



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3421

by Rep. Christian L. Mitchell

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Abolishes monetary bail, except under the Uniform Criminal Extradition Act. Provides that the court may employ the use of a validated risk assessment tool in certain instances at pre-trial release hearings. Amends the Clerks of Court Act. Provides that on the first day of each month, the clerk of the court shall prepare and file with the Supreme Court a report of the pre-trial release hearings completed within the previous month. This report shall include for each arrestee ordered released and detained the following: the offense for which the was arrestee was charged, and the judge issuing the pre-trial decision. Provides that the clerk of court shall compile a quarterly report to be published for the public on the website of the Supreme Court and each circuit court's website, or if the circuit court does not have a website, on the website of the county. The quarterly report is to include, but is not limited to, the number of arrests by county, the number of cases prosecuted in the circuit court, an analysis of the percentage of arrestees detained by offense type, an analysis of the types of pre-trial release conditions by offense type, the rate of willful failure to appear, and the percentage of arrestees found to have committed violent felonies on release. Amends the Pretrial Services Act. Provides that pretrial service agencies shall provide reminders to defendants of upcoming court dates via phone or messaging and offer transportation assistance for indigent defendants. Amends various other Acts to make conforming changes.

LRB100 05621 SLF 15635 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 16-103 as follows:

6 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

7 Sec. 16-103. Arrest outside county where violation
8 committed.

9 Whenever a defendant is arrested upon a warrant charging a
10 violation of this Act in a county other than that in which the
11 ~~such~~ warrant was issued, the arresting officer, immediately
12 upon the request of the defendant, shall take such defendant
13 before a circuit judge or associate circuit judge in the county
14 in which the arrest was made ~~who shall admit the defendant to~~
15 ~~bail for his appearance before the court named in the warrant.~~
16 On releasing the defendant ~~taking such bail~~ the circuit judge
17 or associate circuit judge shall certify the ~~such~~ fact on the
18 warrant and deliver the warrant, ~~and undertaking of bail or~~
19 other nonmonetary security, or the drivers license of such
20 defendant if deposited, under the law relating to ~~such~~
21 licenses, in lieu of the ~~such~~ security, to the officer having
22 charge of the defendant. The ~~Such~~ officer shall then
23 immediately discharge the defendant from arrest and without

1 delay deliver the ~~such~~ warrant ~~and such undertaking of bail~~, or
2 other security or drivers license to the court before which the
3 defendant is required to appear.

4 (Source: P.A. 77-1280.)

5 Section 10. The Clerks of Courts Act is amended by changing
6 Sections 14, 27.3a, 27.3b, 27.5, and 27.6 as follows:

7 (705 ILCS 105/14) (from Ch. 25, par. 14)

8 Sec. 14. Clerk of court record-keeping. The clerks shall
9 enter of record all judgments and orders of their respective
10 courts, as soon after the rendition or making thereof as
11 practicable.

12 Immediately after a judgment of dissolution of marriage or
13 declaration of invalidity of marriage is granted in this State,
14 the clerk of the court which granted the judgment of
15 dissolution of marriage or declaration of invalidity of
16 marriage shall complete and sign the form furnished by the
17 Department of Public Health, and forward such form to the
18 Department of Public Health within 45 days after the close of
19 the month in which the judgment is rendered.

20 On the first day of each month, the clerk of the court
21 shall prepare and file with the Supreme Court a report of the
22 pre-trial release hearings completed within the previous
23 month. This report shall include for each arrestee ordered
24 released and detained the following: the offense for which the

1 arrestee was charged and the judge issuing the pre-trial
2 release decision. For arrestees ordered released the report
3 shall include: a list of the conditions of pre-trial release,
4 if any, the race, gender, age, and the risk assessment score or
5 recommendation for the arrestee, if provided by the court.
6 Pre-trial release decisions shall be available aggregated by
7 charged offense and the demographic information of the
8 arrestee, including the race, ethnicity, gender, and age. The
9 clerk of the court shall compile a quarterly report to
10 published for the public on the website of the Supreme Court
11 and on each circuit court's website, or if the circuit court
12 does not have a website, on the website of the county. The
13 quarterly report shall include, but is not limited to, the
14 number of arrests by county, the number of cases prosecuted in
15 each circuit court, an analysis of the percentage of arrestees
16 detained by offense type, an analysis of the types of pre-trial
17 release conditions by offense type, the rate of willful failure
18 to appear, and the percentage of arrestees found to have
19 committed violent felonies on pre-trial release. These records
20 are subject to disclosure under the Freedom of Information Act.

21 (Source: P.A. 83-346.)

22 (705 ILCS 105/27.3a)

23 Sec. 27.3a. Fees for automated record keeping, probation
24 and court services operations, State and Conservation Police
25 operations, and e-business programs.

1 1. The expense of establishing and maintaining automated
2 record keeping systems in the offices of the clerks of the
3 circuit court shall be borne by the county. To defray such
4 expense in any county having established such an automated
5 system or which elects to establish such a system, the county
6 board may require the clerk of the circuit court in their
7 county to charge and collect a court automation fee of not less
8 than \$1 nor more than \$25 to be charged and collected by the
9 clerk of the court. Such fee shall be paid at the time of
10 filing the first pleading, paper or other appearance filed by
11 each party in all civil cases or by the defendant in any
12 felony, traffic, misdemeanor, municipal ordinance, or
13 conservation case upon a judgment of guilty or grant of
14 supervision, provided that the record keeping system which
15 processes the case category for which the fee is charged is
16 automated or has been approved for automation by the county
17 board, and provided further that no additional fee shall be
18 required if more than one party is presented in a single
19 pleading, paper or other appearance. Such fee shall be
20 collected in the manner in which all other fees or costs are
21 collected.

22 1.1. Starting on July 6, 2012 (the effective date of Public
23 Act 97-761) and under ~~pursuant to~~ an administrative order from
24 the chief judge of the circuit or the presiding judge of the
25 county authorizing such collection, a clerk of the circuit
26 court in any county that imposes a fee under ~~pursuant to~~

1 subsection 1 of this Section shall also charge and collect an
2 additional \$10 operations fee for probation and court services
3 department operations.

4 This additional fee shall be paid by the defendant in any
5 felony, traffic, misdemeanor, local ordinance, or conservation
6 case upon a judgment of guilty or grant of supervision, ~~except~~
7 ~~such \$10 operations fee shall not be charged and collected in~~
8 ~~cases governed by Supreme Court Rule 529 in which the bail~~
9 ~~amount is \$120 or less.~~

10 1.2. With respect to the fee imposed and collected under
11 subsection 1.1 of this Section, each clerk shall transfer all
12 fees monthly to the county treasurer for deposit into the
13 probation and court services fund created under Section 15.1 of
14 the Probation and Probation Officers Act, and such monies shall
15 be disbursed from the fund only at the direction of the chief
16 judge of the circuit or another judge designated by the Chief
17 Circuit Judge in accordance with the policies and guidelines
18 approved by the Supreme Court.

19 1.5. Starting on June 1, 2014, a clerk of the circuit court
20 in any county that imposes a fee under ~~pursuant to~~ subsection 1
21 of this Section, shall charge and collect an additional fee in
22 an amount equal to the amount of the fee imposed under ~~pursuant~~
23 ~~to~~ subsection 1 of this Section, except the fee imposed under
24 this subsection may not be more than \$15. This additional fee
25 shall be paid by the defendant in any felony, traffic,
26 misdemeanor, or local ordinance case upon a judgment of guilty

1 or grant of supervision. This fee shall not be paid by the
2 defendant for any violation listed in subsection 1.6 of this
3 Section.

4 1.6. Starting on June 1, 2014, a clerk of the circuit court
5 in any county that imposes a fee under ~~pursuant to~~ subsection 1
6 of this Section shall charge and collect an additional fee in
7 an amount equal to the amount of the fee imposed under ~~pursuant~~
8 ~~to~~ subsection 1 of this Section, except the fee imposed under
9 this subsection may not be more than \$15. This additional fee
10 shall be paid by the defendant upon a judgment of guilty or
11 grant of supervision for a violation under the State Parks Act,
12 the Recreational Trails of Illinois Act, the Illinois
13 Explosives Act, the Timber Buyers Licensing Act, the Forest
14 Products Transportation Act, the Firearm Owners Identification
15 Card Act, the Environmental Protection Act, the Fish and
16 Aquatic Life Code, the Wildlife Code, the Cave Protection Act,
17 the Illinois Exotic Weed Act, the Illinois Forestry Development
18 Act, the Ginseng Harvesting Act, the Illinois Lake Management
19 Program Act, the Illinois Natural Areas Preservation Act, the
20 Illinois Open Land Trust Act, the Open Space Lands Acquisition
21 and Development Act, the Illinois Prescribed Burning Act, the
22 State Forest Act, the Water Use Act of 1983, the Illinois
23 Veteran, Youth, and Young Adult Conservation Jobs Act, the
24 Snowmobile Registration and Safety Act, the Boat Registration
25 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
26 and Fishermen Interference Prohibition Act, the Wrongful Tree

1 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
2 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
3 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
4 Criminal Code of 2012.

5 1.7. Starting on the 30th day after the effective date of
6 this amendatory Act of the 99th General Assembly, a clerk of
7 the circuit court in any county that imposes a fee under
8 ~~pursuant to~~ subsection 1 of this Section shall also charge and
9 collect an additional \$9 e-business fee. The fee shall be paid
10 at the time of filing the first pleading, paper, or other
11 appearance filed by each party in all civil cases, except no
12 additional fee shall be required if more than one party is
13 presented in a single pleading, paper, or other appearance. The
14 fee shall be collected in the manner in which all other fees or
15 costs are collected. The fee shall be in addition to all other
16 fees and charges of the clerk, and assessable as costs, and may
17 be waived only if the judge specifically provides for the
18 waiver of the e-business fee. The fee shall not be charged in
19 any matter coming to the clerk on a change of venue, nor in any
20 proceeding to review the decision of any administrative
21 officer, agency, or body.

22 2. With respect to the fee imposed under subsection 1 of
23 this Section, each clerk shall commence such charges and
24 collections upon receipt of written notice from the chairman of
25 the county board together with a certified copy of the board's
26 resolution, which the clerk shall file of record in his office.

1 3. With respect to the fee imposed under subsection 1 of
2 this Section, such fees shall be in addition to all other fees
3 and charges of such clerks, and assessable as costs, and may be
4 waived only if the judge specifically provides for the waiver
5 of the court automation fee. The fees shall be remitted monthly
6 by such clerk to the county treasurer, to be retained by him in
7 a special fund designated as the court automation fund. The
8 fund shall be audited by the county auditor, and the board
9 shall make expenditure from the fund in payment of any cost
10 related to the automation of court records, including hardware,
11 software, research and development costs and personnel related
12 thereto, provided that the expenditure is approved by the clerk
13 of the court and by the chief judge of the circuit court or his
14 designate.

15 4. With respect to the fee imposed under subsection 1 of
16 this Section, such fees shall not be charged in any matter
17 coming to any such clerk on change of venue, nor in any
18 proceeding to review the decision of any administrative
19 officer, agency or body.

20 5. With respect to the additional fee imposed under
21 subsection 1.5 of this Section, the fee shall be remitted by
22 the circuit clerk to the State Treasurer within one month after
23 receipt for deposit into the State Police Operations Assistance
24 Fund.

25 6. With respect to the additional fees imposed under
26 subsection 1.5 of this Section, the Director of State Police

1 may direct the use of these fees for homeland security purposes
2 by transferring these fees on a quarterly basis from the State
3 Police Operations Assistance Fund into the Illinois Law
4 Enforcement Alarm Systems (ILEAS) Fund for homeland security
5 initiatives programs. The transferred fees shall be allocated,
6 subject to the approval of the ILEAS Executive Board, as
7 follows: (i) 66.6% shall be used for homeland security
8 initiatives and (ii) 33.3% shall be used for airborne
9 operations. The ILEAS Executive Board shall annually supply the
10 Director of State Police with a report of the use of these
11 fees.

12 7. With respect to the additional fee imposed under
13 subsection 1.6 of this Section, the fee shall be remitted by
14 the circuit clerk to the State Treasurer within one month after
15 receipt for deposit into the Conservation Police Operations
16 Assistance Fund.

17 8. With respect to the fee imposed under subsection 1.7 of
18 this Section, the clerk shall remit the fee to the State
19 Treasurer within one month after receipt for deposit into the
20 Supreme Court Special Purposes Fund. Unless otherwise
21 authorized by this Act, the moneys deposited into the Supreme
22 Court Special Purposes Fund under this subsection are not
23 subject to administrative charges or chargebacks under Section
24 20 of the State Treasurer Act.

