed counsel ~~for~~
8 ~~themselves.~~ Defense counsel shall have access to the same
9 documentary information relied upon by the prosecution and
10 presented to the court.

11 (f-5) At each subsequent appearance of the defendant
12 before the court, the judge must find that the current
13 conditions imposed are necessary to reasonably ensure the
14 appearance of the defendant as required, the safety of any
15 other person, and the compliance of the defendant with all the
16 conditions of pretrial release. The court is not required to
17 be presented with new information or a change in circumstance
18 to remove pretrial conditions.

19 (g) Electronic monitoring, GPS monitoring, or home
20 confinement can only be imposed as a condition of pretrial
21 release if a no less restrictive condition of release or
22 combination of less restrictive condition of release would
23 reasonably ensure the appearance of the defendant for later
24 hearings or protect an identifiable person or persons from
25 imminent threat of serious physical harm.

26 (h) If the court imposes electronic monitoring, GPS

1 monitoring, or home confinement, the court shall set forth in
2 the record the basis for its finding. A defendant shall be
3 given custodial credit for each day he or she was subjected to
4 home confinement that program, at the same rate described in
5 subsection (b) of Section 5-4.5-100 of the Unified Code of
6 Corrections. The court may give custodial credit to a
7 defendant for each day the defendant was subjected to GPS
8 monitoring without home confinement or electronic monitoring
9 without home confinement.

10 (i) If electronic monitoring, GPS monitoring, or home
11 confinement is imposed, the court shall determine every 60
12 days if no less restrictive condition of release or
13 combination of less restrictive conditions of release would
14 reasonably ensure the appearance, or continued appearance, of
15 the defendant for later hearings or protect an identifiable
16 person or persons from imminent threat of serious physical
17 harm. If the court finds that there are less restrictive
18 conditions of release, the court shall order that the
19 condition be removed. This subsection takes effect January 1,
20 2022.

21 (j) Crime Victims shall be given notice by the State's
22 Attorney's office of this hearing as required in paragraph (1)
23 of subsection (b) of Section 4.5 of the Rights of Crime Victims
24 and Witnesses Act and shall be informed of their opportunity
25 at this hearing to obtain a protective order ~~an order of~~
26 ~~protection under Article 112A of this Code.~~

1 (k) The State and defendants may appeal court orders
2 imposing conditions of pretrial release.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
4 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 (725 ILCS 5/110-5.2)

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

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

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

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

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

22 (2) that the release of the pregnant pre-trial
23 detainee would pose a real and present threat to the
24 physical safety of any person or persons or the general
25 public.

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

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

9 (Source: P.A. 100-630, eff. 1-1-19.)

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

11 Sec. 110-5.2. Pretrial release; pregnant pre-trial
12 detainee.

13 (a) It is the policy of this State that a pre-trial
14 detainee shall not be required to deliver a child while in
15 custody absent a finding by the court that continued pre-trial
16 custody is necessary to alleviate a real and present threat to
17 the safety of any person or persons or the community, based on
18 the specific articulable facts of the case, or prevent the
19 defendant's willful flight ~~protect the public or the victim of~~
20 ~~the offense on which the charge is based.~~

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

25 (1) the pregnant pretrial detainee is charged with an

1 offense for which pretrial release may be denied under
2 Section 110-6.1; and ~~that the release of the pregnant~~
3 ~~pre-trial detainee would pose a real and present threat to~~
4 ~~the physical safety of the alleged victim of the offense~~
5 ~~and continuing custody is necessary to prevent the~~
6 ~~fulfillment of the threat upon which the charge is based;~~
7 ~~or~~

8 (2) after a hearing under Section 110-6.1 that
9 considers the circumstances of the pregnancy, the court
10 determines that continued detention is the only way to
11 prevent a real and present threat to the safety of any
12 person or persons or the community, based on the specific
13 articulable facts of the case, or prevent the defendant's
14 willful flight ~~that the release of the pregnant pre trial~~
15 ~~detainee would pose a real and present threat to the~~
16 ~~physical safety of any person or persons or the general~~
17 ~~public.~~

18 (c) Electronic Monitoring may be ordered by the court only
19 if no less restrictive condition of release or combination of
20 less restrictive conditions of release would reasonably ensure
21 the appearance, or continued appearance, of the defendant for
22 later hearings or protect an identifiable person or persons
23 from imminent threat of serious physical harm. All pregnant
24 people or those who have given birth within 6 weeks shall be
25 granted ample movement to attend doctor's appointments and for
26 emergencies related to the health of the pregnancy, infant, or

1 ~~postpartum person. The court may order a pregnant or~~
2 ~~post partum detainee to be subject to electronic monitoring as~~
3 ~~a condition of pre trial release or order other condition or~~
4 ~~combination of conditions the court reasonably determines are~~
5 ~~in the best interest of the detainee and the public.~~

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

9 (Source: P.A. 100-630, eff. 1-1-19; 101-652, eff. 1-1-23.)

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

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

12 Sec. 110-6. Modification of bail or conditions.

13 (a) Upon verified application by the State or the
14 defendant or on its own motion the court before which the
15 proceeding is pending may increase or reduce the amount of
16 bail or may alter the conditions of the bail bond or grant bail
17 where it has been previously revoked or denied. If bail has
18 been previously revoked pursuant to subsection (f) of this
19 Section or if bail has been denied to the defendant pursuant to
20 subsection (e) of Section 110-6.1 or subsection (e) of Section
21 110-6.3, the defendant shall be required to present a verified
22 application setting forth in detail any new facts not known or
23 obtainable at the time of the previous revocation or denial of
24 bail proceedings. If the court grants bail where it has been
25 previously revoked or denied, the court shall state on the

1 record of the proceedings the findings of facts and conclusion
2 of law upon which such order is based.

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

19 (b) Violation of the conditions of Section 110-10 of this
20 Code or any special conditions of bail as ordered by the court
21 shall constitute grounds for the court to increase the amount
22 of bail, or otherwise alter the conditions of bail, or, where
23 the alleged offense committed on bail is a forcible felony in
24 Illinois or a Class 2 or greater offense under the Illinois
25 Controlled Substances Act, the Cannabis Control Act, or the
26 Methamphetamine Control and Community Protection Act, revoke

1 bail pursuant to the appropriate provisions of subsection (e)
2 of this Section.

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

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

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

1 this Section. The defendant shall be held without bond pending
2 transfer to and a hearing before such court. At the conclusion
3 of the hearing based on a violation of the conditions of
4 Section 110-10 of this Code or any special conditions of bail
5 as ordered by the court the court may enter an order increasing
6 the amount of bail or alter the conditions of bail as deemed
7 appropriate.

8 (f) Where the alleged violation consists of the violation
9 of one or more felony statutes of any jurisdiction which would
10 be a forcible felony in Illinois or a Class 2 or greater
11 offense under the Illinois Controlled Substances Act, the
12 Cannabis Control Act, or the Methamphetamine Control and
13 Community Protection Act and the defendant is on bail for the
14 alleged commission of a felony, or where the defendant is on
15 bail for a felony domestic battery (enhanced pursuant to
16 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
17 or the Criminal Code of 2012), aggravated domestic battery,
18 aggravated battery, unlawful restraint, aggravated unlawful
19 restraint or domestic battery in violation of item (1) of
20 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
21 or the Criminal Code of 2012 against a family or household
22 member as defined in Section 112A-3 of this Code and the
23 violation is an offense of domestic battery against the same
24 victim the court shall, on the motion of the State or its own
25 motion, revoke bail in accordance with the following
26 provisions:

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

16 (2) At a hearing on the alleged violation the State
17 has the burden of going forward and proving the violation
18 by clear and convincing evidence. The evidence shall be
19 presented in open court with the opportunity to testify,
20 to present witnesses in his behalf, and to cross-examine
21 witnesses if any are called by the State, and
22 representation by counsel and if the defendant is indigent
23 to have counsel appointed for him. The rules of evidence
24 applicable in criminal trials in this State shall not
25 govern the admissibility of evidence at such hearing.
26 Information used by the court in its findings or stated in

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

12 (3) Upon a finding by the court that the State has
13 established by clear and convincing evidence that the
14 defendant has committed a forcible felony or a Class 2 or
15 greater offense under the Illinois Controlled Substances
16 Act, the Cannabis Control Act, or the Methamphetamine
17 Control and Community Protection Act while admitted to
18 bail, or where the defendant is on bail for a felony
19 domestic battery (enhanced pursuant to subsection (b) of
20 Section 12-3.2 of the Criminal Code of 1961 or the
21 Criminal Code of 2012), aggravated domestic battery,
22 aggravated battery, unlawful restraint, aggravated
23 unlawful restraint or domestic battery in violation of
24 item (1) of subsection (a) of Section 12-3.2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 against
26 a family or household member as defined in Section 112A-3

1 of this Code and the violation is an offense of domestic
2 battery, against the same victim, the court shall revoke
3 the bail of the defendant and hold the defendant for trial
4 without bail. Neither the finding of the court nor any
5 transcript or other record of the hearing shall be
6 admissible in the State's case in chief, but shall be
7 admissible for impeachment, or as provided in Section
8 115-10.1 of this Code or in a perjury proceeding.

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

20 (5) If the defendant either is arrested on a warrant
21 issued pursuant to this Code or is arrested for an
22 unrelated offense and it is subsequently discovered that
23 the defendant is a subject of another warrant or warrants
24 issued pursuant to this Code, the defendant shall be
25 transferred promptly to the court which issued such
26 warrant. If, however, the defendant appears initially

1 before a court other than the court which issued such
2 warrant, the non-issuing court shall not alter the amount
3 of bail set on such warrant unless the court sets forth on
4 the record of proceedings the conclusions of law and facts
5 which are the basis for such altering of another court's
6 bond. The non-issuing court shall not alter another courts
7 bail set on a warrant unless the interests of justice and
8 public safety are served by such action.

9 (g) The State may appeal any order where the court has
10 increased or reduced the amount of bail or altered the
11 conditions of the bail bond or granted bail where it has
12 previously been revoked.

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

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

15 Sec. 110-6. Revocation of pretrial release, modification
16 of conditions of pretrial release, and sanctions for
17 violations of conditions of pretrial release.

18 (a) When a defendant has previously been granted pretrial
19 release under this Section for a felony or Class A
20 misdemeanor, that pretrial release may be revoked only if the
21 defendant is charged with a felony or Class A misdemeanor that
22 is alleged to have occurred during the defendant's pretrial
23 release after a hearing on the court's own motion or upon the
24 filing of a verified petition by the State.

25 When a defendant released pretrial is charged with a

1 violation of a protective order or was previously convicted of
2 a violation of a protective order and the subject of the
3 protective order is the same person as the victim in the
4 current underlying matter, the State shall file a verified
5 petition seeking revocation of pretrial release.

6 Upon the filing of a petition or upon motion of the court
7 seeking revocation, the court shall order the transfer of the
8 defendant and the petition or motion to the court before which
9 the previous felony or Class A misdemeanor is pending. The
10 defendant may be held in custody pending transfer to and a
11 hearing before such court. The defendant shall be transferred
12 to the court before which the previous matter is pending
13 without unnecessary delay, and the revocation hearing shall
14 occur within 72 hours of the filing of the State's petition or
15 the court's motion for revocation.

16 A hearing at which pretrial release may be revoked must be
17 conducted in person (and not by way of two-way audio-visual
18 communication) unless the accused waives the right to be
19 present physically in court, the court determines that the
20 physical health and safety of any person necessary to the
21 proceedings would be endangered by appearing in court, or the
22 chief judge of the circuit orders use of that system due to
23 operational challenges in conducting the hearing in person.
24 Such operational challenges must be documented and approved by
25 the chief judge of the circuit, and a plan to address the
26 challenges through reasonable efforts must be presented and

1 approved by the Administrative Office of the Illinois Courts
2 every 6 months.

3 The court before which the previous felony matter or Class
4 A misdemeanor is pending may revoke the defendant's pretrial
5 release after a hearing. During the hearing for revocation,
6 the defendant shall be represented by counsel and have an
7 opportunity to be heard regarding the violation and evidence
8 in mitigation. The court shall consider all relevant
9 circumstances, including, but not limited to, the nature and
10 seriousness of the violation or criminal act alleged. The
11 State shall bear the burden of proving, by clear and
12 convincing evidence, that no condition or combination of
13 conditions of release would reasonably ensure the appearance
14 of the defendant for later hearings or prevent the defendant
15 from being charged with a subsequent felony or Class A
16 misdemeanor.

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

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

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

26 ~~(b) Revocation due to a new criminal charge: If an~~

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

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

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

23 ~~(3) Upon the filing of this petition, the court shall~~
24 ~~order the transfer of the defendant and the application to~~
25 ~~the court before which the previous felony matter is~~
26 ~~pending. The defendant shall be held without bond pending~~

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

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

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

21 ~~(6) If the case that caused the revocation is dismissed,~~
22 ~~the defendant is found not guilty in the case causing the~~
23 ~~revocation, or the defendant completes a lawfully imposed~~
24 ~~sentence on the case causing the revocation, the court shall,~~
25 ~~without unnecessary delay, hold a hearing on conditions of~~
26 ~~pretrial release pursuant to Section ~~section~~ 110-5 and release~~

1 the defendant with or without modification of conditions of
2 pretrial release.

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

6 (b) If a defendant previously has been granted pretrial
7 release under this Section for a Class B or Class C misdemeanor
8 offense, a petty or business offense, or an ordinance
9 violation and if the defendant is subsequently charged with a
10 felony that is alleged to have occurred during the defendant's
11 pretrial release or a Class A misdemeanor offense that is
12 alleged to have occurred during the defendant's pretrial
13 release, such pretrial release may not be revoked, but the
14 court may impose sanctions under subsection (c).

15 (c) The court shall follow the procedures set forth in
16 Section 110-3 to ensure the defendant's appearance in court if
17 the defendant:

18 (1) fails to appear in court as required by the
19 defendant's conditions of release;

20 (2) is charged with a felony or Class A misdemeanor
21 offense that is alleged to have occurred during the
22 defendant's pretrial release after having been previously
23 granted pretrial release for a Class B or Class C
24 misdemeanor, a petty or business offense, or an ordinance
25 violation that is alleged to have occurred during the
26 defendant's pretrial release;

1 (3) is charged with a Class B or C misdemeanor
2 offense, petty or business offense, or ordinance violation
3 that is alleged to have occurred during the defendant's
4 pretrial release; or

5 (4) violates any other condition of pretrial release
6 set by the court.