25 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
26 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

1 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

2 Sec. 27.3b. Payment of fines, penalties, or costs by credit
3 or debit card. The clerk of court may accept payment of fines,
4 penalties, or costs by credit card or debit card approved by
5 the clerk from an offender who has been convicted of or placed
6 on court supervision for a traffic offense, petty offense,
7 ordinance offense, or misdemeanor or who has been convicted of
8 a felony offense. The clerk of the circuit court may accept
9 credit card payments over the Internet for fines, penalties, or
10 costs from offenders on voluntary electronic pleas of guilty in
11 minor traffic and conservation offenses to satisfy the
12 requirement of written pleas of guilty as provided in Illinois
13 Supreme Court Rule 529. The clerk of the court may also accept
14 payment of statutory fees by a credit card or debit card. ~~The~~
15 ~~clerk of the court may also accept the credit card or debit~~
16 ~~card for the cash deposit of bail bond fees.~~

17 The Clerk of the circuit court is authorized to enter into
18 contracts with credit card or debit card companies approved by
19 the clerk and to negotiate the payment of convenience and
20 administrative fees normally charged by those companies for
21 allowing the clerk of the circuit court to accept their credit
22 cards or debit cards in payment as authorized herein. The clerk
23 of the circuit court is authorized to enter into contracts with
24 third party fund guarantors, facilitators, and service
25 providers under which those entities may contract directly with

1 customers of the clerk of the circuit court and guarantee and
2 remit the payments to the clerk of the circuit court. Where the
3 offender pays fines, penalties, or costs by credit card or
4 debit card or through a third party fund guarantor,
5 facilitator, or service provider, or anyone paying statutory
6 fees of the circuit court clerk ~~or the posting of cash bail,~~
7 the clerk shall collect a service fee of up to \$5 or the amount
8 charged to the clerk for use of its services by the credit card
9 or debit card issuer, third party fund guarantor, facilitator,
10 or service provider. This service fee shall be in addition to
11 any other fines, penalties, or costs. The clerk of the circuit
12 court is authorized to negotiate the assessment of convenience
13 and administrative fees by the third party fund guarantors,
14 facilitators, and service providers with the revenue earned by
15 the clerk of the circuit court to be remitted to the county
16 general revenue fund.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

19 Sec. 27.5. Fines and court costs; traffic, youth diversion,
20 and Child Advocacy Center.

21 (a) All fees, fines, costs, additional penalties, ~~bail~~
22 ~~balances assessed or forfeited,~~ and any other amount paid by a
23 person to the circuit clerk that equals an amount less than
24 \$55, except restitution under Section 5-5-6 of the Unified Code
25 of Corrections, reimbursement for the costs of an emergency

1 response as provided under Section 11-501 of the Illinois
2 Vehicle Code, any fees collected for attending a traffic safety
3 program under paragraph (c) of Supreme Court Rule 529, any fee
4 collected on behalf of a State's Attorney under Section 4-2002
5 of the Counties Code or a sheriff under Section 4-5001 of the
6 Counties Code, or any cost imposed under Section 124A-5 of the
7 Code of Criminal Procedure of 1963, for convictions, orders of
8 supervision, or any other disposition for a violation of
9 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
10 similar provision of a local ordinance, and any violation of
11 the Child Passenger Protection Act, or a similar provision of a
12 local ordinance, and except as otherwise provided in this
13 Section, shall be disbursed within 60 days after receipt by the
14 circuit clerk as follows: 47% shall be disbursed to the entity
15 authorized by law to receive the fine imposed in the case; 12%
16 shall be disbursed to the State Treasurer; and 41% shall be
17 disbursed to the county's general corporate fund. Of the 12%
18 disbursed to the State Treasurer, 1/6 shall be deposited by the
19 State Treasurer into the Violent Crime Victims Assistance Fund,
20 1/2 shall be deposited into the Traffic and Criminal Conviction
21 Surcharge Fund, and 1/3 shall be deposited into the Drivers
22 Education Fund. For fiscal years 1992 and 1993, amounts
23 deposited into the Violent Crime Victims Assistance Fund, the
24 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
25 Education Fund shall not exceed 110% of the amounts deposited
26 into those funds in fiscal year 1991. Any amount that exceeds

1 the 110% limit shall be distributed as follows: 50% shall be
2 disbursed to the county's general corporate fund and 50% shall
3 be disbursed to the entity authorized by law to receive the
4 fine imposed in the case. Not later than March 1 of each year
5 the circuit clerk shall submit a report of the amount of funds
6 remitted to the State Treasurer under this Section during the
7 preceding year based upon independent verification of fines and
8 fees. All counties shall be subject to this Section, except
9 that counties with a population under 2,000,000 may, by
10 ordinance, elect not to be subject to this Section. For
11 offenses subject to this Section, judges shall impose one total
12 sum of money payable for violations. The circuit clerk may add
13 on no additional amounts except for amounts that are required
14 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the
15 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of
16 the Counties Code, unless those amounts are specifically waived
17 by the judge. With respect to money collected by the circuit
18 clerk as a result of forfeiture of pre-trial release ~~bail~~, ex
19 parte judgment or guilty plea under ~~pursuant to~~ Supreme Court
20 Rule 529, the circuit clerk shall first deduct and pay amounts
21 required by Sections 27.3a and 27.3c of this Act. Unless a
22 court ordered payment schedule is implemented or fee
23 requirements are waived under ~~pursuant to~~ a court order, the
24 circuit clerk may add to any unpaid fees and costs a
25 delinquency amount equal to 5% of the unpaid fees that remain
26 unpaid after 30 days, 10% of the unpaid fees that remain unpaid

1 after 60 days, and 15% of the unpaid fees that remain unpaid
2 after 90 days. Notice to those parties may be made by signage
3 posting or publication. The additional delinquency amounts
4 collected under this Section shall be deposited in the Circuit
5 Court Clerk Operation and Administrative Fund to be used to
6 defray administrative costs incurred by the circuit clerk in
7 performing the duties required to collect and disburse funds.
8 This Section is a denial and limitation of home rule powers and
9 functions under subsection (h) of Section 6 of Article VII of
10 the Illinois Constitution.

11 (b) The following amounts must be remitted to the State
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 or 48-1 of the Criminal Code
17 of 1961 or the Criminal Code of 2012;

18 (2) 20% of the amounts collected for Class A and Class
19 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
20 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
21 for Animals Act and Section 26-5 or 48-1 of the Criminal
22 Code of 1961 or the Criminal Code of 2012; and

23 (3) 50% of the amounts collected for Class C
24 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
25 for Animals Act and Section 26-5 or 48-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (c) Any person who receives a disposition of court
2 supervision for a violation of the Illinois Vehicle Code or a
3 similar provision of a local ordinance shall, in addition to
4 any other fines, fees, and court costs, pay an additional fee
5 of \$29, to be disbursed as provided in Section 16-104c of the
6 Illinois Vehicle Code. In addition to the fee of \$29, the
7 person shall also pay a fee of \$6, if not waived by the court.
8 If this \$6 fee is collected, \$5.50 of the fee shall be
9 deposited into the Circuit Court Clerk Operation and
10 Administrative Fund created by the Clerk of the Circuit Court
11 and 50 cents of the fee shall be deposited into the Prisoner
12 Review Board Vehicle and Equipment Fund in the State treasury.

13 (d) Any person convicted of, pleading guilty to, or placed
14 on supervision for a serious traffic violation, as defined in
15 Section 1-187.001 of the Illinois Vehicle Code, a violation of
16 Section 11-501 of the Illinois Vehicle Code, or a violation of
17 a similar provision of a local ordinance shall pay an
18 additional fee of \$35, to be disbursed as provided in Section
19 16-104d of that Code.

20 This subsection (d) becomes inoperative on January 1, 2020.

21 (e) In all counties having a population of 3,000,000 or
22 more inhabitants:

23 (1) A person who is found guilty of or pleads guilty to
24 violating subsection (a) of Section 11-501 of the Illinois
25 Vehicle Code, including any person placed on court
26 supervision for violating subsection (a), shall be fined

1 \$750 as provided for by subsection (f) of Section 11-501.01
2 of the Illinois Vehicle Code, payable to the circuit clerk,
3 who shall distribute the money under ~~pursuant to~~ subsection
4 (f) of Section 11-501.01 of the Illinois Vehicle Code.

5 (2) When a crime laboratory DUI analysis fee of \$150,
6 provided for by Section 5-9-1.9 of the Unified Code of
7 Corrections is assessed, it shall be disbursed by the
8 circuit clerk as provided by subsection (f) of Section
9 5-9-1.9 of the Unified Code of Corrections.

10 (3) When a fine for a violation of subsection (a) of
11 Section 11-605 of the Illinois Vehicle Code is \$150 or
12 greater, the additional \$50 which is charged as provided
13 for by subsection (f) of Section 11-605 of the Illinois
14 Vehicle Code shall be disbursed by the circuit clerk to a
15 school district or districts for school safety purposes as
16 provided by subsection (f) of Section 11-605.

17 (4) When a fine for a violation of subsection (a) of
18 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
19 greater, the additional \$50 which is charged as provided
20 for by subsection (c) of Section 11-1002.5 of the Illinois
21 Vehicle Code shall be disbursed by the circuit clerk to a
22 school district or districts for school safety purposes as
23 provided by subsection (c) of Section 11-1002.5 of the
24 Illinois Vehicle Code.

25 (5) When a mandatory drug court fee of up to \$5 is
26 assessed as provided in subsection (f) of Section 5-1101 of

1 the Counties Code, it shall be disbursed by the circuit
2 clerk as provided in subsection (f) of Section 5-1101 of
3 the Counties Code.

4 (6) When a mandatory teen court, peer jury, youth
5 court, or other youth diversion program fee is assessed as
6 provided in subsection (e) of Section 5-1101 of the
7 Counties Code, it shall be disbursed by the circuit clerk
8 as provided in subsection (e) of Section 5-1101 of the
9 Counties Code.

10 (7) When a Children's Advocacy Center fee is assessed
11 under ~~pursuant to~~ subsection (f-5) of Section 5-1101 of the
12 Counties Code, it shall be disbursed by the circuit clerk
13 as provided in subsection (f-5) of Section 5-1101 of the
14 Counties Code.

15 (8) When a victim impact panel fee is assessed under
16 ~~pursuant to~~ subsection (b) of Section 11-501.01 of the
17 Illinois Vehicle Code, it shall be disbursed by the circuit
18 clerk to the victim impact panel to be attended by the
19 defendant.

20 (9) When a new fee collected in traffic cases is
21 enacted after January 1, 2010 (the effective date of Public
22 Act 96-735), it shall be excluded from the percentage
23 disbursement provisions of this Section unless otherwise
24 indicated by law.

25 (f) Any person who receives a disposition of court
26 supervision for a violation of Section 11-501 of the Illinois

1 Vehicle Code shall, in addition to any other fines, fees, and
2 court costs, pay an additional fee of \$50, which shall be
3 collected by the circuit clerk and then remitted to the State
4 Treasurer for deposit into the Roadside Memorial Fund, a
5 special fund in the State treasury. However, the court may
6 waive the fee if full restitution is complied with. Subject to
7 appropriation, all moneys in the Roadside Memorial Fund shall
8 be used by the Department of Transportation to pay fees imposed
9 under subsection (f) of Section 20 of the Roadside Memorial
10 Act. The fee shall be remitted by the circuit clerk within one
11 month after receipt to the State Treasurer for deposit into the
12 Roadside Memorial Fund.

13 (g) For any conviction or disposition of court supervision
14 for a violation of Section 11-1429 of the Illinois Vehicle
15 Code, the circuit clerk shall distribute the fines paid by the
16 person as specified by subsection (h) of Section 11-1429 of the
17 Illinois Vehicle Code.

18 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
19 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14.)

20 (705 ILCS 105/27.6)

21 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
22 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
23 98-658, 98-1013, 99-78, and 99-455)

24 Sec. 27.6. Fines and court costs; traffic, controlled
25 substances, and animal violations.

1 (a) All fees, fines, costs, additional penalties, ~~bail~~
2 ~~balances assessed or forfeited,~~ and any other amount paid by a
3 person to the circuit clerk equalling an amount of \$55 or more,
4 except the fine imposed by Section 5-9-1.15 of the Unified Code
5 of Corrections, the additional fee required by subsections (b)
6 and (c), restitution under Section 5-5-6 of the Unified Code of
7 Corrections, contributions to a local anti-crime program
8 ordered under ~~pursuant to~~ Section 5-6-3(b)(13) or Section
9 5-6-3.1(c)(13) of the Unified Code of Corrections,
10 reimbursement for the costs of an emergency response as
11 provided under Section 11-501 of the Illinois Vehicle Code, any
12 fees collected for attending a traffic safety program under
13 paragraph (c) of Supreme Court Rule 529, any fee collected on
14 behalf of a State's Attorney under Section 4-2002 of the
15 Counties Code or a sheriff under Section 4-5001 of the Counties
16 Code, or any cost imposed under Section 124A-5 of the Code of
17 Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as otherwise provided in this
23 Section shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 44.5% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the
26 case; 16.825% shall be disbursed to the State Treasurer; and

1 38.675% shall be disbursed to the county's general corporate
2 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
3 shall be deposited by the State Treasurer into the Violent
4 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
5 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
6 be deposited into the Drivers Education Fund, and 6.948/17
7 shall be deposited into the Trauma Center Fund. Of the 6.948/17
8 deposited into the Trauma Center Fund from the 16.825%
9 disbursed to the State Treasurer, 50% shall be disbursed to the
10 Department of Public Health and 50% shall be disbursed to the
11 Department of Healthcare and Family Services. For fiscal year
12 1993, amounts deposited into the Violent Crime Victims
13 Assistance Fund, the Traffic and Criminal Conviction Surcharge
14 Fund, or the Drivers Education Fund shall not exceed 110% of
15 the amounts deposited into those funds in fiscal year 1991. Any
16 amount that exceeds the 110% limit shall be distributed as
17 follows: 50% shall be disbursed to the county's general
18 corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

1 judges shall impose one total sum of money payable for
2 violations. The circuit clerk may add on no additional amounts
3 except for amounts that are required by Sections 27.3a and
4 27.3c of this Act, unless those amounts are specifically waived
5 by the judge. With respect to money collected by the circuit
6 clerk as a result of forfeiture of pre-trial release bail, ex
7 parte judgment or guilty plea under ~~pursuant to~~ Supreme Court
8 Rule 529, the circuit clerk shall first deduct and pay amounts
9 required by Sections 27.3a and 27.3c of this Act. This Section
10 is a denial and limitation of home rule powers and functions
11 under subsection (h) of Section 6 of Article VII of the
12 Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed
14 by the courts, any person convicted or receiving an order of
15 supervision for driving under the influence of alcohol or drugs
16 shall pay an additional fee of \$100 to the clerk of the circuit
17 court. This amount, less 2 1/2% that shall be used to defray
18 administrative costs incurred by the clerk, shall be remitted
19 by the clerk to the Treasurer within 60 days after receipt for
20 deposit into the Trauma Center Fund. This additional fee of
21 \$100 shall not be considered a part of the fine for purposes of
22 any reduction in the fine for time served either before or
23 after sentencing. Not later than March 1 of each year the
24 Circuit Clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this subsection during
26 the preceding calendar year.

1 (b-1) In addition to any other fines and court costs
2 assessed by the courts, any person convicted or receiving an
3 order of supervision for driving under the influence of alcohol
4 or drugs shall pay an additional fee of \$5 to the clerk of the
5 circuit court. This amount, less 2 1/2% that shall be used to
6 defray administrative costs incurred by the clerk, shall be
7 remitted by the clerk to the Treasurer within 60 days after
8 receipt for deposit into the Spinal Cord Injury Paralysis Cure
9 Research Trust Fund. This additional fee of \$5 shall not be
10 considered a part of the fine for purposes of any reduction in
11 the fine for time served either before or after sentencing. Not
12 later than March 1 of each year the Circuit Clerk shall submit
13 a report of the amount of funds remitted to the State Treasurer
14 under this subsection during the preceding calendar year.

15 (c) In addition to any other fines and court costs assessed
16 by the courts, any person convicted for a violation of Sections
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 or a person sentenced for a violation of
19 the Cannabis Control Act, the Illinois Controlled Substances
20 Act, or the Methamphetamine Control and Community Protection
21 Act shall pay an additional fee of \$100 to the clerk of the
22 circuit court. This amount, less 2 1/2% that shall be used to
23 defray administrative costs incurred by the clerk, shall be
24 remitted by the clerk to the Treasurer within 60 days after
25 receipt for deposit into the Trauma Center Fund. This
26 additional fee of \$100 shall not be considered a part of the

1 fine for purposes of any reduction in the fine for time served
2 either before or after sentencing. Not later than March 1 of
3 each year the Circuit Clerk shall submit a report of the amount
4 of funds remitted to the State Treasurer under this subsection
5 during the preceding calendar year.

6 (c-1) In addition to any other fines and court costs
7 assessed by the courts, any person sentenced for a violation of
8 the Cannabis Control Act, the Illinois Controlled Substances
9 Act, or the Methamphetamine Control and Community Protection
10 Act shall pay an additional fee of \$5 to the clerk of the
11 circuit court. This amount, less 2 1/2% that shall be used to
12 defray administrative costs incurred by the clerk, shall be
13 remitted by the clerk to the Treasurer within 60 days after
14 receipt for deposit into the Spinal Cord Injury Paralysis Cure
15 Research Trust Fund. This additional fee of \$5 shall not be
16 considered a part of the fine for purposes of any reduction in
17 the fine for time served either before or after sentencing. Not
18 later than March 1 of each year the Circuit Clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this subsection during the preceding calendar year.

21 (d) The following amounts must be remitted to the State
22 Treasurer for deposit into the Illinois Animal Abuse Fund:

23 (1) 50% of the amounts collected for felony offenses
24 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
25 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
26 Animals Act and Section 26-5 or 48-1 of the Criminal Code

1 of 1961 or the Criminal Code of 2012;

2 (2) 20% of the amounts collected for Class A and Class
3 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
4 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
5 for Animals Act and Section 26-5 or 48-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012; and

7 (3) 50% of the amounts collected for Class C
8 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
9 for Animals Act and Section 26-5 or 48-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012.

11 (e) Any person who receives a disposition of court
12 supervision for a violation of the Illinois Vehicle Code or a
13 similar provision of a local ordinance shall, in addition to
14 any other fines, fees, and court costs, pay an additional fee
15 of \$29, to be disbursed as provided in Section 16-104c of the
16 Illinois Vehicle Code. In addition to the fee of \$29, the
17 person shall also pay a fee of \$6, if not waived by the court.
18 If this \$6 fee is collected, \$5.50 of the fee shall be
19 deposited into the Circuit Court Clerk Operation and
20 Administrative Fund created by the Clerk of the Circuit Court
21 and 50 cents of the fee shall be deposited into the Prisoner
22 Review Board Vehicle and Equipment Fund in the State treasury.

23 (f) This Section does not apply to the additional child
24 pornography fines assessed and collected under Section
25 5-9-1.14 of the Unified Code of Corrections.

26 (g) (Blank).

1 (h) (Blank).

2 (i) Of the amounts collected as fines under subsection (b)
3 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
4 deposited into the Illinois Military Family Relief Fund and 1%
5 shall be deposited into the Circuit Court Clerk Operation and
6 Administrative Fund created by the Clerk of the Circuit Court
7 to be used to offset the costs incurred by the Circuit Court
8 Clerk in performing the additional duties required to collect
9 and disburse funds to entities of State and local government as
10 provided by law.

11 (j) Any person convicted of, pleading guilty to, or placed
12 on supervision for a serious traffic violation, as defined in
13 Section 1-187.001 of the Illinois Vehicle Code, a violation of
14 Section 11-501 of the Illinois Vehicle Code, or a violation of
15 a similar provision of a local ordinance shall pay an
16 additional fee of \$35, to be disbursed as provided in Section
17 16-104d of that Code.

18 This subsection (j) becomes inoperative on January 1, 2020.

19 (k) For any conviction or disposition of court supervision
20 for a violation of Section 11-1429 of the Illinois Vehicle
21 Code, the circuit clerk shall distribute the fines paid by the
22 person as specified by subsection (h) of Section 11-1429 of the
23 Illinois Vehicle Code.

24 (l) Any person who receives a disposition of court
25 supervision for a violation of Section 11-501 of the Illinois
26 Vehicle Code or a similar provision of a local ordinance shall,

1 in addition to any other fines, fees, and court costs, pay an
2 additional fee of \$50, which shall be collected by the circuit
3 clerk and then remitted to the State Treasurer for deposit into
4 the Roadside Memorial Fund, a special fund in the State
5 treasury. However, the court may waive the fee if full
6 restitution is complied with. Subject to appropriation, all
7 moneys in the Roadside Memorial Fund shall be used by the
8 Department of Transportation to pay fees imposed under
9 subsection (f) of Section 20 of the Roadside Memorial Act. The
10 fee shall be remitted by the circuit clerk within one month
11 after receipt to the State Treasurer for deposit into the
12 Roadside Memorial Fund.

13 (m) Of the amounts collected as fines under subsection (c)
14 of Section 411.4 of the Illinois Controlled Substances Act or
15 subsection (c) of Section 90 of the Methamphetamine Control and
16 Community Protection Act, 99% shall be deposited to the law
17 enforcement agency or fund specified and 1% shall be deposited
18 into the Circuit Court Clerk Operation and Administrative Fund
19 to be used to offset the costs incurred by the Circuit Court
20 Clerk in performing the additional duties required to collect
21 and disburse funds to entities of State and local government as
22 provided by law.

23 (n) In addition to any other fines and court costs assessed
24 by the courts, any person who is convicted of or pleads guilty
25 to a violation of the Criminal Code of 1961 or the Criminal
26 Code of 2012, or a similar provision of a local ordinance, or

1 who is convicted of, pleads guilty to, or receives a
2 disposition of court supervision for a violation of the
3 Illinois Vehicle Code, or a similar provision of a local
4 ordinance, shall pay an additional fee of \$15 to the clerk of
5 the circuit court. This additional fee of \$15 shall not be
6 considered a part of the fine for purposes of any reduction in
7 the fine for time served either before or after sentencing.
8 This amount, less 2.5% that shall be used to defray
9 administrative costs incurred by the clerk, shall be remitted
10 by the clerk to the State Treasurer within 60 days after
11 receipt for deposit into the State Police Merit Board Public
12 Safety Fund.

13 (o) The amounts collected as fines under Sections 10-9,
14 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
15 be collected by the circuit clerk and distributed as provided
16 under Section 5-9-1.21 of the Unified Code of Corrections in
17 lieu of any disbursement under subsection (a) of this Section.

18 (p) In addition to any other fees and penalties imposed,
19 any person who is convicted of or pleads guilty to a violation
20 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
21 shall pay an additional fee of \$250 to the clerk of the circuit
22 court. This additional fee of \$250 shall not be considered a
23 part of the fine for purposes of any reduction in the fine for
24 time served either before or after sentencing. This amount,
25 less 2.5% that shall be used to defray administrative costs
26 incurred by the clerk, shall be remitted by the clerk to the

1 Department of Insurance within 60 days after receipt for
2 deposit into the George Bailey Memorial Fund.

3 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
4 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

5 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
6 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
7 98-658, 98-1013, 99-78, and 99-455)

8 Sec. 27.6. Fines and court costs; traffic, controlled
9 substances, and animal violations.

10 (a) All fees, fines, costs, additional penalties, ~~bail~~
11 ~~balances assessed or forfeited~~, and any other amount paid by a
12 person to the circuit clerk equalling an amount of \$55 or more,
13 except the fine imposed by Section 5-9-1.15 of the Unified Code
14 of Corrections, the additional fee required by subsections (b)
15 and (c), restitution under Section 5-5-6 of the Unified Code of
16 Corrections, contributions to a local anti-crime program
17 ordered under ~~pursuant to~~ Section 5-6-3(b)(13) or Section
18 5-6-3.1(c)(13) of the Unified Code of Corrections,
19 reimbursement for the costs of an emergency response as
20 provided under Section 11-501 of the Illinois Vehicle Code, any
21 fees collected for attending a traffic safety program under
22 paragraph (c) of Supreme Court Rule 529, any fee collected on
23 behalf of a State's Attorney under Section 4-2002 of the
24 Counties Code or a sheriff under Section 4-5001 of the Counties
25 Code, or any cost imposed under Section 124A-5 of the Code of

1 Criminal Procedure of 1963, for convictions, orders of
2 supervision, or any other disposition for a violation of
3 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
4 similar provision of a local ordinance, and any violation of
5 the Child Passenger Protection Act, or a similar provision of a
6 local ordinance, and except as otherwise provided in this
7 Section shall be disbursed within 60 days after receipt by the
8 circuit clerk as follows: 44.5% shall be disbursed to the
9 entity authorized by law to receive the fine imposed in the
10 case; 16.825% shall be disbursed to the State Treasurer; and
11 38.675% shall be disbursed to the county's general corporate
12 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
13 shall be deposited by the State Treasurer into the Violent
14 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
15 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
16 be deposited into the Drivers Education Fund, and 6.948/17
17 shall be deposited into the Trauma Center Fund. Of the 6.948/17
18 deposited into the Trauma Center Fund from the 16.825%
19 disbursed to the State Treasurer, 50% shall be disbursed to the
20 Department of Public Health and 50% shall be disbursed to the
21 Department of Healthcare and Family Services. For fiscal year
22 1993, amounts deposited into the Violent Crime Victims
23 Assistance Fund, the Traffic and Criminal Conviction Surcharge
24 Fund, or the Drivers Education Fund shall not exceed 110% of
25 the amounts deposited into those funds in fiscal year 1991. Any
26 amount that exceeds the 110% limit shall be distributed as

1 follows: 50% shall be disbursed to the county's general
2 corporate fund and 50% shall be disbursed to the entity
3 authorized by law to receive the fine imposed in the case. Not
4 later than March 1 of each year the circuit clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this Section during the preceding year based upon
7 independent verification of fines and fees. All counties shall
8 be subject to this Section, except that counties with a
9 population under 2,000,000 may, by ordinance, elect not to be
10 subject to this Section. For offenses subject to this Section,
11 judges shall impose one total sum of money payable for
12 violations. The circuit clerk may add on no additional amounts
13 except for amounts that are required by Sections 27.3a and
14 27.3c of this Act, Section 16-104c of the Illinois Vehicle
15 Code, and subsection (a) of Section 5-1101 of the Counties
16 Code, unless those amounts are specifically waived by the
17 judge. With respect to money collected by the circuit clerk as
18 a result of forfeiture of pre-trial release bail, ex parte
19 judgment or guilty plea under ~~pursuant to~~ Supreme Court Rule
20 529, the circuit clerk shall first deduct and pay amounts
21 required by Sections 27.3a and 27.3c of this Act. Unless a
22 court ordered payment schedule is implemented or fee
23 requirements are waived pursuant to court order, the clerk of
24 the court may add to any unpaid fees and costs a delinquency
25 amount equal to 5% of the unpaid fees that remain unpaid after
26 30 days, 10% of the unpaid fees that remain unpaid after 60

1 days, and 15% of the unpaid fees that remain unpaid after 90
2 days. Notice to those parties may be made by signage posting or
3 publication. The additional delinquency amounts collected
4 under this Section shall be deposited in the Circuit Court
5 Clerk Operation and Administrative Fund to be used to defray
6 administrative costs incurred by the circuit clerk in
7 performing the duties required to collect and disburse funds.
8 This Section is a denial and limitation of home rule powers and
9 functions under subsection (h) of Section 6 of Article VII of
10 the Illinois Constitution.