7 In response to a violation described in this subsection,
8 the court may issue a warrant specifying that the defendant
9 must appear before the court for a hearing for sanctions and
10 may not be released by law enforcement before that appearance.

11 ~~Violations other than re-arrest for a felony or class A~~
12 ~~misdemeanor. If a defendant:~~

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

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

19 ~~(3) violates any other condition of release set by the~~
20 ~~court,~~

21 ~~the court shall follow the procedures set forth in Section~~
22 ~~110-3 to ensure the defendant's appearance in court to address~~
23 ~~the violation.~~

24 (d) When a defendant appears in court pursuant to a
25 summons or warrant issued in accordance with Section 110-3 ~~for~~
26 ~~a notice to show cause hearing, or after being arrested on a~~

1 ~~warrant issued because of a failure to appear at a notice to~~
2 ~~show cause hearing,~~ or after being arrested for an offense
3 that is alleged to have occurred during the defendant's
4 pretrial release ~~other than a felony or class A misdemeanor,~~
5 the State ~~state~~ may file a verified petition requesting a
6 hearing for sanctions.

7 (e) During the hearing for sanctions, the defendant shall
8 be represented by counsel and have an opportunity to be heard
9 regarding the violation and evidence in mitigation. The State
10 shall bear the burden of proving ~~The court shall only impose~~
11 ~~sanctions if it finds~~ by clear and convincing evidence that:

12 (1) the ~~1. The~~ defendant committed an act that
13 violated a term of the defendant's ~~their~~ pretrial release;

14 (2) the ~~2. The~~ defendant had actual knowledge that the
15 defendant's ~~their~~ action would violate a court order;

16 (3) the ~~3. The~~ violation of the court order was
17 willful; and

18 (4) the ~~4. The~~ violation was not caused by a lack of
19 access to financial monetary resources.

20 (f) ~~Sanctions: sanctions~~ for violations of pretrial
21 release may include:

22 (1) a ~~1. A~~ verbal or written admonishment from the
23 court;

24 (2) imprisonment ~~2. Imprisonment~~ in the county jail
25 for a period not exceeding 30 days;

26 (3) (Blank) ~~3. A fine of not more than \$200;~~ or

1 (4) a 4.~~A~~ modification of the defendant's pretrial
2 conditions.

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

4 ~~(a)~~ The court may, at any time, after motion by either
5 party or on its own motion, remove previously set conditions
6 of pretrial release, subject to the provisions in this
7 subsection ~~section (e)~~. The court may only add or increase
8 conditions of pretrial release at a hearing under this
9 Section, ~~in a warrant issued under Section 110-3, or upon~~
10 ~~motion from the state.~~

11 ~~(b) Modification of conditions of release regarding~~
12 ~~contact with victims or witnesses.~~ The court shall not remove
13 a previously set condition of pretrial release ~~bond~~ regulating
14 contact with a victim or witness in the case, unless the
15 subject of the condition has been given notice of the hearing
16 as required in paragraph (1) of subsection (b) of Section 4.5
17 of the Rights of Crime Victims and Witnesses Act. If the
18 subject of the condition of release is not present, the court
19 shall follow the procedures of paragraph (10) of subsection
20 (c-1) ~~(e-1)~~ of the Rights of Crime Victims and Witnesses Act.

21 (h) ~~Notice to Victims:~~ Crime victims ~~Victims~~ shall be
22 given notice by the State's Attorney's office of all hearings
23 under ~~in~~ this Section ~~section~~ as required in paragraph (1) of
24 subsection (b) of Section 4.5 of the Rights of Crime Victims
25 and Witnesses Act and shall be informed of their opportunity
26 at these hearings ~~hearing~~ to obtain a protective order ~~an~~

1 ~~order of protection under Article 112A of this Code.~~

2 (i) Nothing in this Section shall be construed to limit
3 the State's ability to file a verified petition seeking denial
4 of pretrial release under subsection (a) of Section 110-6.1 or
5 subdivision (d)(2) of Section 110-6.1.

6 (j) At each subsequent appearance of the defendant before
7 the court, the judge must find that continued detention under
8 this Section is necessary to reasonably ensure the appearance
9 of the defendant for later hearings or to prevent the
10 defendant from being charged with a subsequent felony or Class
11 A misdemeanor.

12 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
13 101-652, eff. 1-1-23; revised 2-28-22.)

14 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

16 Sec. 110-6.1. Denial of bail in non-probationable felony
17 offenses.

18 (a) Upon verified petition by the State, the court shall
19 hold a hearing to determine whether bail should be denied to a
20 defendant who is charged with a felony offense for which a
21 sentence of imprisonment, without probation, periodic
22 imprisonment or conditional discharge, is required by law upon
23 conviction, when it is alleged that the defendant's admission
24 to bail poses a real and present threat to the physical safety
25 of any person or persons.

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

8 (2) The hearing shall be held immediately upon the
9 defendant's appearance before the court, unless for good
10 cause shown the defendant or the State seeks a
11 continuance. A continuance on motion of the defendant may
12 not exceed 5 calendar days, and a continuance on the
13 motion of the State may not exceed 3 calendar days. The
14 defendant may be held in custody during such continuance.

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

17 (1) the proof is evident or the presumption great that
18 the defendant has committed an offense for which a
19 sentence of imprisonment, without probation, periodic
20 imprisonment or conditional discharge, must be imposed by
21 law as a consequence of conviction, and

22 (2) the defendant poses a real and present threat to
23 the physical safety of any person or persons, by conduct
24 which may include, but is not limited to, a forcible
25 felony, the obstruction of justice, intimidation, injury,
26 physical harm, an offense under the Illinois Controlled

1 Substances Act which is a Class X felony, or an offense
2 under the Methamphetamine Control and Community Protection
3 Act which is a Class X felony, and

4 (3) the court finds that no condition or combination
5 of conditions set forth in subsection (b) of Section
6 110-10 of this Article, can reasonably assure the physical
7 safety of any other person or persons.

8 (c) Conduct of the hearings.

9 (1) The hearing on the defendant's culpability and
10 dangerousness shall be conducted in accordance with the
11 following provisions:

12 (A) Information used by the court in its findings
13 or stated in or offered at such hearing may be by way
14 of proffer based upon reliable information offered by
15 the State or by defendant. Defendant has the right to
16 be represented by counsel, and if he is indigent, to
17 have counsel appointed for him. Defendant shall have
18 the opportunity to testify, to present witnesses in
19 his own behalf, and to cross-examine witnesses if any
20 are called by the State. The defendant has the right to
21 present witnesses in his favor. When the ends of
22 justice so require, the court may exercises its
23 discretion and compel the appearance of a complaining
24 witness. The court shall state on the record reasons
25 for granting a defense request to compel the presence
26 of a complaining witness. Cross-examination of a

1 complaining witness at the pretrial detention hearing
2 for the purpose of impeaching the witness' credibility
3 is insufficient reason to compel the presence of the
4 witness. In deciding whether to compel the appearance
5 of a complaining witness, the court shall be
6 considerate of the emotional and physical well-being
7 of the witness. The pre-trial detention hearing is not
8 to be used for purposes of discovery, and the post
9 arraignment rules of discovery do not apply. The State
10 shall tender to the defendant, prior to the hearing,
11 copies of defendant's criminal history, if any, if
12 available, and any written or recorded statements and
13 the substance of any oral statements made by any
14 person, if relied upon by the State in its petition.
15 The rules concerning the admissibility of evidence in
16 criminal trials do not apply to the presentation and
17 consideration of information at the hearing. At the
18 trial concerning the offense for which the hearing was
19 conducted neither the finding of the court nor any
20 transcript or other record of the hearing shall be
21 admissible in the State's case in chief, but shall be
22 admissible for impeachment, or as provided in Section
23 115-10.1 of this Code, or in a perjury proceeding.

24 (B) A motion by the defendant to suppress evidence
25 or to suppress a confession shall not be entertained.
26 Evidence that proof may have been obtained as the

1 result of an unlawful search and seizure or through
2 improper interrogation is not relevant to this state
3 of the prosecution.

4 (2) The facts relied upon by the court to support a
5 finding that the defendant poses a real and present threat
6 to the physical safety of any person or persons shall be
7 supported by clear and convincing evidence presented by
8 the State.

9 (d) Factors to be considered in making a determination of
10 dangerousness. The court may, in determining whether the
11 defendant poses a real and present threat to the physical
12 safety of any person or persons, consider but shall not be
13 limited to evidence or testimony concerning:

14 (1) The nature and circumstances of any offense
15 charged, including whether the offense is a crime of
16 violence, involving a weapon.

17 (2) The history and characteristics of the defendant
18 including:

19 (A) Any evidence of the defendant's prior criminal
20 history indicative of violent, abusive or assaultive
21 behavior, or lack of such behavior. Such evidence may
22 include testimony or documents received in juvenile
23 proceedings, criminal, quasi-criminal, civil
24 commitment, domestic relations or other proceedings.

25 (B) Any evidence of the defendant's psychological,
26 psychiatric or other similar social history which

1 tends to indicate a violent, abusive, or assaultive
2 nature, or lack of any such history.

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

6 (4) Any statements made by, or attributed to the
7 defendant, together with the circumstances surrounding
8 them;

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

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

13 (7) 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 (8) 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, or
23 lack of such behavior.

24 (e) Detention order. The court shall, in any order for
25 detention:

26 (1) briefly summarize the evidence of the defendant's

1 culpability and its reasons for concluding that the
2 defendant should be held without bail;

3 (2) direct that the defendant be committed to the
4 custody of the sheriff for confinement in the county jail
5 pending trial;

6 (3) direct that the defendant be given a reasonable
7 opportunity for private consultation with counsel, and for
8 communication with others of his choice by visitation,
9 mail and telephone; and

10 (4) direct that the sheriff deliver the defendant as
11 required for appearances in connection with court
12 proceedings.

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

23 (g) Rights of the defendant. Any person shall be entitled
24 to appeal any order entered under this Section denying bail to
25 the defendant.

26 (h) The State may appeal any order entered under this

1 Section denying any motion for denial of bail.

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

5 (Source: P.A. 98-558, eff. 1-1-14.)

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

7 Sec. 110-6.1. Denial of pretrial release.

8 (a) Upon verified petition by the State, the court shall
9 hold a hearing and may deny a defendant pretrial release only
10 if:

11 (1) the defendant is charged with a ~~forcible~~ felony
12 offense other than a forcible felony for which, based on
13 the charge or the defendant's criminal history, a sentence
14 of imprisonment, without probation, periodic imprisonment
15 or conditional discharge, is required by law upon
16 conviction, and it is alleged that the defendant's
17 pretrial release poses a real and present threat to the
18 safety of any person or persons or the community, based on
19 the specific articulable facts of the case ~~specific, real~~
20 ~~and present threat to any person or the community.;~~

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,

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 robbery, robbery, burglary where there is use
5 of force against another person, residential burglary,
6 home invasion, vehicular invasion, aggravated arson,
7 arson, aggravated kidnaping, kidnaping, aggravated battery
8 resulting in great bodily harm or permanent disability or
9 disfigurement or any other felony which involves the
10 threat of or infliction of great bodily harm or permanent
11 disability or disfigurement;

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

20 (3) the defendant is charged with a violation of an
21 order of protection issued under Section 112A-14 of this
22 Code or Section 214 of the Illinois Domestic Violence Act
23 of 1986, a stalking no contact order under Section 80 of
24 the Stalking No Contact Order Act, or of a civil no contact
25 order under Section 213 of the Civil No Contact Order Act,
26 and it is alleged that the defendant's pretrial release

1 poses a real and present threat to the safety of any person
2 or persons or the community, based on the specific
3 articulable facts of the case; ~~the victim of abuse was a~~
4 ~~family or household member as defined by paragraph (6) of~~
5 ~~Section 103 of the Illinois Domestic Violence Act of 1986,~~
6 ~~and the person charged, at the time of the alleged~~
7 ~~offense, was subject to the terms of an order of~~
8 ~~protection issued under Section 112A 14 of this Code, or~~
9 ~~Section 214 of the Illinois Domestic Violence Act of 1986~~
10 ~~or previously was convicted of a violation of an order of~~
11 ~~protection under Section 12-3.4 or 12-30 of the Criminal~~
12 ~~Code of 1961 or the Criminal Code of 2012 or a violent~~
13 ~~crime if the victim was a family or household member as~~
14 ~~defined by paragraph (6) of the Illinois Domestic Violence~~
15 ~~Act of 1986 at the time of the offense or a violation of a~~
16 ~~substantially similar municipal ordinance or law of this~~
17 ~~or any other state or the United States if the victim was a~~
18 ~~family or household member as defined by paragraph (6) of~~
19 ~~Section 103 of the Illinois Domestic Violence Act of 1986~~
20 ~~at the time of the offense, and it is alleged that the~~
21 ~~defendant's pre-trial release poses a real and present~~
22 ~~threat to the physical safety of any person or persons;~~

23 (4) the defendant is charged with domestic battery or
24 aggravated domestic battery under Section 12-3.2 or 12-3.3
25 of the Criminal Code of 2012 and it is alleged that the
26 defendant's pretrial release poses a real and present

1 threat to the safety of any person or persons or the
2 community, based on the specific articulable facts of the
3 case ~~real and present threat to the physical safety of any~~
4 ~~person or persons;~~

5 (5) the defendant is charged with any offense under
6 Article 11 of the Criminal Code of 2012, except for
7 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
8 11-40, and 11-45 of the Criminal Code of 2012, or similar
9 provisions of the Criminal Code of 1961 and it is alleged
10 that the defendant's pretrial release poses a real and
11 present threat to the safety of any person or persons or
12 the community, based on the specific articulable facts of
13 the case ~~real and present threat to the physical safety of~~
14 ~~any person or persons;~~

15 (6) the defendant is charged with any of the following
16 offenses ~~these violations~~ under the Criminal Code of 2012,
17 and it is alleged that the defendant's pretrial release
18 ~~releases~~ poses a real and present threat to the safety of
19 any person or persons or the community, based on the
20 specific articulable facts of the case: ~~real and present~~
21 ~~threat to the physical safety of any specifically~~
22 ~~identifiable person or persons.~~

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 ~~2~~ (manufacture, sale or
7 transfer of bullets or shells represented to be armor
8 piercing bullets, dragon's breath shotgun shells, bolo
9 shells, 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); ~~or~~

19 (K) Section ~~or~~ 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
25 use or possession of weapons by felons or persons in
26 the Custody of the Department of Corrections

1 facilities (Section 24-1.1), (ii) aggravated unlawful
2 use of a 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) ~~(7)~~ the person has a high likelihood of willful
24 flight to avoid prosecution and is charged with:

25 (A) Any felony described in subdivisions ~~Sections~~
26 (a) (1) through (a) (7) ~~(5)~~ 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 ~~the Court shall hold a~~
4 ~~hearing pursuant to 109-3 of this Code to~~ determine whether
5 there is probable cause the defendant has committed an
6 offense, unless a hearing pursuant to Section 109-3 of this
7 Code has already been held or a grand jury has returned a true
8 bill of indictment against the defendant. If there is a
9 finding of no probable cause, the defendant shall be released.
10 No such finding is necessary if the defendant is charged with a
11 misdemeanor.