11 (b) In addition to any other fines and court costs assessed
12 by the courts, any person convicted or receiving an order of
13 supervision for driving under the influence of alcohol or drugs
14 shall pay an additional fee of \$100 to the clerk of the circuit
15 court. This amount, less 2 1/2% that shall be used to defray
16 administrative costs incurred by the clerk, shall be remitted
17 by the clerk to the Treasurer within 60 days after receipt for
18 deposit into the Trauma Center Fund. This additional fee of
19 \$100 shall not be considered a part of the fine for purposes of
20 any reduction in the fine for time served either before or
21 after sentencing. Not later than March 1 of each year the
22 Circuit Clerk shall submit a report of the amount of funds
23 remitted to the State Treasurer under this subsection during
24 the preceding calendar year.

25 (b-1) In addition to any other fines and court costs
26 assessed by the courts, any person convicted or receiving an

1 order of supervision for driving under the influence of alcohol
2 or drugs shall pay an additional fee of \$5 to the clerk of the
3 circuit court. This amount, less 2 1/2% that shall be used to
4 defray administrative costs incurred by the clerk, shall be
5 remitted by the clerk to the Treasurer within 60 days after
6 receipt for deposit into the Spinal Cord Injury Paralysis Cure
7 Research Trust Fund. This additional fee of \$5 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing. Not
10 later than March 1 of each year the Circuit Clerk shall submit
11 a report of the amount of funds remitted to the State Treasurer
12 under this subsection during the preceding calendar year.

13 (c) In addition to any other fines and court costs assessed
14 by the courts, any person convicted for a violation of Sections
15 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 or a person sentenced for a violation of
17 the Cannabis Control Act, the Illinois Controlled Substances
18 Act, or the Methamphetamine Control and Community Protection
19 Act shall pay an additional fee of \$100 to the clerk of the
20 circuit court. This amount, less 2 1/2% that shall be used to
21 defray administrative costs incurred by the clerk, shall be
22 remitted by the clerk to the Treasurer within 60 days after
23 receipt for deposit into the Trauma Center Fund. This
24 additional fee of \$100 shall not be considered a part of the
25 fine for purposes of any reduction in the fine for time served
26 either before or after sentencing. Not later than March 1 of

1 each year the Circuit Clerk shall submit a report of the amount
2 of funds remitted to the State Treasurer under this subsection
3 during the preceding calendar year.

4 (c-1) In addition to any other fines and court costs
5 assessed by the courts, any person sentenced for a violation of
6 the Cannabis Control Act, the Illinois Controlled Substances
7 Act, or the Methamphetamine Control and Community Protection
8 Act shall pay an additional fee of \$5 to the clerk of the
9 circuit court. This amount, less 2 1/2% that shall be used to
10 defray administrative costs incurred by the clerk, shall be
11 remitted by the clerk to the Treasurer within 60 days after
12 receipt for deposit into the Spinal Cord Injury Paralysis Cure
13 Research Trust Fund. This additional fee of \$5 shall not be
14 considered a part of the fine for purposes of any reduction in
15 the fine for time served either before or after sentencing. Not
16 later than March 1 of each year the Circuit Clerk shall submit
17 a report of the amount of funds remitted to the State Treasurer
18 under this subsection during the preceding calendar year.

19 (d) The following amounts must be remitted to the State
20 Treasurer for deposit into the Illinois Animal Abuse Fund:

21 (1) 50% of the amounts collected for felony offenses
22 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
23 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
24 Animals Act and Section 26-5 or 48-1 of the Criminal Code
25 of 1961 or the Criminal Code of 2012;

26 (2) 20% of the amounts collected for Class A and Class

1 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
2 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
3 for Animals Act and Section 26-5 or 48-1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012; and

5 (3) 50% of the amounts collected for Class C
6 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
7 for Animals Act and Section 26-5 or 48-1 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 (e) Any person who receives a disposition of court
10 supervision for a violation of the Illinois Vehicle Code or a
11 similar provision of a local ordinance shall, in addition to
12 any other fines, fees, and court costs, pay an additional fee
13 of \$29, to be disbursed as provided in Section 16-104c of the
14 Illinois Vehicle Code. In addition to the fee of \$29, the
15 person shall also pay a fee of \$6, if not waived by the court.
16 If this \$6 fee is collected, \$5.50 of the fee shall be
17 deposited into the Circuit Court Clerk Operation and
18 Administrative Fund created by the Clerk of the Circuit Court
19 and 50 cents of the fee shall be deposited into the Prisoner
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (f) This Section does not apply to the additional child
22 pornography fines assessed and collected under Section
23 5-9-1.14 of the Unified Code of Corrections.

24 (g) Any person convicted of or pleading guilty to a serious
25 traffic violation, as defined in Section 1-187.001 of the
26 Illinois Vehicle Code, shall pay an additional fee of \$35, to

1 be disbursed as provided in Section 16-104d of that Code. This
2 subsection (g) becomes inoperative on January 1, 2020.

3 (h) In all counties having a population of 3,000,000 or
4 more inhabitants,

5 (1) A person who is found guilty of or pleads guilty to
6 violating subsection (a) of Section 11-501 of the Illinois
7 Vehicle Code, including any person placed on court
8 supervision for violating subsection (a), shall be fined
9 \$750 as provided for by subsection (f) of Section 11-501.01
10 of the Illinois Vehicle Code, payable to the circuit clerk,
11 who shall distribute the money pursuant to subsection (f)
12 of Section 11-501.01 of the Illinois Vehicle Code.

13 (2) When a crime laboratory DUI analysis fee of \$150,
14 provided for by Section 5-9-1.9 of the Unified Code of
15 Corrections is assessed, it shall be disbursed by the
16 circuit clerk as provided by subsection (f) of Section
17 5-9-1.9 of the Unified Code of Corrections.

18 (3) When a fine for a violation of Section 11-605.1 of
19 the Illinois Vehicle Code is \$250 or greater, the person
20 who violated that Section shall be charged an additional
21 \$125 as provided for by subsection (e) of Section 11-605.1
22 of the Illinois Vehicle Code, which shall be disbursed by
23 the circuit clerk to a State or county Transportation
24 Safety Highway Hire-back Fund as provided by subsection (e)
25 of Section 11-605.1 of the Illinois Vehicle Code.

26 (4) When a fine for a violation of subsection (a) of

1 Section 11-605 of the Illinois Vehicle Code is \$150 or
2 greater, the additional \$50 which is charged as provided
3 for by subsection (f) of Section 11-605 of the Illinois
4 Vehicle Code shall be disbursed by the circuit clerk to a
5 school district or districts for school safety purposes as
6 provided by subsection (f) of Section 11-605.

7 (5) When a fine for a violation of subsection (a) of
8 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
9 greater, the additional \$50 which is charged as provided
10 for by subsection (c) of Section 11-1002.5 of the Illinois
11 Vehicle Code shall be disbursed by the circuit clerk to a
12 school district or districts for school safety purposes as
13 provided by subsection (c) of Section 11-1002.5 of the
14 Illinois Vehicle Code.

15 (6) When a mandatory drug court fee of up to \$5 is
16 assessed as provided in subsection (f) of Section 5-1101 of
17 the Counties Code, it shall be disbursed by the circuit
18 clerk as provided in subsection (f) of Section 5-1101 of
19 the Counties Code.

20 (7) When a mandatory teen court, peer jury, youth
21 court, or other youth diversion program fee is assessed as
22 provided in subsection (e) of Section 5-1101 of the
23 Counties Code, it shall be disbursed by the circuit clerk
24 as provided in subsection (e) of Section 5-1101 of the
25 Counties Code.

26 (8) When a Children's Advocacy Center fee is assessed

1 pursuant to subsection (f-5) of Section 5-1101 of the
2 Counties Code, it shall be disbursed by the circuit clerk
3 as provided in subsection (f-5) of Section 5-1101 of the
4 Counties Code.

5 (9) When a victim impact panel fee is assessed pursuant
6 to subsection (b) of Section 11-501.01 of the Vehicle Code,
7 it shall be disbursed by the circuit clerk to the victim
8 impact panel to be attended by the defendant.

9 (10) When a new fee collected in traffic cases is
10 enacted after the effective date of this subsection (h), it
11 shall be excluded from the percentage disbursement
12 provisions of this Section unless otherwise indicated by
13 law.

14 (i) Of the amounts collected as fines under subsection (b)
15 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
16 deposited into the Illinois Military Family Relief Fund and 1%
17 shall be deposited into the Circuit Court Clerk Operation and
18 Administrative Fund created by the Clerk of the Circuit Court
19 to be used to offset the costs incurred by the Circuit Court
20 Clerk in performing the additional duties required to collect
21 and disburse funds to entities of State and local government as
22 provided by law.

23 (j) (Blank).

24 (k) For any conviction or disposition of court supervision
25 for a violation of Section 11-1429 of the Illinois Vehicle
26 Code, the circuit clerk shall distribute the fines paid by the

1 person as specified by subsection (h) of Section 11-1429 of the
2 Illinois Vehicle Code.

3 (l) Any person who receives a disposition of court
4 supervision for a violation of Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance shall,
6 in addition to any other fines, fees, and court costs, pay an
7 additional fee of \$50, which shall be collected by the circuit
8 clerk and then remitted to the State Treasurer for deposit into
9 the Roadside Memorial Fund, a special fund in the State
10 treasury. However, the court may waive the fee if full
11 restitution is complied with. Subject to appropriation, all
12 moneys in the Roadside Memorial Fund shall be used by the
13 Department of Transportation to pay fees imposed under
14 subsection (f) of Section 20 of the Roadside Memorial Act. The
15 fee shall be remitted by the circuit clerk within one month
16 after receipt to the State Treasurer for deposit into the
17 Roadside Memorial Fund.

18 (m) Of the amounts collected as fines under subsection (c)
19 of Section 411.4 of the Illinois Controlled Substances Act or
20 subsection (c) of Section 90 of the Methamphetamine Control and
21 Community Protection Act, 99% shall be deposited to the law
22 enforcement agency or fund specified and 1% shall be deposited
23 into the Circuit Court Clerk Operation and Administrative Fund
24 to be used to offset the costs incurred by the Circuit Court
25 Clerk in performing the additional duties required to collect
26 and disburse funds to entities of State and local government as

1 provided by law.

2 (n) In addition to any other fines and court costs assessed
3 by the courts, any person who is convicted of or pleads guilty
4 to a violation of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or a similar provision of a local ordinance, or
6 who is convicted of, pleads guilty to, or receives a
7 disposition of court supervision for a violation of the
8 Illinois Vehicle Code, or a similar provision of a local
9 ordinance, shall pay an additional fee of \$15 to the clerk of
10 the circuit court. This additional fee of \$15 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing.
13 This amount, less 2.5% that shall be used to defray
14 administrative costs incurred by the clerk, shall be remitted
15 by the clerk to the State Treasurer within 60 days after
16 receipt for deposit into the State Police Merit Board Public
17 Safety Fund.

18 (o) The amounts collected as fines under Sections 10-9,
19 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
20 be collected by the circuit clerk and distributed as provided
21 under Section 5-9-1.21 of the Unified Code of Corrections in
22 lieu of any disbursement under subsection (a) of this Section.

23 (p) In addition to any other fees and penalties imposed,
24 any person who is convicted of or pleads guilty to a violation
25 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
26 shall pay an additional fee of \$250 to the clerk of the circuit

1 court. This additional fee of \$250 shall not be considered a
2 part of the fine for purposes of any reduction in the fine for
3 time served either before or after sentencing. This amount,
4 less 2.5% that shall be used to defray administrative costs
5 incurred by the clerk, shall be remitted by the clerk to the
6 Department of Insurance within 60 days after receipt for
7 deposit into the George Bailey Memorial Fund.

8 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
9 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

10 Section 12. The Criminal Code of 2012 is amended by
11 changing Section 32-10 as follows:

12 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

13 Sec. 32-10. Violation of conditions of pre-trial release
14 ~~bail bond~~.

15 (a) Whoever, having been released under conditions of
16 pre-trial release ~~admitted to bail~~ for appearance before any
17 court of this State, incurs a forfeiture of the pre-trial
18 release ~~bail~~ and knowingly fails to surrender himself or
19 herself within 30 days following the date of the forfeiture,
20 commits, if the conditions of pre-trial release were ~~bail was~~
21 given in connection with a charge of felony or pending appeal
22 or certiorari after conviction of any offense, a felony of the
23 next lower Class or a Class A misdemeanor if the underlying
24 offense was a Class 4 felony; or, if the conditions of

1 pre-trial release were ~~bail~~ was given in connection with a
2 charge of committing a misdemeanor, or for appearance as a
3 witness, commits a misdemeanor of the next lower Class, but not
4 less than a Class C misdemeanor.

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

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

18 (c) Whoever, having been admitted to release under
19 conditions of pre-trial release ~~bail~~ for appearance before any
20 court of this State for a felony, Class A misdemeanor or a
21 criminal offense in which the victim is a family or household
22 member as defined in Article 112A of the Code of Criminal
23 Procedure of 1963, is charged with any other felony, Class A
24 misdemeanor, or a criminal offense in which the victim is a
25 family or household member as defined in Article 112A of the
26 Code of Criminal Procedure of 1963 while on this release, must

1 appear before the court before conditions of pre-trial release
2 are ~~bail is~~ statutorily set.

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

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

10 Section 15. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 103-5, 103-7, 104-17, 106D-1,
12 107-4, 109-1, 109-2, 110-1, 110-2, 110-3, 110-4, 110-5,
13 110-5.1, 110-6, 110-6.1, 110-6.2, 110-6.3, 110-7, 110-9,
14 110-10, 110-11, 110-12, 110-16, 110-18, 112A-23, and 115-4.1
15 and by adding Section 110-1.5 as follows:

16 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

17 Sec. 103-5. Speedy trial.†

18 (a) Every person in custody in this State for an alleged
19 offense shall be tried by the court having jurisdiction within
20 120 days from the date he or she was taken into custody unless
21 delay is occasioned by the defendant, by an examination for
22 fitness ordered under ~~pursuant to~~ Section 104-13 of this Act,
23 by a fitness hearing, by an adjudication of unfitness to stand
24 trial, by a continuance allowed under ~~pursuant to~~ Section 114-4

1 of this Act after a court's determination of the defendant's
2 physical incapacity for trial, or by an interlocutory appeal.
3 Delay shall be considered to be agreed to by the defendant
4 unless he or she objects to the delay by making a written
5 demand for trial or an oral demand for trial on the record. The
6 provisions of this subsection (a) do not apply to a person on
7 pre-trial release ~~bail~~ or recognizance for an offense but who
8 is in custody for a violation of his or her parole, aftercare
9 release, or mandatory supervised release for another offense.

10 The 120-day term must be one continuous period of
11 incarceration. In computing the 120-day term, separate periods
12 of incarceration may not be combined. If a defendant is taken
13 into custody a second (or subsequent) time for the same
14 offense, the term will begin again at day zero.

15 (b) Every person on pre-trial release ~~bail~~ or recognizance
16 shall be tried by the court having jurisdiction within 160 days
17 from the date defendant demands trial unless delay is
18 occasioned by the defendant, by an examination for fitness
19 ordered under ~~pursuant to~~ Section 104-13 of this Act, by a
20 fitness hearing, by an adjudication of unfitness to stand
21 trial, by a continuance allowed under ~~pursuant to~~ Section 114-4
22 of this Act after a court's determination of the defendant's
23 physical incapacity for trial, or by an interlocutory appeal.
24 The defendant's failure to appear for any court date set by the
25 court operates to waive the defendant's demand for trial made
26 under this subsection.

1 For purposes of computing the 160 day period under this
2 subsection (b), every person who was in custody for an alleged
3 offense and demanded trial and is subsequently placed on
4 pre-trial release ~~released on bail~~ or recognizance and demands
5 trial, shall be given credit for time spent in custody
6 following the making of the demand while in custody. Any demand
7 for trial made under this subsection (b) shall be in writing;
8 and in the case of a defendant not in custody, the demand for
9 trial shall include the date of any prior demand made under
10 this provision while the defendant was in custody.

11 (c) If the court determines that the State has exercised
12 without success due diligence to obtain evidence material to
13 the case and that there are reasonable grounds to believe that
14 such evidence may be obtained at a later day the court may
15 continue the cause on application of the State for not more
16 than an additional 60 days. If the court determines that the
17 State has exercised without success due diligence to obtain
18 results of DNA testing that is material to the case and that
19 there are reasonable grounds to believe that such results may
20 be obtained at a later day, the court may continue the cause on
21 application of the State for not more than an additional 120
22 days.

23 (d) Every person not tried in accordance with subsections
24 (a), (b) and (c) of this Section shall be discharged from
25 custody or released from the obligations of his or her
26 pre-trial release ~~bail~~ or recognizance.

1 (e) If a person is simultaneously in custody upon more than
2 one charge pending against him in the same county, or
3 simultaneously demands trial upon more than one charge pending
4 against him in the same county, he shall be tried, or adjudged
5 guilty after waiver of trial, upon at least one such charge
6 before expiration relative to any of such pending charges of
7 the period prescribed by subsections (a) and (b) of this
8 Section. Such person shall be tried upon all of the remaining
9 charges thus pending within 160 days from the date on which
10 judgment relative to the first charge thus prosecuted is
11 rendered under ~~pursuant to~~ the Unified Code of Corrections or,
12 if such trial upon such first charge is terminated without
13 judgment and there is no subsequent trial of, or adjudication
14 of guilt after waiver of trial of, such first charge within a
15 reasonable time, the person shall be tried upon all of the
16 remaining charges thus pending within 160 days from the date on
17 which such trial is terminated; if either such period of 160
18 days expires without the commencement of trial of, or
19 adjudication of guilt after waiver of trial of, any of such
20 remaining charges thus pending, such charge or charges shall be
21 dismissed and barred for want of prosecution unless delay is
22 occasioned by the defendant, by an examination for fitness
23 ordered under ~~pursuant to~~ Section 104-13 of this Act, by a
24 fitness hearing, by an adjudication of unfitness for trial, by
25 a continuance allowed under ~~pursuant to~~ Section 114-4 of this
26 Act after a court's determination of the defendant's physical

1 incapacity for trial, or by an interlocutory appeal; provided,
2 however, that if the court determines that the State has
3 exercised without success due diligence to obtain evidence
4 material to the case and that there are reasonable grounds to
5 believe that such evidence may be obtained at a later day the
6 court may continue the cause on application of the State for
7 not more than an additional 60 days.

8 (f) Delay occasioned by the defendant shall temporarily
9 suspend for the time of the delay the period within which a
10 person shall be tried as prescribed by subsections (a), (b), or
11 (e) of this Section and on the day of expiration of the delay
12 the said period shall continue at the point at which it was
13 suspended. Where such delay occurs within 21 days of the end of
14 the period within which a person shall be tried as prescribed
15 by subsections (a), (b), or (e) of this Section, the court may
16 continue the cause on application of the State for not more
17 than an additional 21 days beyond the period prescribed by
18 subsections (a), (b), or (e). This subsection (f) shall become
19 effective on, and apply to persons charged with alleged
20 offenses committed on or after, March 1, 1977.

21 (Source: P.A. 98-558, eff. 1-1-14.)

22 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

23 Sec. 103-7. Posting notice of rights.

24 Every sheriff, chief of police or other person who is in
25 charge of any jail, police station or other building where

1 persons under arrest are held in custody pending investigation,
2 pre-trial release, ~~bail~~ or other criminal proceedings, shall
3 post in every room, other than cells, of such buildings where
4 persons are held in custody, in conspicuous places where it may
5 be seen and read by persons in custody and others, a poster,
6 printed in large type, containing a verbatim copy in the
7 English language of the provisions of Sections 103-2, 103-3,
8 103-4, 109-1, 110-2, 110-4, and sub-parts (a) and (b) of
9 Sections 110-7 and 113-3 of this Code. Each person who is in
10 charge of any courthouse or other building in which any trial
11 of an offense is conducted shall post in each room primarily
12 used for such trials and in each room in which defendants are
13 confined or wait, pending trial, in conspicuous places where it
14 may be seen and read by persons in custody and others, a
15 poster, printed in large type, containing a verbatim copy in
16 the English language of the provisions of Sections 103-6,
17 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section
18 113-3 of this Code.

19 (Source: Laws 1965, p. 2622.)

20 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

21 Sec. 104-17. Commitment for Treatment; Treatment Plan.

22 (a) If the defendant is eligible to be or has been released
23 on pre-trial release ~~bail~~ or on his or her own recognizance,
24 the court shall select the least physically restrictive form of
25 treatment therapeutically appropriate and consistent with the

1 treatment plan.

2 (b) If the defendant's disability is mental, the court may
3 order him or her placed for treatment in the custody of the
4 Department of Human Services, or the court may order him or her
5 placed in the custody of any other appropriate public or
6 private mental health facility or treatment program which has
7 agreed to provide treatment to the defendant. If the defendant
8 is placed in the custody of the Department of Human Services,
9 the defendant shall be placed in a secure setting. During the
10 period of time required to determine the appropriate placement
11 the defendant shall remain in jail. If upon the completion of
12 the placement process the Department of Human Services
13 determines that the defendant is currently fit to stand trial,
14 it shall immediately notify the court and shall submit a
15 written report within 7 days. In that circumstance the
16 placement shall be held pending a court hearing on the
17 Department's report. Otherwise, upon completion of the
18 placement process, the sheriff shall be notified and shall
19 transport the defendant to the designated facility. The
20 placement may be ordered either on an inpatient or an
21 outpatient basis.

22 (c) If the defendant's disability is physical, the court
23 may order him or her placed under the supervision of the
24 Department of Human Services which shall place and maintain the
25 defendant in a suitable treatment facility or program, or the
26 court may order him or her placed in an appropriate public or

1 private facility or treatment program which has agreed to
2 provide treatment to the defendant. The placement may be
3 ordered either on an inpatient or an outpatient basis.

4 (d) The clerk of the circuit court shall transmit to the
5 Department, agency or institution, if any, to which the
6 defendant is remanded for treatment, the following:

7 (1) a certified copy of the order to undergo treatment.
8 Accompanying the certified copy of the order to undergo
9 treatment shall be the complete copy of any report prepared
10 under Section 104-15 of this Code or other report prepared
11 by a forensic examiner for the court;

12 (2) the county and municipality in which the offense
13 was committed;

14 (3) the county and municipality in which the arrest
15 took place;

16 (4) a copy of the arrest report, criminal charges,
17 arrest record; and

18 (5) all additional matters which the court ~~Court~~
19 directs the clerk to transmit.

20 (e) Within 30 days of entry of an order to undergo
21 treatment, the person supervising the defendant's treatment
22 shall file with the court, the State, and the defense a report
23 assessing the facility's or program's capacity to provide
24 appropriate treatment for the defendant and indicating his or
25 her opinion as to the probability of the defendant's attaining
26 fitness within a period of time from the date of the finding of

1 unfitness. For a defendant charged with a felony, the period of
2 time shall be one year. For a defendant charged with a
3 misdemeanor, the period of time shall be no longer than the
4 sentence if convicted of the most serious offense. If the
5 report indicates that there is a substantial probability that
6 the defendant will attain fitness within the time period, the
7 treatment supervisor shall also file a treatment plan which
8 shall include:

9 (1) A diagnosis of the defendant's disability;

10 (2) A description of treatment goals with respect to
11 rendering the defendant fit, a specification of the
12 proposed treatment modalities, and an estimated timetable
13 for attainment of the goals;

14 (3) An identification of the person in charge of
15 supervising the defendant's treatment.

16 (Source: P.A. 98-1025, eff. 8-22-14; 99-140, eff. 1-1-16.)

17 (725 ILCS 5/106D-1)

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

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

1 audio-visual communication, including closed circuit
2 television and computerized video conference, in the following
3 proceedings:

4 (1) the initial appearance before a judge on a criminal
5 complaint, at which pre-trial release ~~bail~~ 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 conducted under the Sexually Violent
15 Persons Commitment Act at which no witness testimony will
16 be taken.

17 (b) The two-way audio-visual communication facilities must
18 provide two-way audio-visual communication between the court
19 and the place of custody or confinement, and must include a
20 secure line over which the person in custody and his or her
21 counsel, if any, may communicate.

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

26 (d) Nothing in this Section shall be construed to establish

1 a right of any person held in custody or confinement to appear
2 in court through two-way audio-visual communication or to
3 require that any governmental entity, or place of custody or
4 confinement, provide two-way audio-visual communication.

5 (Source: P.A. 95-263, eff. 8-17-07.)