12 (c) Timing of petition.

13 (1) A petition may be filed without prior notice to
14 the defendant at the first appearance before a judge, or
15 within the 21 calendar days, except as provided in Section
16 110-6, after arrest and release of the defendant upon
17 reasonable notice to defendant; provided that while such
18 petition is pending before the court, the defendant if
19 previously released shall not be detained.

20 (2) ~~(2)~~ Upon filing, the court shall immediately hold
21 a hearing on the petition unless a continuance is
22 requested. If a continuance is requested and granted, the
23 hearing shall be held within 48 hours of the defendant's
24 first appearance if the defendant is charged with first
25 degree murder or a Class X, Class 1, Class 2, or Class 3
26 felony, and within 24 hours if the defendant is charged

1 with a Class 4 or misdemeanor offense. The Court may deny
2 ~~and~~ or grant the request for continuance. If the court
3 decides to grant the continuance, the Court retains the
4 discretion to detain or release the defendant in the time
5 between the filing of the petition and the hearing.

6 (d) Contents of petition.

7 (1) The petition shall be verified by the State and
8 shall state the grounds upon which it contends the
9 defendant should be denied pretrial release, including the
10 real and present threat to the safety of any person or
11 persons or the community, based on the specific
12 articulable facts or flight risk, as appropriate identity
13 ~~of the specific person or persons the State believes the~~
14 ~~defendant poses a danger to.~~

15 (2) If the State seeks to file a second or subsequent
16 petition under this Section, the State shall be required
17 to present a verified application setting forth in detail
18 any new facts not known or obtainable at the time of the
19 filing of the previous petition ~~Only one petition may be~~
20 ~~filed under this Section.~~

21 (e) Eligibility: All defendants shall be presumed eligible
22 for pretrial release, and the State shall bear the burden of
23 proving by clear and convincing evidence that:

24 (1) the proof is evident or the presumption great that
25 the defendant has committed an offense listed in
26 ~~paragraphs (1) through (6) of subsection (a), and~~

1 (2) for offenses listed in paragraphs (1) through (7)
2 of subsection (a), the defendant poses a real and present
3 threat to the safety of any person or persons or the
4 community, based on the specific articulable facts of the
5 case, ~~real and present threat to the safety of a specific,~~
6 ~~identifiable person or persons,~~ by conduct which may
7 include, but is not limited to, a forcible felony, the
8 obstruction of justice, intimidation, injury, or abuse as
9 defined by paragraph (1) of Section 103 of the Illinois
10 Domestic Violence Act of 1986, and

11 (3) no condition or combination of conditions set
12 forth in subsection (b) of Section 110-10 of this Article
13 can mitigate (i) the real and present threat to the safety
14 of any person or persons or the community, based on the
15 specific articulable facts of the case, for offenses
16 listed in paragraphs (1) through (7) of subsection (a),
17 ~~real and present threat to the safety of any person or~~
18 ~~persons~~ or (ii) the defendant's willful flight for
19 offenses listed in paragraph (8) of subsection (a), and

20 (4) for offenses under subsection (b) of Section 407
21 of the Illinois Controlled Substances Act that are subject
22 to paragraph (1) of subsection (a), no condition or
23 combination of conditions set forth in subsection (b) of
24 Section 110-10 of this Article can mitigate the real and
25 present threat to the safety of any person or persons or
26 the community, based on the specific articulable facts of

1 the case, and the defendant poses a serious risk to not
2 appear in court as required.

3 (f) Conduct of the hearings.

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

13 (2) The State or defendant may present evidence at the
14 hearing by way of proffer based upon reliable information.

15 (3) The defendant has the right to be represented by
16 counsel, and if he or she is indigent, to have counsel
17 appointed for him or her. The defendant shall have the
18 opportunity to testify, to present witnesses on his or her
19 own behalf, and to cross-examine any witnesses that are
20 called by the State. Defense counsel shall be given
21 adequate opportunity to confer with the defendant before
22 any hearing at which conditions of release or the
23 detention of the defendant are to be considered, with an
24 accommodation for a physical condition made to facilitate
25 attorney/client consultation. If defense counsel needs to
26 confer or consult with the defendant during any hearing

1 conducted via a two-way audio-visual communication system,
2 such consultation shall not be recorded and shall be
3 undertaken consistent with constitutional protections.

4 (3.5) A hearing at which pretrial release may be
5 denied must be conducted in person (and not by way of
6 two-way audio visual communication) unless the accused
7 waives the right to be present physically in court, the
8 court determines that the physical health and safety of
9 any person necessary to the proceedings would be
10 endangered by appearing in court, or the chief judge of
11 the circuit orders use of that system due to operational
12 challenges in conducting the hearing in person. Such
13 operational challenges must be documented and approved by
14 the chief judge of the circuit, and a plan to address the
15 challenges through reasonable efforts must be presented
16 and approved by the Administrative Office of the Illinois
17 Courts every 6 months.

18 (4) If the defense seeks to compel ~~call~~ the
19 complaining witness to testify as a witness in its favor,
20 it shall petition the court for permission. When the ends
21 of justice so require, the court may exercise its
22 discretion and compel the appearance of a complaining
23 witness. The court shall state on the record reasons for
24 granting a defense request to compel the presence of a
25 complaining witness only on the issue of the defendant's
26 pretrial detention. In making a determination under this

1 Section ~~section~~, the court shall state on the record the
2 reason for granting a defense request to compel the
3 presence of a complaining witness, and only grant the
4 request if the court finds by clear and convincing
5 evidence that the defendant will be materially prejudiced
6 if the complaining witness does not appear.
7 Cross-examination of a complaining witness at the pretrial
8 detention hearing for the purpose of impeaching the
9 witness' credibility is insufficient reason to compel the
10 presence of the witness. In deciding whether to compel the
11 appearance of a complaining witness, the court shall be
12 considerate of the emotional and physical well-being of
13 the witness. The pre-trial detention hearing is not to be
14 used for purposes of discovery, and the post arraignment
15 rules of discovery do not apply. The State shall tender to
16 the defendant, prior to the hearing, copies, if any, of
17 the defendant's criminal history, if available, and any
18 written or recorded statements and the substance of any
19 oral statements made by any person, if in the State's
20 Attorney's possession at the time of the hearing.

21 (5) The rules concerning the admissibility of evidence
22 in criminal trials do not apply to the presentation and
23 consideration of information at the hearing. At the trial
24 concerning the offense for which the hearing was conducted
25 neither the finding of the court nor any transcript or
26 other record of the hearing shall be admissible in the

1 State's case-in-chief ~~case in chief~~, but shall be
2 admissible for impeachment, or as provided in Section
3 115-10.1 of this Code, or in a perjury proceeding.

4 (6) The defendant may not move to suppress evidence or
5 a confession, however, evidence that proof of the charged
6 crime may have been the result of an unlawful search or
7 seizure, or both, or through improper interrogation, is
8 relevant in assessing the weight of the evidence against
9 the defendant.

10 (7) Decisions regarding release, conditions of
11 release, and detention prior to trial must ~~should~~ be
12 individualized, and no single factor or standard may
13 ~~should~~ be used exclusively to order ~~make a condition or~~
14 ~~detention decision.~~ Risk assessment tools may not be used
15 as the sole basis to deny pretrial release.

16 (g) Factors to be considered in making a determination of
17 dangerousness. The court may, in determining whether the
18 defendant poses a real and present threat to the safety of any
19 person or persons or the community, based on the specific
20 articulable facts of the case, ~~specific, imminent threat of~~
21 ~~serious physical harm to an identifiable person or persons,~~
22 consider, but shall not be limited to, evidence or testimony
23 concerning:

24 (1) The nature and circumstances of any offense
25 charged, including whether the offense is a crime of
26 violence, involving a weapon, or a sex offense.

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

3 (A) Any evidence of the defendant's prior criminal
4 history indicative of violent, abusive or assaultive
5 behavior, or lack of such behavior. Such 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 which
11 tends to indicate a violent, abusive, or assaultive
12 nature, or lack of any such history.

13 (3) The identity of any person or persons to whose
14 safety the defendant is believed to pose a threat, and the
15 nature of the threat.

16 (4) Any statements made by, or attributed to the
17 defendant, together with the circumstances surrounding
18 them.

19 (5) The age and physical condition of the defendant.

20 (6) The age and physical condition of any victim or
21 complaining witness.

22 (7) Whether the defendant is known to possess or have
23 access to any weapon or weapons.

24 (8) Whether, at the time of the current offense or any
25 other offense or arrest, the defendant was on probation,
26 parole, aftercare release, mandatory supervised release or

1 other release from custody pending trial, sentencing,
2 appeal or completion of sentence for an offense under
3 federal or state law.~~†~~

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

9 (h) Detention order. The court shall, in any order for
10 detention:

11 (1) make a written finding summarizing ~~briefly~~
12 ~~summarize the evidence of the defendant's guilt or~~
13 ~~innocence, and the court's reasons for concluding that the~~
14 ~~defendant should be denied pretrial release,~~ including why
15 less restrictive conditions would not avoid a real and
16 present threat to the safety of any person or persons or
17 the community, based on the specific articulable facts of
18 the case, or prevent the defendant's willful flight from
19 prosecution;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his or her choice by
26 visitation, mail and telephone; and

1 (4) direct that the sheriff deliver the defendant as
2 required for appearances in connection with court
3 proceedings.

4 (i) Detention. If the court enters an order for the
5 detention of the defendant pursuant to subsection (e) of this
6 Section, the defendant shall be brought to trial on the
7 offense for which he is detained within 90 days after the date
8 on which the order for detention was entered. If the defendant
9 is not brought to trial within the 90-day ~~90-day~~ period
10 required by the preceding sentence, he shall not be denied
11 pretrial release. In computing the 90-day ~~90-day~~ period, the
12 court shall omit any period of delay resulting from a
13 continuance granted at the request of the defendant and any
14 period of delay resulting from a continuance granted at the
15 request of the State with good cause shown pursuant to Section
16 103-5.

17 (i-5) At each subsequent appearance of the defendant
18 before the court, the judge must find that continued detention
19 is necessary to avoid a real and present threat to the safety
20 of any person or persons or the community, based on the
21 specific articulable facts of the case, or to prevent the
22 defendant's willful flight from prosecution.

23 (j) Rights of the defendant. The defendant ~~Any person~~
24 shall be entitled to appeal any order entered under this
25 Section denying his or her pretrial release ~~to the defendant.~~

26 (k) Appeal. The State may appeal any order entered under

1 this Section denying any motion for denial of pretrial
2 release.

3 (1) Presumption of innocence. Nothing in this Section
4 shall be construed as modifying or limiting in any way the
5 defendant's presumption of innocence in further criminal
6 proceedings.

7 (m) Interest of victims ~~Victim notice~~.

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

14 (2) If the defendant is denied pretrial release, the court
15 may impose a no contact provision with the victim or other
16 interested party that shall be enforced while the defendant
17 remains in custody.

18 (Source: P.A. 101-652, eff. 1-1-23; revised 2-28-22.)

19 (725 ILCS 5/110-6.6 new)

20 Sec. 110-6.6. Appeals.

21 (a) Appeals under this Article shall be governed by
22 Supreme Court Rules.

23 (b) If a hearing under this Article is conducted by means
24 of two-way audio-visual communication or other electronic
25 recording system, the audio-visual recording shall be entered

1 into the record as the transcript for purposes of the appeals
2 described in subsection (a). Nothing in this Section prohibits
3 a transcription by a court reporter from also being entered
4 into the record.

5 (725 ILCS 5/110-7.5 new)

6 Sec. 110-7.5. Previously deposited bail security.

7 (a) On or after January 1, 2023, any person having been
8 previously released pretrial on the condition of the deposit
9 of security shall be allowed to remain on pretrial release
10 under the terms of their original bail bond. This Section
11 shall not limit the State's Attorney's ability to file a
12 verified petition for detention under Section 110-6.1 or a
13 petition for revocation or sanctions under Section 110-6.

14 (b) On or after January 1, 2023, any person who remains in
15 pretrial detention after having been ordered released with
16 pretrial conditions, including the condition of depositing
17 security, shall be entitled to a hearing under subsection (e)
18 of Section 110-5.

19 On or after January 1, 2023, any person, not subject to
20 subsection (b), who remains in pretrial detention and is
21 eligible for detention under Section 110-6.1 shall be entitled
22 to a hearing according to the following schedule:

23 (1) For persons charged with offenses under paragraphs
24 (1) through (7) of subsection (a) of Section 110-6.1, the
25 hearing shall be held within 90 days of the person's

1 motion for reconsideration of pretrial release conditions.

2 (2) For persons charged with offenses under paragraph
3 (8) of subsection (a) of Section 110-6.1, the hearing
4 shall be held within 60 days of the person's motion for
5 reconsideration of pretrial release conditions.

6 (3) For persons charged with all other offenses not
7 listed in subsection (a) of Section 110-6.1, the hearing
8 shall be held within 7 days of the person's motion for
9 reconsideration of pretrial release conditions.

10 (c) Processing of previously deposited bail security. The
11 provisions of this Section shall apply to all monetary bonds,
12 regardless of whether they were previously posted in cash or
13 in the form of stocks, bonds, or real estate.

14 (1) Once security has been deposited and a charge is
15 pending or is thereafter filed in or transferred to a
16 court of competent jurisdiction, the latter court may
17 continue the original security in that court or modify the
18 conditions of pretrial release subject to the provisions
19 of Section 110-6.

20 (2) After conviction, the court may order that a
21 previously deposited security stand pending appeal,
22 reconsider conditions of release, or deny release subject
23 to the provisions of Section 110-6.2.

24 (3) After the entry of an order by the trial court
25 granting or denying pretrial release pending appeal,
26 either party may apply to the reviewing court having

1 jurisdiction or to a justice thereof sitting in vacation
2 for an order modifying the conditions of pretrial release
3 or denying pretrial release subject to the provisions of
4 Section 110-6.2.

5 (4) When the conditions of the previously posted bail
6 bond have been performed and the accused has been
7 discharged from all obligations in the cause, the clerk of
8 the court shall return to the accused or to the
9 defendant's designee by an assignment executed at the time
10 the bail amount is deposited, unless the court orders
11 otherwise, 90% of the sum which had been deposited and
12 shall retain as bail bond costs 10% of the amount
13 deposited. However, in no event shall the amount retained
14 by the clerk as bail bond costs be less than \$5.

15 Notwithstanding the foregoing, in counties with a
16 population of 3,000,000 or more, in no event shall the
17 amount retained by the clerk as bail bond costs exceed
18 \$100. Bail bond deposited by or on behalf of a defendant in
19 one case may be used, in the court's discretion, to
20 satisfy financial obligations of that same defendant
21 incurred in a different case due to a fine, court costs,
22 restitution or fees of the defendant's attorney of record.
23 In counties with a population of 3,000,000 or more, the
24 court shall not order bail bond deposited by or on behalf
25 of a defendant in one case to be used to satisfy financial
26 obligations of that same defendant in a different case

1 until the bail bond is first used to satisfy court costs
2 and attorney's fees in the case in which the bail bond has
3 been deposited and any other unpaid child support
4 obligations are satisfied.

5 In counties with a population of less than 3,000,000,
6 the court shall not order bail bond deposited by or on
7 behalf of a defendant in one case to be used to satisfy
8 financial obligations of that same defendant in a
9 different case until the bail bond is first used to
10 satisfy court costs in the case in which the bail bond has
11 been deposited.

12 At the request of the defendant, the court may order
13 such 90% of the defendant's bail deposit, or whatever
14 amount is repayable to the defendant from such deposit, to
15 be paid to defendant's attorney of record.

16 (5) If there is an alleged violation of the conditions
17 of pretrial release in a matter in which the defendant has
18 previously deposited security, the court having
19 jurisdiction shall follow the procedures for revocation of
20 pretrial release or sanctions set forth in Section 110-6.
21 The previously deposited security shall be returned to the
22 defendant following the procedures of paragraph (4) of
23 subsection (a) of this Section once the defendant has been
24 discharged from all obligations in the cause.

25 (6) If security was previously deposited for failure
26 to appear in a matter involving enforcement of child

1 support or maintenance, the amount of the cash deposit on
2 the bond, less outstanding costs, may be awarded to the
3 person or entity to whom the child support or maintenance
4 is due.

5 (7) After a judgment for a fine and court costs or
6 either is entered in the prosecution of a cause in which a
7 deposit of security was previously made, the balance of
8 such deposit shall be applied to the payment of the
9 judgment.

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

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

12 Sec. 110-10. Conditions of bail bond.

13 (a) If a person is released prior to conviction, either
14 upon payment of bail security or on his or her own
15 recognizance, the conditions of the bail bond shall be that he
16 or she will:

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

20 (2) Submit himself or herself to the orders and
21 process of the court;

22 (3) Not depart this State without leave of the court;

23 (4) Not violate any criminal statute of any
24 jurisdiction;

25 (5) At a time and place designated by the court,

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

23 (6) At a time and place designated by the court,
24 submit to a psychological evaluation when the person has
25 been charged with a violation of item (4) of subsection
26 (a) of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and that violation occurred in a
2 school or in any conveyance owned, leased, or contracted
3 by a school to transport students to or from school or a
4 school-related activity, or on any public way within 1,000
5 feet of real property comprising any school.

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

26 (b) The court may impose other conditions, such as the

1 following, if the court finds that such conditions are
2 reasonably necessary to assure the defendant's appearance in
3 court, protect the public from the defendant, or prevent the
4 defendant's unlawful interference with the orderly
5 administration of justice:

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

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

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

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

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

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

18 (7) Undergo medical or psychiatric treatment;

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

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

23 (10) Support his or her dependents;

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

1 support at home or in a foster home;

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

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

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

16 (14.1) The court shall impose upon a defendant who is
17 charged with any alcohol, cannabis, methamphetamine, or
18 controlled substance violation and is placed under direct
19 supervision of the Pretrial Services Agency, Probation
20 Department or Court Services Department in a pretrial bond
21 home supervision capacity with the use of an approved
22 monitoring device, as a condition of such bail bond, a fee
23 that represents costs incidental to the electronic
24 monitoring for each day of such bail supervision ordered
25 by the court, unless after determining the inability of
26 the defendant to pay the fee, the court assesses a lesser

1 fee or no fee as the case may be. The fee shall be
2 collected by the clerk of the circuit court, except as
3 provided in an administrative order of the Chief Judge of
4 the circuit court. The clerk of the circuit court shall
5 pay all monies collected from this fee to the county
6 treasurer for deposit in the substance abuse services fund
7 under Section 5-1086.1 of the Counties Code, except as
8 provided in an administrative order of the Chief Judge of
9 the circuit court.

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

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

23 (14.2) The court shall impose upon all defendants,
24 including those defendants subject to paragraph (14.1)
25 above, placed under direct supervision of the Pretrial
26 Services Agency, Probation Department or Court Services

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

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

1 unduly burden the offender and shall be subject to review
2 by the Chief Judge.

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

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

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

1 allow a defendant who is not self-employed to operate a
2 vehicle owned by the defendant's employer that is not
3 equipped with an ignition interlock device in the course
4 and scope of the defendant's employment;

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

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

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

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

24 1. Vacate the household.

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

1 3. Refrain from contact or communication with the
2 child victim, except as ordered by the court.

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

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

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

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

23 (f) If the defendant is admitted to bail after conviction
24 the conditions of the bail bond shall be that he will, in
25 addition to the conditions set forth in subsections (a) and
26 (b) hereof:

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

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

11 defendant shall physically surrender, at a time and place

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

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

14 as a condition of remaining on bond pending 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.)

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

21 Sec. 110-10. Conditions of pretrial release.

22 (a) If a person is released prior to conviction, the

23 conditions of pretrial release shall be that he or she will:

24 (1) Appear to answer the charge in the court having

25 jurisdiction on a day certain and thereafter as ordered by

1 the court until discharged or final order of the court;

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

4 (3) (Blank);

5 (4) Not violate any criminal statute of any
6 jurisdiction;

7 (5) At a time and place designated by the court,
8 surrender all firearms in his or her possession to a law
9 enforcement officer designated by the court to take
10 custody of and impound the firearms and physically
11 surrender his or her Firearm Owner's Identification Card
12 to the clerk of the circuit court when the offense the
13 person has been charged with is a forcible felony,
14 stalking, aggravated stalking, domestic battery, any
15 violation of the Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act, or
17 the Cannabis Control Act that is classified as a Class 2 or
18 greater felony, or any felony violation of Article 24 of
19 the Criminal Code of 1961 or the Criminal Code of 2012; the
20 court may, however, forgo the imposition of this condition
21 when the circumstances of the case clearly do not warrant
22 it or when its imposition would be impractical; if the
23 Firearm Owner's Identification Card is confiscated, the
24 clerk of the circuit court shall mail the confiscated card
25 to the Illinois State Police; all legally possessed
26 firearms shall be returned to the person upon the charges

1 being dismissed, or if the person is found not guilty,
2 unless the finding of not guilty is by reason of insanity;
3 and

4 (6) At a time and place designated by the court,
5 submit to a psychological evaluation when the person has
6 been charged with a violation of item (4) of subsection
7 (a) of Section 24-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 and that violation occurred in a
9 school or in any conveyance owned, leased, or contracted
10 by a school to transport students to or from school or a
11 school-related activity, or on any public way within 1,000
12 feet of real property comprising any school.

13 Psychological evaluations ordered pursuant to this Section
14 shall be completed promptly and made available to the State,
15 the defendant, and the court. As a further condition of
16 pretrial release under these circumstances, the court shall
17 order the defendant to refrain from entering upon the property
18 of the school, including any conveyance owned, leased, or
19 contracted by a school to transport students to or from school
20 or a school-related activity, or on any public way within
21 1,000 feet of real property comprising any school. Upon
22 receipt of the psychological evaluation, either the State or
23 the defendant may request a change in the conditions of
24 pretrial release, pursuant to Section 110-6 of this Code. The
25 court may change the conditions of pretrial release to include
26 a requirement that the defendant follow the recommendations of

1 the psychological evaluation, including undergoing psychiatric
2 treatment. The conclusions of the psychological evaluation and
3 any statements elicited from the defendant during its
4 administration are not admissible as evidence of guilt during
5 the course of any trial on the charged offense, unless the
6 defendant places his or her mental competency in issue.

7 (b) Additional conditions of release shall be set only
8 when it is determined that they are necessary to ensure the
9 defendant's appearance in court, ensure the defendant does not
10 commit any criminal offense, ensure the defendant complies
11 with all conditions of pretrial release, ~~The court may impose~~
12 ~~other conditions, such as the following, if the court finds~~
13 ~~that such conditions are reasonably necessary to assure the~~
14 ~~defendant's appearance in court, protect the public from the~~
15 ~~defendant, or prevent the defendant's unlawful interference~~
16 with the orderly administration of justice, or ensure
17 compliance with the rules and procedures of problem solving
18 courts. However, conditions shall include the least
19 restrictive means and be individualized. Conditions shall not
20 mandate rehabilitative services unless directly tied to the
21 risk of pretrial misconduct. Conditions of supervision shall
22 not include punitive measures such as community service work
23 or restitution. Conditions may include the following:

24 (0.05) Not depart this State without leave of the
25 court;

26 (1) Report to or appear in person before such person

1 or agency as the court may direct;

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

4 (3) Refrain from approaching or communicating with
5 particular persons or classes of persons;

6 (4) Refrain from going to certain described geographic
7 ~~geographical~~ areas or premises;

8 ~~(5) Refrain from engaging in certain activities or~~
9 ~~indulging in intoxicating liquors or in certain drugs;~~

10 ~~(6) Undergo treatment for drug addiction or~~
11 ~~alcoholism;~~

12 ~~(7) Undergo medical or psychiatric treatment;~~

13 ~~(8) Work or pursue a course of study or vocational~~
14 ~~training;~~

15 ~~(9) Attend or reside in a facility designated by the~~
16 ~~court;~~

17 ~~(10) Support his or her dependents;~~

18 ~~(11) If a minor resides with his or her parents or in a~~
19 ~~foster home, attend school, attend a non residential~~
20 ~~program for youths, and contribute to his or her own~~
21 ~~support at home or in a foster home;~~

22 ~~(12) Observe any curfew ordered by the court;~~

23 ~~(13) Remain in the custody of such designated person~~
24 ~~or organization agreeing to supervise his release. Such~~
25 ~~third party custodian shall be responsible for notifying~~
26 ~~the court if the defendant fails to observe the conditions~~

1 ~~of release which the custodian has agreed to monitor, and~~
2 ~~shall be subject to contempt of court for failure so to~~
3 ~~notify the court;~~

4 (5) ~~(14)~~ Be placed under direct supervision of the
5 Pretrial Services Agency, Probation Department or Court
6 Services Department in a pretrial home supervision
7 capacity with or without the use of an approved electronic
8 monitoring device subject to Article 8A of Chapter V of
9 the Unified Code of Corrections;

10 ~~(14.1) The court may impose upon a defendant who is~~
11 ~~charged with any alcohol, cannabis, methamphetamine, or~~
12 ~~controlled substance violation and is placed under direct~~
13 ~~supervision of the Pretrial Services Agency, Probation~~
14 ~~Department or Court Services Department in a pretrial home~~
15 ~~supervision capacity with the use of an approved~~
16 ~~monitoring device, as a condition of such pretrial~~
17 ~~monitoring, a fee that represents costs incidental to the~~
18 ~~electronic monitoring for each day of such pretrial~~
19 ~~supervision ordered by the court, unless after determining~~
20 ~~the inability of the defendant to pay the fee, the court~~
21 ~~assesses a lesser fee or no fee as the case may be. The fee~~
22 ~~shall be collected by the clerk of the circuit court,~~
23 ~~except as provided in an administrative order of the Chief~~
24 ~~Judge of the circuit court. The clerk of the circuit court~~
25 ~~shall pay all monies collected from this fee to the county~~
26 ~~treasurer for deposit in the substance abuse services fund~~

1 ~~under Section 5-1086.1 of the Counties Code, except as~~
2 ~~provided in an administrative order of the Chief Judge of~~
3 ~~the circuit court.~~

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

14 ~~The Chief Judge of the circuit court may suspend any~~
15 ~~additional charges or fees for late payment, interest, or~~
16 ~~damage to any device;~~

17 ~~(14.2) The court may impose upon all defendants,~~
18 ~~including those defendants subject to paragraph (14.1)~~
19 ~~above, placed under direct supervision of the Pretrial~~
20 ~~Services Agency, Probation Department or Court Services~~
21 ~~Department in a pretrial home supervision capacity with~~
22 ~~the use of an approved monitoring device, as a condition~~
23 ~~of such release, a fee which shall represent costs~~
24 ~~incidental to such electronic monitoring for each day of~~
25 ~~such supervision ordered by the court, unless after~~
26 ~~determining the inability of the defendant to pay the fee,~~