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

7 Sec. 107-4. Arrest by peace officer from other
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member
13 of any duly organized State, County, or Municipal peace
14 unit, any police force of another State, the United States
15 Department of Defense, or any police force whose members,
16 by statute, are granted and authorized to exercise powers
17 similar to those conferred upon any peace officer employed
18 by a law enforcement agency of this State.

19 (3) "Fresh pursuit" means the immediate pursuit of a
20 person who is endeavoring to avoid arrest.

21 (4) "Law enforcement agency" means a municipal police
22 department or county sheriff's office of this State.

23 (a-3) Any peace officer employed by a law enforcement
24 agency of this State may conduct temporary questioning under
25 ~~pursuant to~~ Section 107-14 of this Code and may make arrests in

1 any jurisdiction within this State: (1) if the officer is
2 engaged in the investigation of criminal activity that occurred
3 in the officer's primary jurisdiction and the temporary
4 questioning or arrest relates to, arises from, or is conducted
5 under ~~pursuant to~~ that investigation; or (2) if the officer,
6 while on duty as a peace officer, becomes personally aware of
7 the immediate commission of a felony or misdemeanor violation
8 of the laws of this State; or (3) if the officer, while on duty
9 as a peace officer, is requested by an appropriate State or
10 local law enforcement official to render aid or assistance to
11 the requesting law enforcement agency that is outside the
12 officer's primary jurisdiction; or (4) in accordance with
13 Section 2605-580 of the Department of State Police Law of the
14 Civil Administrative Code of Illinois. While acting under
15 ~~pursuant to~~ this subsection, an officer has the same authority
16 as within his or her own jurisdiction.

17 (a-7) The law enforcement agency of the county or
18 municipality in which any arrest is made under this Section
19 shall be immediately notified of the arrest.

20 (b) Any peace officer of another State who enters this
21 State in fresh pursuit and continues within this State in fresh
22 pursuit of a person in order to arrest him on the ground that
23 he has committed an offense in the other State has the same
24 authority to arrest and hold the person in custody as peace
25 officers of this State have to arrest and hold a person in
26 custody on the ground that he has committed an offense in this

1 State.

2 (c) If an arrest is made in this State by a peace officer
3 of another State under ~~in accordance with the provisions of~~
4 this Section he or she shall without unnecessary delay take the
5 person arrested before the circuit court of the county in which
6 the arrest was made. ~~The~~ ~~Such~~ court shall conduct a hearing for
7 the purpose of determining the lawfulness of the arrest. If the
8 court determines that the arrest was lawful it shall commit the
9 person arrested, to await for a reasonable time for the
10 issuance of an extradition warrant by the Governor of this
11 State, or release the person with conditions for that ~~admit him~~
12 ~~to bail for such~~ purpose. If the court determines that the
13 arrest was unlawful it shall discharge the person arrested.

14 (Source: P.A. 98-576, eff. 1-1-14.)

15 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

16 Sec. 109-1. Person arrested; court appearance.

17 (a) A person arrested with or without a warrant on an
18 offense for which pre-trial release may be denied, unless
19 released by the arresting officer, shall be taken without
20 unnecessary delay before the nearest and most accessible judge
21 in that county, except when such county is a participant in a
22 regional jail authority, in which event such person may be
23 taken to the nearest and most accessible judge, irrespective of
24 the county where such judge presides, and a charge shall be
25 filed. An arresting officer may release a person arrested on an

1 offense for which pre-trial release may be denied, other than
2 murder, attempted murder, or violent sexual offense, without an
3 appearance before a judge if release of the person is in the
4 public interest. Whenever a person arrested either with or
5 without a warrant is required to be taken before a judge, a
6 charge may be filed against such person by way of a two-way
7 closed circuit television system, except that a hearing to deny
8 pre-trial release ~~bail~~ to the defendant may not be conducted by
9 way of closed circuit television. All other persons arrested
10 with or without a warrant shall, except as otherwise provided
11 in this Code, be released by the officer without appearing
12 before a judge. The releasing officer shall issue the person a
13 summons to appear or a personal recognizance bond that may be
14 conditioned on a promise to pay a sum, as set by Supreme Court
15 Rule, for willful failure to appear.

16 (a-5) A presumption in favor of pre-trial release of a
17 person shall be applied by an arresting officer in the exercise
18 of his or her discretion under this Section.

19 (b) Upon initial appearance of a person before the court,
20 the ~~The~~ judge shall:

21 (1) inform ~~Inform~~ the defendant of the charge against
22 him and shall provide him with a copy of the charge;

23 (2) advise ~~Advise~~ the defendant of his right to counsel
24 and if indigent shall appoint a public defender or licensed
25 attorney at law of this State to represent him in
26 accordance with the provisions of Section 113-3 of this

1 Code;

2 (3) schedule ~~Schedule~~ a preliminary hearing in
3 appropriate cases;

4 (4) release or detain the defendant under ~~Admit the~~
5 ~~defendant to bail in accordance with~~ the provisions of
6 Article 110 of this Code; and

7 (5) Order the confiscation of the person's passport or
8 impose travel restrictions on a defendant arrested for
9 first degree murder or other violent crime as defined in
10 Section 3 of the Rights of Crime Victims and Witnesses Act,
11 if the judge determines, based on the factors in Section
12 110-5 of this Code, that this will reasonably ensure the
13 appearance of the defendant and compliance by the defendant
14 with all conditions of release.

15 (b-5) A presumption in favor of pre-trial release of a
16 person shall be applied by a judge in exercising his or her
17 discretion under this Section.

18 (c) The court may issue an order of protection in
19 accordance with the provisions of Article 112A of this Code.

20 (d) At the initial appearance of a defendant in any
21 criminal proceeding, the court must advise the defendant in
22 open court that any foreign national who is arrested or
23 detained has the right to have notice of the arrest or
24 detention given to his or her country's consular
25 representatives and the right to communicate with those
26 consular representatives if the notice has not already been

1 provided. The court must make a written record of so advising
2 the defendant.

3 (e) If consular notification is not provided to a defendant
4 before his or her first appearance in court, the court shall
5 grant any reasonable request for a continuance of the
6 proceedings to allow contact with the defendant's consulate.
7 Any delay caused by the granting of the request by a defendant
8 shall temporarily suspend for the time of the delay the period
9 within which a person shall be tried as prescribed by
10 subsections (a), (b), or (e) of Section 103-5 of this Code and
11 on the day of the expiration of delay the period shall continue
12 at the point at which it was suspended.

13 (Source: P.A. 98-143, eff. 1-1-14; 99-78, eff. 7-20-15; 99-190,
14 eff. 1-1-16.)

15 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

16 Sec. 109-2. Person arrested in another county.

17 (a) Any person arrested in a county other than the one in
18 which a warrant for his or her arrest was issued shall be taken
19 without unnecessary delay before the nearest and most
20 accessible judge in the county where the arrest was made or, if
21 no additional delay is created, before the nearest and most
22 accessible judge in the county from which the warrant was
23 issued. He or she shall be released ~~admitted to bail in the~~
24 ~~amount specified in the warrant or, for offenses other than~~
25 ~~felonies, in an amount as set by the judge, and such bail shall~~

1 ~~be~~ conditioned on his or her appearing in the court issuing the
2 warrant on a certain date. The judge may hold a hearing to
3 determine if the defendant is the same person as named in the
4 warrant.

5 (b) Notwithstanding the provisions of subsection (a), any
6 person arrested in a county other than the one in which a
7 warrant for his or her arrest was issued, may waive the right
8 to be taken before a judge in the county where the arrest was
9 made. If a person so arrested waives such right, the arresting
10 agency shall surrender the ~~such~~ person to a law enforcement
11 agency of the county that issued the warrant without
12 unnecessary delay. The provisions of Section 109-1 shall then
13 apply to the person so arrested.

14 (Source: P.A. 86-298.)

15 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

16 Sec. 110-1. Definitions.

17 (a) (Blank). ~~"Security" is that which is required to be~~
18 ~~pledged to insure the payment of bail.~~

19 (a-5) "Forcible felony" has the meaning ascribed to it in
20 Section 2-8 of the Criminal Code of 2012.

21 (b) "Sureties" encompasses the ~~monetary and~~ nonmonetary
22 requirements set by the court as conditions for release either
23 before or after conviction. ~~"Surety" is one who executes a bail~~
24 ~~bond and binds himself to pay the bail if the person in custody~~
25 ~~fails to comply with all conditions of the bail bond.~~

1 (c) The phrase "for which a sentence of imprisonment,
2 without conditional and revocable release, shall be imposed by
3 law as a consequence of conviction" means an offense for which
4 a sentence of imprisonment, without probation, periodic
5 imprisonment or conditional discharge, is required by law upon
6 conviction.

7 (d) "Real and present threat to the physical safety of any
8 person or persons", as used in this Article, includes a threat
9 to the community, person, persons or class of persons.

10 (Source: P.A. 85-892.)

11 (725 ILCS 5/110-1.5 new)

12 Sec. 110-1.5. Abolishment of monetary bail. Under this
13 amendatory Act of the 100th General Assembly, the requirement
14 of posting monetary bail is abolished, except as provided in
15 the Uniform Criminal Extradition Act which is a compact that
16 has been entered between this State and its sister states.

17 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

18 Sec. 110-2. Release on own recognizance. When from all the
19 circumstances the court is of the opinion that the defendant
20 will appear as required either before or after conviction and
21 the defendant will not pose a danger to any person or the
22 community and that the defendant will comply with all
23 conditions of pre-trial release ~~bond~~, which shall include the
24 defendant's current address with a written admonishment to the

1 defendant that he or she must comply with the provisions of
2 Section 110-12 of this Code regarding any change in his or her
3 address, the defendant may be released on his or her own
4 recognizance. The defendant's address shall at all times remain
5 a matter of public record with the clerk of the court. A
6 failure to appear as required by such recognizance shall
7 constitute an offense subject to the penalty provided in
8 Section 32-10 of the Criminal Code of 2012 for violation of
9 conditions of pretrial release ~~the bail bond~~, and any obligated
10 sum fixed in the recognizance shall be forfeited and collected
11 in accordance with subsection (g) of Section 110-7 of this
12 Code.

13 This Section shall be liberally construed to effectuate the
14 purpose of relying upon contempt of court proceedings or
15 criminal sanctions ~~instead of financial loss~~ to assure the
16 appearance of the defendant, and that the defendant will not
17 pose a danger to any person or the community and that the
18 defendant will comply with all conditions of pre-trial release
19 ~~bond. Monetary bail should be set only when it is determined~~
20 ~~that no other conditions of release will reasonably assure the~~
21 ~~defendant's appearance in court, that the defendant does not~~
22 ~~present a danger to any person or the community and that the~~
23 ~~defendant will comply with all conditions of bond.~~

24 The State may appeal any order permitting release by
25 personal recognizance.

26 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

2 Sec. 110-3. Issuance of warrant. Upon failure of a person
3 to comply with any condition of pre-trial release ~~a bail bond~~
4 or recognizance the court having jurisdiction at the time of
5 such failure may on its own motion or upon motion from the
6 State, issue an order to show cause as to why he or she shall
7 not be found in contempt of court or subject to revocation or
8 forfeiture of pre-trial release. The order issued by the court
9 shall state the facts alleged to constitute the hearing to show
10 cause or otherwise why the person is subject to revocation or
11 forfeiture of pre-trial release. A certified copy of the order
12 shall be served upon the person at least 48 hours in advance of
13 the scheduled hearing. If the person does not appear at the
14 hearing to show cause or absconds, the court may, in addition
15 to any other action provided by law, issue a warrant for the
16 arrest of the person at liberty on pre-trial release ~~bail~~ or
17 his or her own recognizance. The contents of such a warrant
18 shall be the same as required for an arrest warrant issued upon
19 complaint and may modify any previously imposed conditions
20 placed upon the person, rather than revoking pre-trial release
21 or issuing a warrant for the person. When a defendant is at
22 liberty on pre-trial release ~~bail~~ or his or her own
23 recognizance on a felony charge and fails to appear in court as
24 directed, the court shall issue a warrant for the arrest of
25 such person after his or her failure to appear at the show for

1 cause hearing as provided in this Section. Such warrant shall
2 be noted with a directive to peace officers to arrest the
3 person and hold such person without pre-trial release ~~bail~~ and
4 to deliver such person before the court for further
5 proceedings. A defendant who is arrested or surrenders within
6 30 days of the issuance of such warrant shall not be subject to
7 pre-trial release ~~bailable~~ in the case in question unless he or
8 she shows by the preponderance of the evidence that his or her
9 failure to appear was not intentional.

10 (Source: P.A. 86-298; 86-984; 86-1028.)