1 ~~the court assesses a lesser fee or no fee as the case may~~
2 ~~be. The fee shall be collected by the clerk of the circuit~~
3 ~~court, except as provided in an administrative order of~~
4 ~~the Chief Judge of the circuit court. The clerk of the~~
5 ~~circuit court shall pay all monies collected from this fee~~
6 ~~to the county treasurer who shall use the monies collected~~
7 ~~to defray the costs of corrections. The county treasurer~~
8 ~~shall deposit the fee collected in the county working cash~~
9 ~~fund under Section 6-27001 or Section 6-29002 of the~~
10 ~~Counties Code, as the case may be, except as provided in an~~
11 ~~administrative order of the Chief Judge of the circuit~~
12 ~~court.~~

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

23 ~~The Chief Judge of the circuit court may suspend any~~
24 ~~additional charges or fees for late payment, interest, or~~
25 ~~damage to any device;~~

26 ~~(14.3) The Chief Judge of the Judicial Circuit may~~

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

14 (6) ~~(14.4)~~ For persons charged with violating Section
15 11-501 of the Illinois Vehicle Code, refrain from
16 operating a motor vehicle not equipped with an ignition
17 interlock device, as defined in Section 1-129.1 of the
18 Illinois Vehicle Code, pursuant to the rules promulgated
19 by the Secretary of State for the installation of ignition
20 interlock devices. Under this condition the court may
21 allow a defendant who is not self-employed to operate a
22 vehicle owned by the defendant's employer that is not
23 equipped with an ignition interlock device in the course
24 and scope of the defendant's employment;

25 (7) ~~(15)~~ Comply with the terms and conditions of an
26 order of protection issued by the court under the Illinois

1 Domestic Violence Act of 1986 or an order of protection
2 issued by the court of another state, tribe, or United
3 States territory;

4 (8) Sign a written admonishment requiring that he or
5 she comply with the provisions of Section 110-12 regarding
6 any change in his or her address. The defendant's address
7 shall at all times remain a matter of record with the clerk
8 of the court ~~(16) (Blank)~~; and

9 (9) ~~(17)~~ Such other reasonable conditions as the court
10 may impose, so long as these conditions are the least
11 restrictive means to achieve the goals listed in
12 subsection (b), are individualized, and are in accordance
13 with national best practices as detailed in the Pretrial
14 Supervision Standards of the Supreme Court.

15 The defendant shall receive verbal and written
16 notification of conditions of pretrial release and future
17 court dates, including the date, time, and location of court.

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

1 1. Vacate the household.

2 2. Make payment of temporary support to his
3 dependents.

4 3. Refrain from contact or communication with the
5 child victim, except as ordered by the court.

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

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

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

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

26 (f) If the defendant is released after conviction

1 following appeal or other post-conviction proceeding, the
2 conditions of the pretrial release shall be that he will, in
3 addition to the conditions set forth in subsections (a) and
4 (b) hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may
7 direct;

8 (3) Not depart this State without leave of the court;

9 (4) Comply with such other reasonable conditions as
10 the court may impose; and

11 (5) If the judgment is affirmed or the cause reversed
12 and remanded for a new trial, forthwith surrender to the
13 officer from whose custody he was released.

14 (g) Upon a finding of guilty for any felony offense, the
15 defendant shall physically surrender, at a time and place
16 designated by the court, any and all firearms in his or her
17 possession and his or her Firearm Owner's Identification Card
18 as a condition of being released pending sentencing.

19 ~~(h) In the event the defendant is denied pretrial release,~~
20 ~~the court may impose a no contact provision with the victim or~~
21 ~~other interested party that shall be enforced while the~~
22 ~~defendant remains in custody.~~

23 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23.)

24 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

1 Sec. 110-12. Notice of change of address. A defendant who
2 has been admitted to bail shall file a written notice with the
3 clerk of the court before which the proceeding is pending of
4 any change in his or her address within 24 hours after such
5 change, except that a defendant who has been admitted to bail
6 for a forcible felony as defined in Section 2-8 of the Criminal
7 Code of 2012 shall file a written notice with the clerk of the
8 court before which the proceeding is pending and the clerk
9 shall immediately deliver a time stamped copy of the written
10 notice to the State's Attorney charged with the prosecution
11 within 24 hours prior to such change. The address of a
12 defendant who has been admitted to bail shall at all times
13 remain a matter of public record with the clerk of the court.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

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

16 Sec. 110-12. Notice of change of address. A defendant who
17 has been admitted to pretrial release shall file a written
18 notice with the clerk of the court before which the proceeding
19 is pending of any change in his or her address within 24 hours
20 after such change, except that a defendant who has been
21 admitted to pretrial release for a forcible felony as defined
22 in Section 2-8 of the Criminal Code of 2012 shall file a
23 written notice with the clerk of the court before which the
24 proceeding is pending and the clerk shall immediately deliver
25 a time stamped copy of the written notice to the prosecutor

1 ~~State's Attorney~~ charged with the prosecution within 24 hours
2 prior to such change. The address of a defendant who has been
3 admitted to pretrial release shall at all times remain a
4 matter of ~~public~~ record with the clerk of the court.

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

6 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

7 Sec. 113-3.1. Payment for Court-Appointed Counsel.

8 (a) Whenever under either Section 113-3 of this Code or
9 Rule 607 of the Illinois Supreme Court the court appoints
10 counsel to represent a defendant, the court may order the
11 defendant to pay to the Clerk of the Circuit Court a reasonable
12 sum to reimburse either the county or the State for such
13 representation. In a hearing to determine the amount of the
14 payment, the court shall consider the affidavit prepared by
15 the defendant under Section 113-3 of this Code and any other
16 information pertaining to the defendant's financial
17 circumstances which may be submitted by the parties. Such
18 hearing shall be conducted on the court's own motion or on
19 motion of the prosecutor ~~State's Attorney~~ at any time after
20 the appointment of counsel but no later than 90 days after the
21 entry of a final order disposing of the case at the trial
22 level.

23 (b) Any sum ordered paid under this Section may not exceed
24 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
25 defendant charged with a felony, or \$2,500 for a defendant who

1 is appealing a conviction of any class offense.

2 (c) The method of any payment required under this Section
3 shall be as specified by the Court. The court may order that
4 payments be made on a monthly basis during the term of
5 representation; however, the sum deposited as money bond shall
6 not be used to satisfy this court order. ~~Any sum deposited as
7 money bond with the Clerk of the Circuit Court under Section
8 110-7 of this Code may be used in the court's discretion in
9 whole or in part to comply with any payment order entered in
10 accordance with paragraph (a) of this Section. The court may
11 give special consideration to the interests of relatives or
12 other third parties who may have posted a money bond on the
13 behalf of the defendant to secure his release.~~ At any time
14 prior to full payment of any payment order the court on its own
15 motion or the motion of any party may reduce, increase, or
16 suspend the ordered payment, or modify the method of payment,
17 as the interest of fairness may require. No increase,
18 suspension, or reduction may be ordered without a hearing and
19 notice to all parties.

20 (d) The Supreme Court or the circuit courts may provide by
21 rule for procedures for the enforcement of orders entered
22 under this Section. Such rules may provide for the assessment
23 of all costs, including attorneys' fees which are required for
24 the enforcement of orders entered under this Section when the
25 court in an enforcement proceeding has first found that the
26 defendant has willfully refused to pay. The Clerk of the

1 Circuit Court shall keep records and make reports to the court
2 concerning funds paid under this Section in whatever manner
3 the court directs.

4 (e) Whenever an order is entered under this Section for
5 the reimbursement of the State due to the appointment of the
6 State Appellate Defender as counsel on appeal, the order shall
7 provide that the Clerk of the Circuit Court shall retain all
8 funds paid pursuant to such order until the full amount of the
9 sum ordered to be paid by the defendant has been paid. When no
10 balance remains due on such order, the Clerk of the Circuit
11 Court shall inform the court of this fact and the court shall
12 promptly order the Clerk of the Circuit Court to pay to the
13 State Treasurer all of the sum paid.

14 (f) The Clerk of the Circuit Court shall retain all funds
15 under this Section paid for the reimbursement of the county,
16 and shall inform the court when no balance remains due on an
17 order entered hereunder. The Clerk of the Circuit Court shall
18 make payments of funds collected under this Section to the
19 County Treasurer in whatever manner and at whatever point as
20 the court may direct, including payments made on a monthly
21 basis during the term of representation.

22 (g) A defendant who fails to obey any order of court
23 entered under this Section may be punished for contempt of
24 court. Any arrearage in payments may be reduced to judgment in
25 the court's discretion and collected by any means authorized
26 for the collection of money judgments under the law of this

1 State.

2 (Source: P.A. 88-394.)

3 Section 72. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 107-11 and 110-14 as follows:

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

6 Sec. 107-11. When summons may be issued.

7 (a) When authorized to issue a warrant of arrest, a court
8 may instead issue a summons.

9 (b) The summons shall:

10 (1) Be in writing;

11 (2) State the name of the person summoned and his or
12 her address, if known;

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

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

16 (5) Be signed by the judge of the court with the title
17 of his or her office; and

18 (6) Command the person to appear before a court at a
19 certain time and place.

20 (c) The summons may be served in the same manner as the
21 summons in a civil action or by certified or regular mail,
22 except that police officers may serve summons for violations
23 of ordinances occurring within their municipalities.

24 (Source: P.A. 87-574.)

1 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 110-14. Credit toward fines for pretrial
4 incarceration ~~on bailable offense; credit against monetary~~
5 ~~bail for certain offenses.~~

6 (a) Any person denied pretrial release ~~incarcerated on a~~
7 ~~bailable offense who does not supply bail~~ and against whom a
8 fine is levied on conviction of the offense shall be
9 automatically credited ~~allowed a credit of~~ \$30 for each day so
10 incarcerated upon application of the defendant. However, in no
11 case shall the amount so ~~allowed or~~ credited exceed the amount
12 of the fine.

13 (b) Subsection (a) does not apply to a person incarcerated
14 for sexual assault as defined in paragraph (1) of subsection
15 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

16 (c) A person subject to bail on a Category B offense, l
17 before January 1, 2023, shall have \$30 deducted from his or her
18 10% cash bond amount every day the person is incarcerated. The
19 sheriff shall calculate and apply this \$30 per day reduction
20 and send notice to the circuit clerk if a defendant's 10% cash
21 bond amount is reduced to \$0, at which point the defendant
22 shall be released upon his or her own recognizance.

23 (d) The court may deny the incarceration credit in
24 subsection (c) of this Section if the person has failed to
25 appear as required before the court and is incarcerated based

1 on a warrant for failure to appear on the same original
2 criminal offense.

3 (e) (Blank). ~~This Section is repealed on January 1, 2023.~~

4 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
5 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
6 12-17-21.)

7 (725 ILCS 5/110-4 rep.)

8 (725 ILCS 5/Art. 110A rep.)

9 Section 75. The Code of Criminal Procedure of 1963 is
10 amended by repealing Section 110-4 and Article 110A.

11 Section 80. The Rights of Crime Victims and Witnesses Act
12 is amended by changing Section 3 as follows:

13 (725 ILCS 120/3) (from Ch. 38, par. 1403)

14 (Text of Section before amendment by P.A. 102-982)

15 Sec. 3. The terms used in this Act shall have the following
16 meanings:

17 (a) "Crime victim" or "victim" means: (1) any natural
18 person determined by the prosecutor or the court to have
19 suffered direct physical or psychological harm as a result of
20 a violent crime perpetrated or attempted against that person
21 or direct physical or psychological harm as a result of (i) a
22 violation of Section 11-501 of the Illinois Vehicle Code or
23 similar provision of a local ordinance or (ii) a violation of

1 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
2 of 2012; (2) in the case of a crime victim who is under 18
3 years of age or an adult victim who is incompetent or
4 incapacitated, both parents, legal guardians, foster parents,
5 or a single adult representative; (3) in the case of an adult
6 deceased victim, 2 representatives who may be the spouse,
7 parent, child or sibling of the victim, or the representative
8 of the victim's estate; and (4) an immediate family member of a
9 victim under clause (1) of this paragraph (a) chosen by the
10 victim. If the victim is 18 years of age or over, the victim
11 may choose any person to be the victim's representative. In no
12 event shall the defendant or any person who aided and abetted
13 in the commission of the crime be considered a victim, a crime
14 victim, or a representative of the victim.

15 A board, agency, or other governmental entity making
16 decisions regarding an offender's release, sentence reduction,
17 or clemency can determine additional persons are victims for
18 the purpose of its proceedings.

19 (a-3) "Advocate" means a person whose communications with
20 the victim are privileged under Section 8-802.1 or 8-802.2 of
21 the Code of Civil Procedure, or Section 227 of the Illinois
22 Domestic Violence Act of 1986.

23 (a-5) "Confer" means to consult together, share
24 information, compare opinions and carry on a discussion or
25 deliberation.

26 (a-7) "Sentence" includes, but is not limited to, the

1 imposition of sentence, a request for a reduction in sentence,
2 parole, mandatory supervised release, aftercare release, early
3 release, inpatient treatment, outpatient treatment,
4 conditional release after a finding that the defendant is not
5 guilty by reason of insanity, clemency, or a proposal that
6 would reduce the defendant's sentence or result in the
7 defendant's release. "Early release" refers to a discretionary
8 release.

9 (a-9) "Sentencing" includes, but is not limited to, the
10 imposition of sentence and a request for a reduction in
11 sentence, parole, mandatory supervised release, aftercare
12 release, early release, consideration of inpatient treatment
13 or outpatient treatment, or conditional release after a
14 finding that the defendant is not guilty by reason of
15 insanity.

16 (a-10) "Status hearing" means a hearing designed to
17 provide information to the court, at which no motion of a
18 substantive nature and no constitutional or statutory right of
19 a crime victim is implicated or at issue.

20 (b) "Witness" means: any person who personally observed
21 the commission of a crime and who will testify on behalf of the
22 State of Illinois; or a person who will be called by the
23 prosecution to give testimony establishing a necessary nexus
24 between the offender and the violent crime.

25 (c) "Violent crime" means: (1) any felony in which force
26 or threat of force was used against the victim; (2) any offense

1 involving sexual exploitation, sexual conduct, or sexual
2 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
3 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
4 Criminal Code of 2012; (4) domestic battery or stalking; (5)
5 violation of an order of protection, a civil no contact order,
6 or a stalking no contact order; (6) any misdemeanor which
7 results in death or great bodily harm to the victim; or (7) any
8 violation of Section 9-3 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or Section 11-501 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, if
11 the violation resulted in personal injury or death. "Violent
12 crime" includes any action committed by a juvenile that would
13 be a violent crime if committed by an adult. For the purposes
14 of this paragraph, "personal injury" shall include any Type A
15 injury as indicated on the traffic accident report completed
16 by a law enforcement officer that requires immediate
17 professional attention in either a doctor's office or medical
18 facility. A type A injury shall include severely bleeding
19 wounds, distorted extremities, and injuries that require the
20 injured party to be carried from the scene.

21 (d) (Blank).

22 (e) "Court proceedings" includes, but is not limited to,
23 the preliminary hearing, any post-arraignment hearing the
24 effect of which may be the release of the defendant from
25 custody or to alter the conditions of bond, change of plea
26 hearing, the trial, any pretrial or post-trial hearing,

1 sentencing, any oral argument or hearing before an Illinois
2 appellate court, any hearing under the Mental Health and
3 Developmental Disabilities Code or Section 5-2-4 of the
4 Unified Code of Corrections after a finding that the defendant
5 is not guilty by reason of insanity, including a hearing for
6 conditional release, any hearing related to a modification of
7 sentence, probation revocation hearing, aftercare release or
8 parole hearings, post-conviction relief proceedings, habeas
9 corpus proceedings and clemency proceedings related to the
10 defendant's conviction or sentence. For purposes of the
11 victim's right to be present, "court proceedings" does not
12 include (1) hearings under Section 109-1 of the Code of
13 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
14 status hearings, or (4) the issuance of an order or decision of
15 an Illinois court that dismisses a charge, reverses a
16 conviction, reduces a sentence, or releases an offender under
17 a court rule.

18 (f) "Concerned citizen" includes relatives of the victim,
19 friends of the victim, witnesses to the crime, or any other
20 person associated with the victim or prisoner.

21 (g) "Victim's attorney" means an attorney retained by the
22 victim for the purposes of asserting the victim's
23 constitutional and statutory rights. An attorney retained by
24 the victim means an attorney who is hired to represent the
25 victim at the victim's expense or an attorney who has agreed to
26 provide pro bono representation. Nothing in this statute

1 creates a right to counsel at public expense for a victim.

2 (h) "Support person" means a person chosen by a victim to
3 be present at court proceedings.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-413, eff. 8-20-15;
5 99-642, eff. 7-28-16; 99-671, eff. 1-1-17; 100-961, eff.
6 1-1-19.)

7 (Text of Section after amendment by P.A. 102-982)

8 Sec. 3. The terms used in this Act shall have the following
9 meanings:

10 (a) "Crime victim" or "victim" means: (1) any natural
11 person determined by the prosecutor or the court to have
12 suffered direct physical or psychological harm as a result of
13 a violent crime perpetrated or attempted against that person
14 or direct physical or psychological harm as a result of (i) a
15 violation of Section 11-501 of the Illinois Vehicle Code or
16 similar provision of a local ordinance or (ii) a violation of
17 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
18 of 2012; (2) in the case of a crime victim who is under 18
19 years of age or an adult victim who is incompetent or
20 incapacitated, both parents, legal guardians, foster parents,
21 or a single adult representative; (3) in the case of an adult
22 deceased victim, 2 representatives who may be the spouse,
23 parent, child or sibling of the victim, or the representative
24 of the victim's estate; and (4) an immediate family member of a
25 victim under clause (1) of this paragraph (a) chosen by the

1 victim. If the victim is 18 years of age or over, the victim
2 may choose any person to be the victim's representative. In no
3 event shall the defendant or any person who aided and abetted
4 in the commission of the crime be considered a victim, a crime
5 victim, or a representative of the victim.

6 A board, agency, or other governmental entity making
7 decisions regarding an offender's release, sentence reduction,
8 or clemency can determine additional persons are victims for
9 the purpose of its proceedings.

10 (a-3) "Advocate" means a person whose communications with
11 the victim are privileged under Section 8-802.1 or 8-802.2 of
12 the Code of Civil Procedure, or Section 227 of the Illinois
13 Domestic Violence Act of 1986.

14 (a-5) "Confer" means to consult together, share
15 information, compare opinions and carry on a discussion or
16 deliberation.

17 (a-7) "Sentence" includes, but is not limited to, the
18 imposition of sentence, a request for a reduction in sentence,
19 parole, mandatory supervised release, aftercare release, early
20 release, inpatient treatment, outpatient treatment,
21 conditional release after a finding that the defendant is not
22 guilty by reason of insanity, clemency, or a proposal that
23 would reduce the defendant's sentence or result in the
24 defendant's release. "Early release" refers to a discretionary
25 release.

26 (a-9) "Sentencing" includes, but is not limited to, the

1 imposition of sentence and a request for a reduction in
2 sentence, parole, mandatory supervised release, aftercare
3 release, early release, consideration of inpatient treatment
4 or outpatient treatment, or conditional release after a
5 finding that the defendant is not guilty by reason of
6 insanity.

7 (a-10) "Status hearing" means a hearing designed to
8 provide information to the court, at which no motion of a
9 substantive nature and no constitutional or statutory right of
10 a crime victim is implicated or at issue.

11 (b) "Witness" means: any person who personally observed
12 the commission of a crime and who will testify on behalf of the
13 State of Illinois; or a person who will be called by the
14 prosecution to give testimony establishing a necessary nexus
15 between the offender and the violent crime.

16 (c) "Violent crime" means: (1) any felony in which force
17 or threat of force was used against the victim; (2) any offense
18 involving sexual exploitation, sexual conduct, or sexual
19 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
20 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
21 Criminal Code of 2012; (4) domestic battery or stalking; (5)
22 violation of an order of protection, a civil no contact order,
23 or a stalking no contact order; (6) any misdemeanor which
24 results in death or great bodily harm to the victim; or (7) any
25 violation of Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or Section 11-501 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, if
2 the violation resulted in personal injury or death. "Violent
3 crime" includes any action committed by a juvenile that would
4 be a violent crime if committed by an adult. For the purposes
5 of this paragraph, "personal injury" shall include any Type A
6 injury as indicated on the traffic crash report completed by a
7 law enforcement officer that requires immediate professional
8 attention in either a doctor's office or medical facility. A
9 type A injury shall include severely bleeding wounds,
10 distorted extremities, and injuries that require the injured
11 party to be carried from the scene.

12 (d) (Blank).

13 (e) "Court proceedings" includes, but is not limited to,
14 the preliminary hearing, any post-arraignment hearing the
15 effect of which may be the release of the defendant from
16 custody or to alter the conditions of bond, change of plea
17 hearing, the trial, any pretrial or post-trial hearing,
18 sentencing, any oral argument or hearing before an Illinois
19 appellate court, any hearing under the Mental Health and
20 Developmental Disabilities Code or Section 5-2-4 of the
21 Unified Code of Corrections after a finding that the defendant
22 is not guilty by reason of insanity, including a hearing for
23 conditional release, any hearing related to a modification of
24 sentence, probation revocation hearing, aftercare release or
25 parole hearings, post-conviction relief proceedings, habeas
26 corpus proceedings and clemency proceedings related to the

1 defendant's conviction or sentence. For purposes of the
2 victim's right to be present, "court proceedings" does not
3 include (1) ~~hearings under Section 109-1 of the Code of~~
4 ~~Criminal Procedure of 1963,~~ (2) grand jury proceedings, (2)
5 ~~(3)~~ status hearings, or (3) ~~(4)~~ the issuance of an order or
6 decision of an Illinois court that dismisses a charge,
7 reverses a conviction, reduces a sentence, or releases an
8 offender under a court rule.

9 (f) "Concerned citizen" includes relatives of the victim,
10 friends of the victim, witnesses to the crime, or any other
11 person associated with the victim or prisoner.

12 (g) "Victim's attorney" means an attorney retained by the
13 victim for the purposes of asserting the victim's
14 constitutional and statutory rights. An attorney retained by
15 the victim means an attorney who is hired to represent the
16 victim at the victim's expense or an attorney who has agreed to
17 provide pro bono representation. Nothing in this statute
18 creates a right to counsel at public expense for a victim.

19 (h) "Support person" means a person chosen by a victim to
20 be present at court proceedings.

21 (Source: P.A. 102-982, eff. 7-1-23.)

22 Section 85. The Pretrial Services Act is amended by
23 changing Sections 7 and 19 as follows:

24 (725 ILCS 185/7) (from Ch. 38, par. 307)

1 Sec. 7. Pretrial services agencies shall perform the
2 following duties for the circuit court:

3 (a) Interview and assemble verified information and data
4 concerning the community ties, employment, residency, criminal
5 record, and social background of arrested persons who are to
6 be, or have been, presented in court for first appearance on
7 felony charges, to assist the court in determining the
8 appropriate terms and conditions of pretrial release;

9 (b) Submit written reports of those investigations to the
10 court along with such findings and recommendations, if any, as
11 may be necessary to assess appropriate conditions which shall
12 be imposed to protect against the risks of nonappearance and
13 commission of new offenses or other interference with the
14 orderly administration of justice before trial;±

15 ~~(1) the need for financial security to assure the~~
16 ~~defendant's appearance at later proceedings; and~~

17 ~~(2) appropriate conditions which shall be imposed to~~
18 ~~protect against the risks of nonappearance and commission of~~
19 ~~new offenses or other interference with the orderly~~
20 ~~administration of justice before trial;~~

21 (c) Supervise compliance with pretrial release conditions,
22 and promptly report violations of those conditions to the
23 court and prosecutor to ensure ~~assure~~ effective enforcement;

24 (d) Cooperate with the court and all other criminal
25 justice agencies in the development of programs to minimize
26 unnecessary pretrial detention and protect the public against

1 breaches of pretrial release conditions; and

2 (e) Monitor the local operations of the pretrial release
3 system and maintain accurate and comprehensive records of
4 program activities.

5 (Source: P.A. 84-1449.)

6 (725 ILCS 185/19) (from Ch. 38, par. 319)

7 Sec. 19. Written reports under Section 17 shall set forth
8 all factual findings on which any recommendation and
9 conclusions contained therein are based together with the
10 source of each fact, and shall contain information and data
11 relevant to appropriate conditions imposed to protect against
12 the risk of nonappearance and commission of new offenses or
13 other interference with the orderly administration of justice
14 before trial. ~~the following issues:~~

15 ~~(a) The need for financial security to assure the~~
16 ~~defendant's appearance for later court proceedings; and~~

17 ~~(b) Appropriate conditions imposed to protect against the~~
18 ~~risk of nonappearance and commission of new offenses or other~~
19 ~~interference with the orderly administration of justice before~~
20 ~~trial.~~

21 (Source: P.A. 84-1449.)

22 Section 87. The Pretrial Services Act is amended by
23 changing Section 11 as follows:

1 (725 ILCS 185/11) (from Ch. 38, par. 311)

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

3 Sec. 11. No person shall be interviewed by a pretrial
4 services agency unless he or she has first been apprised of the
5 identity and purpose of the interviewer, the scope of the
6 interview, the right to secure legal advice, and the right to
7 refuse cooperation. Inquiry of the defendant shall carefully
8 exclude questions concerning the details of the current
9 charge. Statements made by the defendant during the interview,
10 or evidence derived therefrom, are admissible in evidence only
11 when the court is considering the imposition of pretrial or
12 posttrial conditions to bail or recognizance, or when
13 considering the modification of a prior release order.

14 (Source: P.A. 84-1449.)

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

16 Sec. 11. No person shall be interviewed by a pretrial
17 services agency unless he or she has first been apprised of the
18 identity and purpose of the interviewer, the scope of the
19 interview, the right to secure legal advice, and the right to
20 refuse cooperation. Inquiry of the defendant shall carefully
21 exclude questions concerning the details of the current
22 charge. Statements made by the defendant during the interview,
23 or evidence derived therefrom, are admissible in evidence only
24 when the court is considering the imposition of pretrial or
25 posttrial conditions of release, denial of pretrial release,

1 ~~to recognizance,~~ or when considering the modification of a
2 prior release order.

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

4 Section 90. The Unified Code of Corrections is amended by
5 changing Sections 5-8-4, 5-8A-4, and 5-8A-4.1 and by adding
6 Section 5-8A-4.15 as follows:

7 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

8 (Text of Section before amendment by P.A. 102-982)

9 Sec. 5-8-4. Concurrent and consecutive terms of
10 imprisonment.

11 (a) Concurrent terms; multiple or additional sentences.
12 When an Illinois court (i) imposes multiple sentences of
13 imprisonment on a defendant at the same time or (ii) imposes a
14 sentence of imprisonment on a defendant who is already subject
15 to a sentence of imprisonment imposed by an Illinois court, a
16 court of another state, or a federal court, then the sentences
17 shall run concurrently unless otherwise determined by the
18 Illinois court under this Section.

19 (b) Concurrent terms; misdemeanor and felony. A defendant
20 serving a sentence for a misdemeanor who is convicted of a
21 felony and sentenced to imprisonment shall be transferred to
22 the Department of Corrections, and the misdemeanor sentence
23 shall be merged in and run concurrently with the felony
24 sentence.

1 (c) Consecutive terms; permissive. The court may impose
2 consecutive sentences in any of the following circumstances:

3 (1) If, having regard to the nature and circumstances
4 of the offense and the history and character of the
5 defendant, it is the opinion of the court that consecutive
6 sentences are required to protect the public from further
7 criminal conduct by the defendant, the basis for which the
8 court shall set forth in the record.

9 (2) If one of the offenses for which a defendant was
10 convicted was a violation of Section 32-5.2 (aggravated
11 false personation of a peace officer) of the Criminal Code
12 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
13 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
15 offense was committed in attempting or committing a
16 forcible felony.