11 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

12 Sec. 110-4. ~~Bailable~~ Offenses for which pre-trial release
13 may be denied.

14 (a) All persons shall be presumed to be subject to release
15 ~~bailable~~ before conviction, but the presumption may be overcome
16 for ~~except~~ the following offenses where the proof is evident or
17 the presumption great that the defendant is guilty of the
18 offense:

19 (1) capital offenses;

20 (2) offenses for which a sentence of life imprisonment
21 may be imposed as a consequence of conviction;

22 (3) forcible felony offenses for which a sentence of
23 imprisonment, without conditional and revocable release,
24 shall be imposed by law as a consequence of conviction,
25 where the court after a hearing, determines that the

1 release of the defendant would pose a real and present
2 threat to the physical safety of any person or persons;

3 (4) a forcible felony without mandatory imprisonment
4 as a consequence of conviction or stalking or aggravated
5 stalking, where the court, after a hearing, determines that
6 the release of the defendant would pose a real and present
7 threat to the physical safety of the alleged victim of the
8 offense and the denial of release ~~denial of bail~~ is
9 necessary to prevent fulfillment of the threat upon which
10 the charge is based; ~~or~~

11 (5) unlawful use of weapons in violation of item (4) of
12 subsection (a) of Section 24-1 of the Criminal Code of 1961
13 or the Criminal Code of 2012 when that offense occurred in
14 a school or in any conveyance owned, leased, or contracted
15 by a school to transport students to or from school or a
16 school-related activity, or on any public way within 1,000
17 feet of real property comprising any school or felony
18 unlawful use of weapons, where the court, after a hearing,
19 determines that the release of the defendant would pose a
20 real and present threat to the physical safety of any
21 person and denial of release ~~bail~~ is necessary to prevent
22 fulfillment of that threat; ~~or~~

23 (6) making a terrorist threat in violation of Section
24 29D-20 of the Criminal Code of 1961 or the Criminal Code of
25 2012 or an attempt to commit the offense of making a
26 terrorist threat, where the court, after a hearing,

1 determines that the release of the defendant would pose a
2 real and present threat to the physical safety of any
3 person and denial of release bail is necessary to prevent
4 fulfillment of that threat; or

5 (7) a felony other than a forcible felony, where the
6 court after a hearing, determines that the release of the
7 defendant would pose a real and present threat to the
8 physical safety of the alleged victim of the offense and
9 that denial of release is necessary to prevent fulfillment
10 of the threat upon which that charge is based.

11 (b) (Blank). ~~A person seeking release on bail who is~~
12 ~~charged with a capital offense or an offense for which a~~
13 ~~sentence of life imprisonment may be imposed shall not be~~
14 ~~bailable until a hearing is held wherein such person has the~~
15 ~~burden of demonstrating that the proof of his guilt is not~~
16 ~~evident and the presumption is not great.~~

17 (c) Where it is alleged that pre-trial release bail should
18 be denied to a person upon the grounds that the person presents
19 a real and present threat to the physical safety of any person
20 or persons, the burden of proof of such allegations shall be
21 upon the State.

22 (d) When it is alleged that pre-trial release bail should
23 be denied to a person charged with stalking or aggravated
24 stalking upon the grounds set forth in Section 110-6.3 of this
25 Code, the burden of proof of those allegations shall be upon
26 the State.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

2 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

3 Sec. 110-5. Determining ~~the amount of bail and~~ conditions
4 of pre-trial release.

5 (a) In determining ~~the amount of monetary bail or~~
6 conditions of pre-trial release, if any, which will reasonably
7 assure the appearance of a defendant as required or the safety
8 of any other person or the community and the likelihood of
9 compliance by the defendant with all the conditions of
10 pre-trial release ~~bail~~, the court shall, on the basis of
11 available information, take into account such matters as the
12 nature and circumstances of the offense charged, whether the
13 evidence shows that as part of the offense there was a use of
14 violence or threatened use of violence, whether the offense
15 involved corruption of public officials or employees, whether
16 there was physical harm or threats of physical harm to any
17 public official, public employee, judge, prosecutor, juror or
18 witness, senior citizen, child, or person with a disability,
19 whether evidence shows that during the offense or during the
20 arrest the defendant possessed or used a firearm, machine gun,
21 explosive or metal piercing ammunition or explosive bomb device
22 or any military or paramilitary armament, whether the evidence
23 shows that the offense committed was related to or in
24 furtherance of the criminal activities of an organized gang or
25 was motivated by the defendant's membership in or allegiance to

1 an organized gang, the condition of the victim, any written
2 statement submitted by the victim or proffer or representation
3 by the State regarding the impact which the alleged criminal
4 conduct has had on the victim and the victim's concern, if any,
5 with further contact with the defendant if released ~~on bail~~,
6 whether the offense was based on racial, religious, sexual
7 orientation or ethnic hatred, the likelihood of the filing of a
8 greater charge, the likelihood of conviction, the sentence
9 applicable upon conviction, the weight of the evidence against
10 the ~~such~~ defendant, whether there exists motivation or ability
11 to flee, whether there is any verification as to prior
12 residence, education, or family ties in the local jurisdiction,
13 in another county, state or foreign country, the defendant's
14 employment, financial resources, character and mental
15 condition, past conduct, prior use of alias names or dates of
16 birth, and length of residence in the community, the consent of
17 the defendant to periodic drug testing in accordance with
18 Section 110-6.5, whether a foreign national defendant is
19 lawfully admitted in the United States of America, whether the
20 government of the foreign national maintains an extradition
21 treaty with the United States by which the foreign government
22 will extradite to the United States its national for a trial
23 for a crime allegedly committed in the United States, whether
24 the defendant is currently subject to deportation or exclusion
25 under the immigration laws of the United States, whether the
26 defendant, although a United States citizen, is considered

1 under the law of any foreign state a national of that state for
2 the purposes of extradition or non-extradition to the United
3 States, the amount of unrecovered proceeds lost as a result of
4 the alleged offense, ~~the source of bail funds tendered or~~
5 ~~sought to be tendered for bail, whether from the totality of~~
6 ~~the court's consideration, the loss of funds posted or sought~~
7 ~~to be posted for bail will not deter the defendant from flight,~~
8 whether the evidence shows that the defendant is engaged in
9 significant possession, manufacture, or delivery of a
10 controlled substance or cannabis, either individually or in
11 consort with others, whether at the time of the offense charged
12 he or she was on ~~bond or~~ pre-trial release pending trial,
13 probation, periodic imprisonment or conditional discharge
14 under ~~pursuant to~~ this Code or the comparable Code of any other
15 state or federal jurisdiction, whether the defendant is on ~~bond~~
16 ~~or~~ pre-trial release pending the imposition or execution of
17 sentence or appeal of sentence for any offense under the laws
18 of this State Illinois or any other state or federal
19 jurisdiction, whether the defendant is under parole, aftercare
20 release, mandatory supervised release, or work release from the
21 ~~Illinois~~ Department of Corrections or ~~Illinois~~ Department of
22 Juvenile Justice or any penal institution or corrections
23 department of any state or federal jurisdiction, the
24 defendant's record of convictions, whether the defendant has
25 been convicted of a misdemeanor or ordinance offense in this
26 State Illinois or similar offense in other state or federal

1 jurisdiction within the 10 years preceding the current charge
2 or convicted of a felony in this State ~~Illinois~~, whether the
3 defendant was convicted of an offense in another state or
4 federal jurisdiction that would be a felony if committed in
5 this State ~~Illinois~~ within the 20 years preceding the current
6 charge or has been convicted of such felony and released from
7 the penitentiary within 20 years preceding the current charge
8 if a penitentiary sentence was imposed in this State ~~Illinois~~
9 or other state or federal jurisdiction, the defendant's records
10 of juvenile adjudication of delinquency in any jurisdiction,
11 any record of appearance or failure to appear by the defendant
12 at court proceedings, whether there was flight to avoid arrest
13 or prosecution, whether the defendant escaped or attempted to
14 escape to avoid arrest, whether the defendant refused to
15 identify himself or herself, or whether there was a refusal by
16 the defendant to be fingerprinted as required by law.
17 Information used by the court in its findings or stated in or
18 offered in connection with this Section may be by way of
19 proffer based upon reliable information offered by the State or
20 defendant. All evidence shall be admissible if it is relevant
21 and reliable regardless of whether it would be admissible under
22 the rules of evidence applicable at criminal trials. If the
23 State presents evidence that the offense committed by the
24 defendant was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's membership in or allegiance to an organized gang,

1 and if the court determines that the evidence may be
2 substantiated, the court shall prohibit the defendant from
3 associating with other members of the organized gang as a
4 condition of pre-trial ~~bail or~~ release. For the purposes of
5 this Section, "organized gang" has the meaning ascribed to it
6 in Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (b) (Blank). ~~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 all~~
15 ~~times remain a matter of public record with the clerk of~~
16 ~~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 defined~~
23 ~~in the Cannabis Control Act, the Illinois Controlled~~
24 ~~Substances Act, or the Methamphetamine Control and~~
25 ~~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) (Blank). ~~Upon the filing of a written request~~
8 ~~demonstrating reasonable cause, the State's Attorney may~~
9 ~~request a source of bail hearing either before or after the~~
10 ~~posting of any funds. If the hearing is granted, before the~~
11 ~~posting of any bail, the accused must file a written notice~~
12 ~~requesting that the court conduct a source of bail hearing. The~~
13 ~~notice must be accompanied by justifying affidavits stating the~~
14 ~~legitimate and lawful source of funds for bail. At the hearing,~~
15 ~~the court shall inquire into any matters stated in any~~
16 ~~justifying affidavits, and may also inquire into matters~~
17 ~~appropriate to the determination which shall include, but are~~
18 ~~not limited to, 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; and~~

24 ~~(3) the source of any money posted as cash bail, and~~
25 ~~whether any such money constitutes the fruits of criminal~~
26 ~~or unlawful conduct; and~~

1 ~~(4) the background, character, reputation, and~~
2 ~~relationship to the accused of the person posting cash~~
3 ~~bail.~~

4 ~~Upon setting the hearing, the court shall examine, under~~
5 ~~oath, any persons who may possess material information.~~

6 ~~The State's Attorney has a right to attend the hearing, to~~
7 ~~call witnesses and to examine any witness in the proceeding.~~
8 ~~The court shall, upon request of the State's Attorney, continue~~
9 ~~the proceedings for a reasonable period to allow the State's~~
10 ~~Attorney to investigate the matter raised in any testimony or~~
11 ~~affidavit. If the hearing is granted after the accused has~~
12 ~~posted bail, the court shall conduct a hearing consistent with~~
13 ~~this subsection (b-5). At the conclusion of the hearing, the~~
14 ~~court must issue an order either approving or disapproving the~~
15 ~~bail.~~

16 (c) When a person is charged with an offense punishable by
17 fine only the amount of the bail shall not exceed double the
18 amount of the maximum penalty.

19 (d) (Blank). ~~When a person has been convicted of an offense~~
20 ~~and only a fine has been imposed the amount of the bail shall~~
21 ~~not exceed double the amount of the fine.~~

22 (e) (Blank). ~~The State may appeal any order granting bail~~
23 ~~or setting a given amount for bail.~~

24 (f) When a person is charged with a violation of an order
25 of protection under Section 12-3.4 or 12-30 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 or when a person is

1 charged with domestic battery, aggravated domestic battery,
2 kidnapping, aggravated kidnaping, unlawful restraint,
3 aggravated unlawful restraint, stalking, aggravated stalking,
4 cyberstalking, harassment by telephone, harassment through
5 electronic communications, or an attempt to commit first degree
6 murder committed against an intimate partner regardless
7 whether an order of protection has been issued against the
8 person,

9 (1) whether the alleged incident involved harassment
10 or abuse, as defined in the Illinois Domestic Violence Act
11 of 1986;

12 (2) whether the person has a history of domestic
13 violence, as defined in the Illinois Domestic Violence Act,
14 or a history of other criminal acts;

15 (3) based on the mental health of the person;

16 (4) whether the person has a history of violating the
17 orders of any court or governmental entity;

18 (5) whether the person has been, or is, potentially a
19 threat to any other person;

20 (6) whether the person has access to deadly weapons or
21 a history of using deadly weapons;

22 (7) whether the person has a history of abusing alcohol
23 or any controlled substance;

24 (8) based on the severity of the alleged incident that
25 is the basis of the alleged offense, including, but not
26 limited to, the duration of the current incident, and

1 whether the alleged incident involved the use of a weapon,
2 physical injury, sexual assault, strangulation, abuse
3 during the alleged victim's pregnancy, abuse of pets, or
4 forcible entry to gain access to the alleged victim;

5 (9) whether a separation of the person from the alleged
6 victim or a termination of the relationship between the
7 person and the alleged victim has recently occurred or is
8 pending;

9 (10) whether the person has exhibited obsessive or
10 controlling behaviors toward the alleged victim,
11 including, but not limited to, stalking, surveillance, or
12 isolation of the alleged victim or victim's family member
13 or members;

14 (11) whether the person has expressed suicidal or
15 homicidal ideations;

16 (12) based on any information contained in the
17 complaint and any police reports, affidavits, or other
18 documents accompanying the complaint,

19 the court may, in its discretion, order the respondent to
20 undergo a risk assessment evaluation using a recognized,
21 evidence-based instrument conducted by an Illinois Department
22 of Human Services approved partner abuse intervention program
23 provider, pretrial service, probation, or parole agency. These
24 agencies shall have access to summaries of the defendant's
25 criminal history, which shall not include victim interviews or
26 information, for the risk evaluation. Based on the information

1 collected from the 12 points to be considered at a pre-trial
2 release ~~bail~~ hearing under this subsection (f), the results of
3 any risk evaluation conducted and the other circumstances of
4 the violation, the court may order that the person, as a
5 condition of pre-trial release ~~bail~~, be placed under electronic
6 surveillance as provided in Section 5-8A-7 of the Unified Code
7 of Corrections. Upon making a determination whether or not to
8 order the respondent to undergo a risk assessment evaluation or
9 to be placed under electronic surveillance and risk assessment,
10 the court shall document in the record the court's reasons for
11 making those determinations. The cost of the electronic
12 surveillance and risk assessment shall be paid by, or on
13 behalf, of the defendant. As used in this subsection (f),
14 "intimate partner" means a spouse or a current or former
15 partner in a cohabitation or dating relationship.