17 (3) If a person charged with a felony commits a
18 separate felony while on pretrial release or in pretrial
19 detention in a county jail facility or county detention
20 facility, then the sentences imposed upon conviction of
21 these felonies may be served consecutively regardless of
22 the order in which the judgments of conviction are
23 entered.

24 (4) If a person commits a battery against a county
25 correctional officer or sheriff's employee while serving a
26 sentence or in pretrial detention in a county jail

1 facility, then the sentence imposed upon conviction of the
2 battery may be served consecutively with the sentence
3 imposed upon conviction of the earlier misdemeanor or
4 felony, regardless of the order in which the judgments of
5 conviction are entered.

6 (5) If a person admitted to pretrial release following
7 conviction of a felony commits a separate felony while
8 released pretrial or if a person detained in a county jail
9 facility or county detention facility following conviction
10 of a felony commits a separate felony while in detention,
11 then any sentence following conviction of the separate
12 felony may be consecutive to that of the original sentence
13 for which the defendant was released pretrial or detained.

14 (6) If a person is found to be in possession of an item
15 of contraband, as defined in Section 31A-0.1 of the
16 Criminal Code of 2012, while serving a sentence in a
17 county jail or while in pretrial detention in a county
18 jail, the sentence imposed upon conviction for the offense
19 of possessing contraband in a penal institution may be
20 served consecutively to the sentence imposed for the
21 offense for which the person is serving a sentence in the
22 county jail or while in pretrial detention, regardless of
23 the order in which the judgments of conviction are
24 entered.

25 (7) If a person is sentenced for a violation of a
26 condition of pretrial release under Section 32-10 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, any
2 sentence imposed for that violation may be served
3 consecutive to the sentence imposed for the charge for
4 which pretrial release had been granted and with respect
5 to which the defendant has been convicted.

6 (d) Consecutive terms; mandatory. The court shall impose
7 consecutive sentences in each of the following circumstances:

8 (1) One of the offenses for which the defendant was
9 convicted was first degree murder or a Class X or Class 1
10 felony and the defendant inflicted severe bodily injury.

11 (2) The defendant was convicted of a violation of
12 Section 11-1.20 or 12-13 (criminal sexual assault),
13 11-1.30 or 12-14 (aggravated criminal sexual assault), or
14 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
15 child) of the Criminal Code of 1961 or the Criminal Code of
16 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
17 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
18 5/12-14.1).

19 (2.5) The defendant was convicted of a violation of
20 paragraph (1), (2), (3), (4), (5), or (7) of subsection
21 (a) of Section 11-20.1 (child pornography) or of paragraph
22 (1), (2), (3), (4), (5), or (7) of subsection (a) of
23 Section 11-20.1B or 11-20.3 (aggravated child pornography)
24 of the Criminal Code of 1961 or the Criminal Code of 2012;
25 or the defendant was convicted of a violation of paragraph
26 (6) of subsection (a) of Section 11-20.1 (child

1 pornography) or of paragraph (6) of subsection (a) of
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 when the child depicted is under the age of 13.

5 (3) The defendant was convicted of armed violence
6 based upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery as described in Section 12-4.1 or
9 subdivision (a)(2) of Section 12-3.05, aggravated battery
10 of a senior citizen as described in Section 12-4.6 or
11 subdivision (a)(4) of Section 12-3.05, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of the
13 Cannabis Control Act (720 ILCS 550/5), cannabis
14 trafficking, a violation of subsection (a) of Section 401
15 of the Illinois Controlled Substances Act (720 ILCS
16 570/401), controlled substance trafficking involving a
17 Class X felony amount of controlled substance under
18 Section 401 of the Illinois Controlled Substances Act (720
19 ILCS 570/401), a violation of the Methamphetamine Control
20 and Community Protection Act (720 ILCS 646/), calculated
21 criminal drug conspiracy, or streetgang criminal drug
22 conspiracy.

23 (4) The defendant was convicted of the offense of
24 leaving the scene of a motor vehicle accident involving
25 death or personal injuries under Section 11-401 of the
26 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof under Section 11-501 of the
4 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
5 homicide under Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
7 offense described in item (A) and an offense described in
8 item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
11 death) or Section 12-20.5 (dismembering a human body) of
12 the Criminal Code of 1961 or the Criminal Code of 2012 (720
13 ILCS 5/9-3.1 or 5/12-20.5).

14 (5.5) The defendant was convicted of a violation of
15 Section 24-3.7 (use of a stolen firearm in the commission
16 of an offense) of the Criminal Code of 1961 or the Criminal
17 Code of 2012.

18 (6) If the defendant was in the custody of the
19 Department of Corrections at the time of the commission of
20 the offense, the sentence shall be served consecutive to
21 the sentence under which the defendant is held by the
22 Department of Corrections. ~~If, however, the defendant is~~
23 ~~sentenced to punishment by death, the sentence shall be~~
24 ~~executed at such time as the court may fix without regard~~
25 ~~to the sentence under which the defendant may be held by~~
26 ~~the Department.~~

1 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
2 for escape or attempted escape shall be served consecutive
3 to the terms under which the offender is held by the
4 Department of Corrections.

5 (8) (Blank). ~~If a person charged with a felony commits~~
6 ~~a separate felony while on pretrial release or in pretrial~~
7 ~~detention in a county jail facility or county detention~~
8 ~~facility, then the sentences imposed upon conviction of~~
9 ~~these felonies shall be served consecutively regardless of~~
10 ~~the order in which the judgments of conviction are~~
11 ~~entered.~~

12 (8.5) (Blank). ~~If a person commits a battery against a~~
13 ~~county correctional officer or sheriff's employee while~~
14 ~~-serving a sentence or in pretrial detention in a county~~
15 ~~jail facility, then the sentence imposed upon conviction~~
16 ~~of the battery shall be served consecutively with the~~
17 ~~sentence imposed upon conviction of the earlier~~
18 ~~misdemeanor or felony, regardless of the order in which~~
19 ~~the judgments of conviction are entered.~~

20 (9) (Blank). ~~If a person admitted to bail following~~
21 ~~conviction of a felony commits a separate felony while~~
22 ~~free on bond or if a person detained in a county jail~~
23 ~~facility or county detention facility following conviction~~
24 ~~of a felony commits a separate felony while in detention,~~
25 ~~then any sentence following conviction of the separate~~
26 ~~felony shall be consecutive to that of the original~~

1 ~~sentence for which the defendant was on bond or detained.~~

2 (10) (Blank). ~~If a person is found to be in possession~~
3 ~~of an item of contraband, as defined in Section 31A-0.1 of~~
4 ~~the Criminal Code of 2012, while serving a sentence in a~~
5 ~~county jail or while in pre trial detention in a county~~
6 ~~jail, the sentence imposed upon conviction for the offense~~
7 ~~of possessing contraband in a penal institution shall be~~
8 ~~served consecutively to the sentence imposed for the~~
9 ~~offense in which the person is serving sentence in the~~
10 ~~county jail or serving pretrial detention, regardless of~~
11 ~~the order in which the judgments of conviction are~~
12 ~~entered.~~

13 (11) (Blank). ~~If a person is sentenced for a violation~~
14 ~~of bail bond under Section 32-10 of the Criminal Code of~~
15 ~~1961 or the Criminal Code of 2012, any sentence imposed~~
16 ~~for that violation shall be served consecutive to the~~
17 ~~sentence imposed for the charge for which bail had been~~
18 ~~granted and with respect to which the defendant has been~~
19 ~~convicted.~~

20 (e) Consecutive terms; subsequent non-Illinois term. If an
21 Illinois court has imposed a sentence of imprisonment on a
22 defendant and the defendant is subsequently sentenced to a
23 term of imprisonment by a court of another state or a federal
24 court, then the Illinois sentence shall run consecutively to
25 the sentence imposed by the court of the other state or the
26 federal court. That same Illinois court, however, may order

1 that the Illinois sentence run concurrently with the sentence
2 imposed by the court of the other state or the federal court,
3 but only if the defendant applies to that same Illinois court
4 within 30 days after the sentence imposed by the court of the
5 other state or the federal court is finalized.

6 (f) Consecutive terms; aggregate maximums and minimums.
7 The aggregate maximum and aggregate minimum of consecutive
8 sentences shall be determined as follows:

9 (1) For sentences imposed under law in effect prior to
10 February 1, 1978, the aggregate maximum of consecutive
11 sentences shall not exceed the maximum term authorized
12 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
13 Chapter V for the 2 most serious felonies involved. The
14 aggregate minimum period of consecutive sentences shall
15 not exceed the highest minimum term authorized under
16 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
17 V for the 2 most serious felonies involved. When sentenced
18 only for misdemeanors, a defendant shall not be
19 consecutively sentenced to more than the maximum for one
20 Class A misdemeanor.

21 (2) For sentences imposed under the law in effect on
22 or after February 1, 1978, the aggregate of consecutive
23 sentences for offenses that were committed as part of a
24 single course of conduct during which there was no
25 substantial change in the nature of the criminal objective
26 shall not exceed the sum of the maximum terms authorized

1 under Article 4.5 of Chapter V for the 2 most serious
2 felonies involved, but no such limitation shall apply for
3 offenses that were not committed as part of a single
4 course of conduct during which there was no substantial
5 change in the nature of the criminal objective. When
6 sentenced only for misdemeanors, a defendant shall not be
7 consecutively sentenced to more than the maximum for one
8 Class A misdemeanor.

9 (g) Consecutive terms; manner served. In determining the
10 manner in which consecutive sentences of imprisonment, one or
11 more of which is for a felony, will be served, the Department
12 of Corrections shall treat the defendant as though he or she
13 had been committed for a single term subject to each of the
14 following:

15 (1) The maximum period of a term of imprisonment shall
16 consist of the aggregate of the maximums of the imposed
17 indeterminate terms, if any, plus the aggregate of the
18 imposed determinate sentences for felonies, plus the
19 aggregate of the imposed determinate sentences for
20 misdemeanors, subject to subsection (f) of this Section.

21 (2) The parole or mandatory supervised release term
22 shall be as provided in paragraph (e) of Section 5-4.5-50
23 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
24 involved.

25 (3) The minimum period of imprisonment shall be the
26 aggregate of the minimum and determinate periods of

1 imprisonment imposed by the court, subject to subsection
2 (f) of this Section.

3 (4) The defendant shall be awarded credit against the
4 aggregate maximum term and the aggregate minimum term of
5 imprisonment for all time served in an institution since
6 the commission of the offense or offenses and as a
7 consequence thereof at the rate specified in Section 3-6-3
8 (730 ILCS 5/3-6-3).

9 (h) Notwithstanding any other provisions of this Section,
10 all sentences imposed by an Illinois court under this Code
11 shall run concurrent to any and all sentences imposed under
12 the Juvenile Court Act of 1987.

13 (Source: P.A. 102-350, eff. 8-13-21.)

14 (Text of Section after amendment by P.A. 102-982)

15 Sec. 5-8-4. Concurrent and consecutive terms of
16 imprisonment.

17 (a) Concurrent terms; multiple or additional sentences.
18 When an Illinois court (i) imposes multiple sentences of
19 imprisonment on a defendant at the same time or (ii) imposes a
20 sentence of imprisonment on a defendant who is already subject
21 to a sentence of imprisonment imposed by an Illinois court, a
22 court of another state, or a federal court, then the sentences
23 shall run concurrently unless otherwise determined by the
24 Illinois court under this Section.

25 (b) Concurrent terms; misdemeanor and felony. A defendant

1 serving a sentence for a misdemeanor who is convicted of a
2 felony and sentenced to imprisonment shall be transferred to
3 the Department of Corrections, and the misdemeanor sentence
4 shall be merged in and run concurrently with the felony
5 sentence.

6 (c) Consecutive terms; permissive. The court may impose
7 consecutive sentences in any of the following circumstances:

8 (1) If, having regard to the nature and circumstances
9 of the offense and the history and character of the
10 defendant, it is the opinion of the court that consecutive
11 sentences are required to protect the public from further
12 criminal conduct by the defendant, the basis for which the
13 court shall set forth in the record.

14 (2) If one of the offenses for which a defendant was
15 convicted was a violation of Section 32-5.2 (aggravated
16 false personation of a peace officer) of the Criminal Code
17 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
18 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
19 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
20 offense was committed in attempting or committing a
21 forcible felony.

22 (3) If a person charged with a felony commits a
23 separate felony while on pretrial release or in pretrial
24 detention in a county jail facility or county detention
25 facility, then the sentences imposed upon conviction of
26 these felonies may be served consecutively regardless of

1 the order in which the judgments of conviction are
2 entered.

3 (4) If a person commits a battery against a county
4 correctional officer or sheriff's employee while serving a
5 sentence or in pretrial detention in a county jail
6 facility, then the sentence imposed upon conviction of the
7 battery may be served consecutively with the sentence
8 imposed upon conviction of the earlier misdemeanor or
9 felony, regardless of the order in which the judgments of
10 conviction are entered.

11 (5) If a person admitted to pretrial release following
12 conviction of a felony commits a separate felony while
13 released pretrial or if a person detained in a county jail
14 facility or county detention facility following conviction
15 of a felony commits a separate felony while in detention,
16 then any sentence following conviction of the separate
17 felony may be consecutive to that of the original sentence
18 for which the defendant was released pretrial or detained.

19 (6) If a person is found to be in possession of an item
20 of contraband, as defined in Section 31A-0.1 of the
21 Criminal Code of 2012, while serving a sentence in a
22 county jail or while in pretrial detention in a county
23 jail, the sentence imposed upon conviction for the offense
24 of possessing contraband in a penal institution may be
25 served consecutively to the sentence imposed for the
26 offense for which the person is serving a sentence in the

1 county jail or while in pretrial detention, regardless of
2 the order in which the judgments of conviction are
3 entered.

4 (7) If a person is sentenced for a violation of a
5 condition of pretrial release under Section 32-10 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, any
7 sentence imposed for that violation may be served
8 consecutive to the sentence imposed for the charge for
9 which pretrial release had been granted and with respect
10 to which the defendant has been convicted.

11 (d) Consecutive terms; mandatory. The court shall impose
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was
14 convicted was first degree murder or a Class X or Class 1
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of
17 Section 11-1.20 or 12-13 (criminal sexual assault),
18 11-1.30 or 12-14 (aggravated criminal sexual assault), or
19 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
20 child) of the Criminal Code of 1961 or the Criminal Code of
21 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
22 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
23 5/12-14.1).

24 (2.5) The defendant was convicted of a violation of
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection
26 (a) of Section 11-20.1 (child pornography) or of paragraph

1 (1), (2), (3), (4), (5), or (7) of subsection (a) of
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)
3 of the Criminal Code of 1961 or the Criminal Code of 2012;
4 or the defendant was convicted of a violation of paragraph
5 (6) of subsection (a) of Section 11-20.1 (child
6 pornography) or of paragraph (6) of subsection (a) of
7 Section 11-20.1B or 11-20.3 (aggravated child pornography)
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 when the child depicted is under the age of 13.

10 (3) The defendant was convicted of armed violence
11 based upon the predicate offense of any of the following:
12 solicitation of murder, solicitation of murder for hire,
13 heinous battery as described in Section 12-4.1 or
14 subdivision (a)(2) of Section 12-3.05, aggravated battery
15 of a senior citizen as described in Section 12-4.6 or
16 subdivision (a)(4) of Section 12-3.05, criminal sexual
17 assault, a violation of subsection (g) of Section 5 of the
18 Cannabis Control Act (720 ILCS 550/5), cannabis
19 trafficking, a violation of subsection (a) of Section 401
20 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), controlled substance trafficking involving a
22 Class X felony amount of controlled substance under
23 Section 401 of the Illinois Controlled Substances Act (720
24 ILCS 570/401), a violation of the Methamphetamine Control
25 and Community Protection Act (720 ILCS 646/), calculated
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of
3 leaving the scene of a motor vehicle crash involving death
4 or personal injuries under Section 11-401 of the Illinois
5 Vehicle Code (625 ILCS 5/11-401) and either: (A)
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof under Section 11-501 of the
9 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
10 homicide under Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
12 offense described in item (A) and an offense described in
13 item (B).

14 (5) The defendant was convicted of a violation of
15 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
16 death) or Section 12-20.5 (dismembering a human body) of
17 the Criminal Code of 1961 or the Criminal Code of 2012 (720
18 ILCS 5/9-3.1 or 5/12-20.5).

19 (5.5) The defendant was convicted of a violation of
20 Section 24-3.7 (use of a stolen firearm in the commission
21 of an offense) of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 (6) If the defendant was in the custody of the
24 Department of Corrections at the time of the commission of
25 the offense, the sentence shall be served consecutive to
26 the sentence under which the defendant is held by the

1 Department of Corrections. ~~If, however, the defendant is~~
2 ~~sentenced to punishment by death, the sentence shall be~~
3 ~~executed at such time as the court may fix without regard~~
4 ~~to the sentence under which the defendant may be held by~~
5 ~~the Department.~~

6 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
7 for escape or attempted escape shall be served consecutive
8 to the terms under which the offender is held by the
9 Department of Corrections.

10 (8) (Blank). ~~If a person charged with a felony commits~~
11 ~~a separate felony while on pretrial release or in pretrial~~
12 ~~detention in a county jail facility or county detention~~
13 ~~facility, then the sentences imposed upon conviction of~~
14 ~~these felonies shall be served consecutively regardless of~~
15 ~~the order in which the judgments of conviction are~~
16 ~~entered.~~

17 (8.5) (Blank). ~~If a person commits a battery against a~~
18 ~~county correctional officer or sheriff's employee while~~
19 ~~-serving a sentence or in pretrial detention in a county~~
20 ~~jail facility, then the sentence imposed upon conviction~~
21 ~~of the battery shall be served consecutively with the~~
22 ~~sentence imposed upon conviction of the earlier~~
23 ~~misdemeanor or felony, regardless of the order in which~~
24 ~~the judgments of conviction are entered.~~

25 (9) (Blank). ~~If a person admitted to bail following~~
26 ~~conviction of a felony commits a separate felony while~~

1 ~~free on bond or if a person detained in a county jail~~
2 ~~facility or county detention facility following conviction~~
3 ~~of a felony commits a separate felony while in detention,~~
4 ~~then any sentence following conviction of the separate~~
5 ~~felony shall be consecutive to that of the original~~
6 ~~sentence for which the defendant was on bond or detained.~~

7 (10) (Blank). ~~If a person is found to be in possession~~
8 ~~of an item of contraband, as defined in Section 31A 0.1 of~~
9 ~~the Criminal Code of 2012, while serving a sentence in a~~
10 ~~county jail or while in pre-trial detention in a county~~
11 ~~jail, the sentence imposed upon conviction for the offense~~
12 ~~of possessing contraband in a penal institution shall be~~
13 ~~served consecutively to the sentence imposed for the~~
14 ~~offense in which the person is serving sentence in the~~
15 ~~county jail or serving pretrial detention, regardless of~~
16 ~~the order in which the judgments of conviction are~~
17 ~~entered.~~

18 (11) (Blank). ~~If a person is sentenced for a violation~~
19 ~~of bail bond under Section 32 10 of the Criminal Code of~~
20 ~~1961 or the Criminal Code of 2012, any sentence imposed~~
21 ~~for that violation shall be served consecutive to the~~
22 ~~sentence imposed for the charge for which bail had been~~
23 ~~granted and with respect to which the defendant has been~~
24 ~~convicted.~~

25 (e) Consecutive terms; subsequent non-Illinois term. If an
26 Illinois court has imposed a sentence of imprisonment on a

1 defendant and the defendant is subsequently sentenced to a
2 term of imprisonment by a court of another state or a federal
3 court, then the Illinois sentence shall run consecutively to
4 the sentence imposed by the court of the other state or the
5 federal court. That same Illinois court, however, may order
6 that the Illinois sentence run concurrently with the sentence
7 imposed by the court of the other state or the federal court,
8 but only if the defendant applies to that same Illinois court
9 within 30 days after the sentence imposed by the court of the
10 other state or the federal court is finalized.

11 (f) Consecutive terms; aggregate maximums and minimums.
12 The aggregate maximum and aggregate minimum of consecutive
13 sentences shall be determined as follows:

14 (1) For sentences imposed under law in effect prior to
15 February 1, 1978, the aggregate maximum of consecutive
16 sentences shall not exceed the maximum term authorized
17 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
18 Chapter V for the 2 most serious felonies involved. The
19 aggregate minimum period of consecutive sentences shall
20 not exceed the highest minimum term authorized under
21 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
22 V for the 2 most serious felonies involved. When sentenced
23 only for misdemeanors, a defendant shall not be
24 consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (2) For sentences imposed under the law in effect on

1 or after February 1, 1978, the aggregate of consecutive
2 sentences for offenses that were committed as part of a
3 single course of conduct during which there was no
4 substantial change in the nature of the criminal objective
5 shall not exceed the sum of the maximum terms authorized
6 under Article 4.5 of Chapter V for the 2 most serious
7 felonies involved, but no such limitation shall apply for
8 offenses that were not committed as part of a single
9 course of conduct during which there was no substantial
10 change in the nature of the criminal objective. When
11 sentenced only for misdemeanors, a defendant shall not be
12 consecutively sentenced to more than the maximum for one
13 Class A misdemeanor.

14 (g) Consecutive terms; manner served. In determining the
15 manner in which consecutive sentences of imprisonment, one or
16 more of which is for a felony, will be served, the Department
17 of Corrections shall treat the defendant as though he or she
18 had been committed for a single term subject to each of the
19 following:

20 (1) The maximum period of a term of imprisonment shall
21 consist of the aggregate of the maximums of the imposed
22 indeterminate terms, if any, plus the aggregate of the
23 imposed determinate sentences for felonies, plus the
24 aggregate of the imposed determinate sentences for
25 misdemeanors, subject to subsection (f) of this Section.

26 (2) The parole or mandatory supervised release term

1 shall be as provided in paragraph (e) of Section 5-4.5-50
2 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
3 involved.

4 (3) The minimum period of imprisonment shall be the
5 aggregate of the minimum and determinate periods of
6 imprisonment imposed by the court, subject to subsection
7 (f) of this Section.

8 (4) The defendant shall be awarded credit against the
9 aggregate maximum term and the aggregate minimum term of
10 imprisonment for all time served in an institution since
11 the commission of the offense or offenses and as a
12 consequence thereof at the rate specified in Section 3-6-3
13 (730 ILCS 5/3-6-3).

14 (h) Notwithstanding any other provisions of this Section,
15 all sentences imposed by an Illinois court under this Code
16 shall run concurrent to any and all sentences imposed under
17 the Juvenile Court Act of 1987.

18 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23.)

19 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

20 Sec. 5-8A-4. Program description. The supervising
21 authority may promulgate rules that prescribe reasonable
22 guidelines under which an electronic monitoring and home
23 detention program shall operate. When using electronic
24 monitoring for home detention these rules may include, but not
25 be limited to, the following:

1 (A) The participant may be instructed to remain within
2 the interior premises or within the property boundaries of
3 his or her residence at all times during the hours
4 designated by the supervising authority. Such instances of
5 approved absences from the home shall include, but are not
6 limited to, the following:

7 (1) working or employment approved by the court or
8 traveling to or from approved employment;

9 (2) unemployed and seeking employment approved for
10 the participant by the court;

11 (3) undergoing medical, psychiatric, mental health
12 treatment, counseling, or other treatment programs
13 approved for the participant by the court;

14 (4) attending an educational institution or a
15 program approved for the participant by the court;

16 (5) attending a regularly scheduled religious
17 service at a place of worship;

18 (6) participating in community work release or
19 community service programs approved for the
20 participant by the supervising authority;

21 (7) for another compelling reason consistent with
22 the public interest, as approved by the supervising
23 authority; or

24 (8) purchasing groceries, food, or other basic
25 necessities.

26 (A-1) At a minimum, any person ordered to pretrial

1 home confinement with or without electronic monitoring
2 must be provided with movement spread out over no fewer
3 than two days per week, to participate in basic activities
4 such as those listed in paragraph (A). In this subdivision
5 (A-1), "days" means a reasonable time period during a
6 calendar day, as outlined by the court in the order
7 placing the person on home confinement.

8 (B) The participant shall admit any person or agent
9 designated by the supervising authority into his or her
10 residence at any time for purposes of verifying the
11 participant's compliance with the conditions of his or her
12 detention.

13 (C) The participant shall make the necessary
14 arrangements to allow for any person or agent designated
15 by the supervising authority to visit the participant's
16 place of education or employment at any time, based upon
17 the approval of the educational institution employer or
18 both, for the purpose of verifying the participant's
19 compliance with the conditions of his or her detention.

20 (D) The participant shall acknowledge and participate
21 with the approved electronic monitoring device as
22 designated by the supervising authority at any time for
23 the purpose of verifying the participant's compliance with
24 the conditions of his or her detention.

25 (E) The participant shall maintain the following:

26 (1) access to a working telephone;

1 (2) a monitoring device in the participant's home,
2 or on the participant's person, or both; and

3 (3) a monitoring device in the participant's home
4 and on the participant's person in the absence of a
5 telephone.

6 (F) The participant shall obtain approval from the
7 supervising authority before the participant changes
8 residence or the schedule described in subsection (A) of
9 this Section. Such approval shall not be unreasonably
10 withheld.

11 (G) The participant shall not commit another crime
12 during the period of home detention ordered by the Court.

13 (H) Notice to the participant that violation of the
14 order for home detention may subject the participant to
15 prosecution for the crime of escape as described in
16 Section 5-8A-4.1.

17 (I) The participant shall abide by other conditions as
18 set by the supervising authority.

19 (J) This Section takes effect January 1, 2022.

20 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
21 102-687, eff. 12-17-21.)

22 (730 ILCS 5/5-8A-4.1)

23 Sec. 5-8A-4.1. Escape; ~~failure to comply with a condition~~
24 ~~of the electronic monitoring or home detention program.~~

25 (a) A person charged with ~~or convicted of~~ a felony, or

1 charged with ~~or adjudicated delinquent for~~ an act which, if
2 committed by an adult, would constitute a felony,
3 conditionally released from the supervising authority through
4 an electronic monitoring or home detention program, who
5 knowingly escapes or leaves from the geographic boundaries of
6 an electronic monitoring or home detention program with the
7 intent to evade prosecution ~~violates a condition of the~~
8 ~~electronic monitoring or home detention program and remains in~~
9 ~~violation for at least 48 hours~~ is guilty of a Class 3 felony.

10 (b) A person charged with or convicted of a misdemeanor,
11 or charged with ~~or adjudicated delinquent for~~ an act which, if
12 committed by an adult, would constitute a misdemeanor,
13 conditionally released from the supervising authority through
14 an electronic monitoring or home detention program, who
15 knowingly escapes or leaves from the geographic boundaries of
16 an electronic monitoring or home detention program with the
17 intent to evade prosecution ~~violates a condition of the~~
18 ~~electronic monitoring or home detention program and remains in~~
19 ~~violation for at least 48 hours~~ is guilty of a Class B
20 misdemeanor.

21 (c) A person who violates this Section while armed with a
22 dangerous weapon is guilty of a Class 1 felony.

23 (Source: P.A. 100-431, eff. 8-25-17; 101-652, eff. 7-1-21.)

24 (730 ILCS 5/5-8A-4.15 new)

25 Sec. 5-8A-4.15. Failure to comply with a condition of the

1 electronic monitoring or home detention program.

2 (a) A person charged with a felony or misdemeanor, or
3 charged with an act that, if committed by an adult, would
4 constitute a felony, or misdemeanor, conditionally released
5 from the supervising authority through an electronic
6 monitoring or home detention program, who knowingly and
7 intentionally violates a condition of the electronic
8 monitoring or home detention program without notification to
9 the proper authority is subject to sanctions as outlined in
10 Section 110-6.

11 (b) A person who violates a condition of the electronic
12 monitoring or home detention program by knowingly and
13 intentionally removing, disabling, destroying, or
14 circumventing the operation of an approved electronic
15 monitoring device shall be subject to penalties for escape
16 under Section 5-8A-4.1.

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99. Effective date. This Act takes effect January
3 1, 2023, except that this Section and Sections 2, 22, 30, 35,
4 37, 72, 87, and 90 take effect upon becoming law."