16 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
17 99-143, eff. 7-27-15.)

18 (725 ILCS 5/110-5.1)

19 Sec. 110-5.1. ~~Bail~~, Pre-trial release of certain persons
20 charged with violent crimes against family or household
21 members.

22 (a) Subject to subsection (c), a person who is charged with
23 a violent crime shall appear before the court for the setting
24 of conditions of pre-trial release ~~bail~~ if the alleged victim
25 was a family or household member at the time of the alleged

1 offense, and if any of the following applies:

2 (1) the person charged, at the time of the alleged
3 offense, was subject to the terms of an order of protection
4 issued under Section 112A-14 of this Code or Section 214 of
5 the Illinois Domestic Violence Act of 1986 or previously
6 was convicted of a violation of an order of protection
7 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
8 or the Criminal Code of 2012 or a violent crime if the
9 victim was a family or household member at the time of the
10 offense or a violation of a substantially similar municipal
11 ordinance or law of this or any other state or the United
12 States if the victim was a family or household member at
13 the time of the offense;

14 (2) the arresting officer indicates in a police report
15 or other document accompanying the complaint any of the
16 following:

17 (A) that the arresting officer observed on the
18 alleged victim objective manifestations of physical
19 harm that the arresting officer reasonably believes
20 are a result of the alleged offense;

21 (B) that the arresting officer reasonably believes
22 that the person had on the person's person at the time
23 of the alleged offense a deadly weapon;

24 (C) that the arresting officer reasonably believes
25 that the person presents a credible threat of serious
26 physical harm to the alleged victim or to any other

1 person if released ~~on bail~~ before trial.

2 (b) To the extent that information about any of the
3 following is available to the court, the court shall consider
4 all of the following, in addition to any other circumstances
5 considered by the court, before determining conditions of
6 pre-trial release ~~setting bail~~ for a person who appears before
7 the court under ~~pursuant to~~ subsection (a):

8 (1) whether the person has a history of domestic
9 violence or a history of other violent acts;

10 (2) the mental health of the person;

11 (3) whether the person has a history of violating the
12 orders of any court or governmental entity;

13 (4) whether the person is potentially a threat to any
14 other person;

15 (5) whether the person has access to deadly weapons or
16 a history of using deadly weapons;

17 (6) whether the person has a history of abusing alcohol
18 or any controlled substance;

19 (7) the severity of the alleged violence that is the
20 basis of the alleged offense, including, but not limited
21 to, the duration of the alleged violent incident, and
22 whether the alleged violent incident involved serious
23 physical injury, sexual assault, strangulation, abuse
24 during the alleged victim's pregnancy, abuse of pets, or
25 forcible entry to gain access to the alleged victim;

26 (8) whether a separation of the person from the alleged

1 victim or a termination of the relationship between the
2 person and the alleged victim has recently occurred or is
3 pending;

4 (9) whether the person has exhibited obsessive or
5 controlling behaviors toward the alleged victim,
6 including, but not limited to, stalking, surveillance, or
7 isolation of the alleged victim;

8 (10) whether the person has expressed suicidal or
9 homicidal ideations; and

10 (11) any information contained in the complaint and any
11 police reports, affidavits, or other documents
12 accompanying the complaint.

13 (b-5) The court may use a regularly validated risk
14 assessment tool. If a risk assessment tool is used, the
15 defendant's counsel shall be provided with the information and
16 scoring system of the risk assessment tool used to arrive at
17 the determination. The defendant retains the right to challenge
18 the validity of a risk assessment tool used by the court and to
19 present evidence relevant to the defendant's challenge.

20 (c) Upon the court's own motion or the motion of a party
21 and upon any terms that the court may direct, a court may
22 permit a person who is required to appear before it by
23 subsection (a) to appear by video conferencing equipment. If,
24 in the opinion of the court, the appearance in person or by
25 video conferencing equipment of a person who is charged with a
26 misdemeanor and who is required to appear before the court by

1 subsection (a) is not practicable, the court may waive the
2 appearance and release the person. ~~on bail on one or both of~~
3 ~~the following types of bail in an amount set by the court:~~

4 ~~(1) a bail bond secured by a deposit of 10% of the~~
5 ~~amount of the bond in cash;~~

6 ~~(2) a surety bond, a bond secured by real estate or~~
7 ~~securities as allowed by law, or the deposit of cash, at~~
8 ~~the option of the person.~~

9 (d) The pre-trial release hearing may be reopened before or
10 after a determination by the court under this Section before
11 trial begins at the request of the defendant if 2 court days
12 notice is given to the State.

13 Subsection (a) does not create a right in a person to
14 appear before the court for determining conditions of pre-trial
15 release ~~the setting of bail~~ or prohibit a court from requiring
16 any person charged with a violent crime who is not described in
17 subsection (a) from appearing before the court for the setting
18 of conditions of pre-trial release ~~bail~~.

19 (d) As used in this Section:

20 (1) "Violent crime" has the meaning ascribed to it in
21 Section 3 of the Rights of Crime Victims and Witnesses Act.

22 (2) "Family or household member" has the meaning
23 ascribed to it in Section 112A-3 of this Code.

24 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

25 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

1 Sec. 110-6. Order to show cause; issuance of warrant.

2 (a) Upon verified application by the State or the defendant
3 or on its own motion the court before which the proceeding is
4 pending ~~may increase or reduce the amount of bail or~~ may alter
5 the conditions of pre-trial release ~~the bail bond~~ or grant
6 pre-trial release bail where it has been previously revoked or
7 denied. If pre-trial release bail has been previously revoked
8 under ~~pursuant to~~ subsection (f) of this Section or if
9 pre-trial release bail has been denied to the defendant under
10 ~~pursuant to~~ subsection (e) of Section 110-6.1 or subsection (e)
11 of Section 110-6.3, the defendant shall be required to present
12 a verified application setting forth in detail any new facts
13 not known or obtainable at the time of the previous revocation
14 or denial of pre-trial release bail proceedings. If the court
15 grants pre-trial release bail where it has been previously
16 revoked or denied, the court shall state on the record of the
17 proceedings the findings of facts and conclusion of law upon
18 which such order is based.

19 (b) Violation of the conditions of Section 110-10 of this
20 Code or any special conditions of pre-trial release bail as
21 ordered by the court shall constitute grounds for the court to
22 ~~increase the amount of bail, or otherwise~~ alter the conditions
23 of pre-trial release bail, or, where the alleged offense
24 committed on pre-trial release bail is a forcible felony in
25 Illinois ~~or a Class 2 or greater offense under the Illinois~~
26 ~~Controlled Substances Act, the Cannabis Control Act, or the~~

1 ~~Methamphetamine Control and Community Protection Act~~, revoke
2 pre-trial release under ~~bail pursuant to~~ the appropriate
3 provisions of subsection (e) of this Section.

4 (c) Reasonable notice of such application by the defendant
5 shall be given to the State.

6 (d) Reasonable notice of such application by the State
7 shall be given to the defendant, except as provided in
8 subsection (e).

9 (e) Upon verified application by the State stating facts or
10 circumstances constituting a violation or a threatened
11 violation by a person of any of the conditions of pre-trial
12 release ~~the bail bond~~ the court may on its own motion or upon
13 motion of the State, issue an order to show cause as to why he
14 or she shall not be found in contempt of court or subject to
15 revocation or forfeiture of pre-trial release. The order issued
16 by the court shall state the facts alleged to constitute the
17 hearing to show cause or otherwise why the person is subject to
18 revocation or forfeiture of pre-trial release. A certified copy
19 of the order shall be served upon the person at least 48 hours
20 in advance of the scheduled hearing. If the person does not
21 appear at the hearing to show cause or absconds, the court may
22 issue a warrant commanding any peace officer to bring the
23 defendant without unnecessary delay before the court for a
24 hearing on the matters set forth in the application. If the
25 actual court before which the proceeding is pending is absent
26 or otherwise unavailable another court may issue a warrant

1 ~~under pursuant to~~ this Section. When the defendant is charged
2 with a felony offense and while free on pre-trial release bail
3 is charged with a subsequent felony offense and is the subject
4 of a proceeding under ~~set forth~~ in Section 109-1 or 109-3 of
5 this Code, upon the filing of a verified petition by the State
6 alleging a violation of Section 110-10 (a) (4) of this Code,
7 the court shall without prior notice to the defendant, grant
8 leave to file such application and shall order the transfer of
9 the defendant and the application without unnecessary delay to
10 the court before which the previous felony matter is pending
11 for a hearing as provided in subsection (b) or this subsection
12 of this Section. The defendant shall be held without pre-trial
13 release bond pending transfer to and a hearing before such
14 court. At the conclusion of the hearing based on a violation of
15 the conditions of Section 110-10 of this Code or any special
16 conditions of pre-trial release bail as ordered by the court
17 the court may enter an order altering ~~increasing the amount of~~
18 ~~bail or alter~~ the conditions of pre-trial release bail as
19 deemed appropriate.

20 (f) Where the alleged violation consists of the violation
21 of one or more felony statutes of any jurisdiction which would
22 be a forcible felony in Illinois ~~or a Class 2 or greater~~
23 ~~offense under the Illinois Controlled Substances Act, the~~
24 ~~Cannabis Control Act, or the Methamphetamine Control and~~
25 ~~Community Protection Act~~ and the defendant is on pre-trial
26 release bail for the alleged commission of a felony, or where

1 the defendant is on bail for a felony domestic battery
2 (enhanced pursuant to subsection (b) of Section 12-3.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012), aggravated
4 domestic battery, aggravated battery, unlawful restraint,
5 aggravated unlawful restraint or domestic battery in violation
6 of item (1) of subsection (a) of Section 12-3.2 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 against a family or
8 household member as defined in Section 112A-3 of this Code and
9 the violation is an offense of domestic battery against the
10 same victim the court shall, on the motion of the State or its
11 own motion, revoke pre-trial release ~~bail~~ in accordance with
12 the following provisions:

13 (1) The court shall hold the defendant without
14 pre-trial release ~~bail~~ pending the hearing on the alleged
15 breach; however, if the defendant is not released ~~admitted~~
16 ~~to bail~~ the hearing shall be commenced within 10 days from
17 the date the defendant is taken into custody or the
18 defendant may not be held any longer without pre-trial
19 release ~~bail~~, unless delay is occasioned by the defendant.
20 Where defendant occasions the delay, the running of the 10
21 day period is temporarily suspended and resumes at the
22 termination of the period of delay. Where defendant
23 occasions the delay with 5 or fewer days remaining in the
24 10 day period, the court may grant a period of up to 5
25 additional days to the State for good cause shown. The
26 State, however, shall retain the right to proceed to

1 hearing on the alleged violation at any time, upon
2 reasonable notice to the defendant and the court.

3 (2) At a hearing on the alleged violation the State has
4 the burden of going forward and proving the violation by
5 clear and convincing evidence. The evidence shall be
6 presented in open court with the opportunity to testify, to
7 present witnesses in his behalf, and to cross-examine
8 witnesses if any are called by the State, and
9 representation by counsel and if the defendant is indigent
10 to have counsel appointed for him or her. The rules of
11 evidence applicable in criminal trials in this State shall
12 not govern the admissibility of evidence at such hearing.
13 Information used by the court in its findings or stated in
14 or offered in connection with hearings for increase of
15 conditions or revocation of pre-trial release ~~bail~~ may be
16 by way of proffer based upon reliable information offered
17 by the State or defendant. All evidence shall be admissible
18 if it is relevant and reliable regardless of whether it
19 would be admissible under the rules of evidence applicable
20 at criminal trials. A motion by the defendant to suppress
21 evidence or to suppress a confession shall not be
22 entertained at such a hearing. Evidence that proof may have
23 been obtained as a result of an unlawful search and seizure
24 or through improper interrogation is not relevant to this
25 hearing.

26 (3) Upon a finding by the court that the State has

1 established by clear and convincing evidence that the
2 defendant has committed a forcible felony ~~or a Class 2 or~~
3 ~~greater offense under the Illinois Controlled Substances~~
4 ~~Act, the Cannabis Control Act, or the Methamphetamine~~
5 ~~Control and Community Protection Act~~ while released
6 ~~admitted to bail~~, or where the defendant is on pre-trial
7 release bail for a felony domestic battery (enhanced
8 pursuant to subsection (b) of Section 12-3.2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012),
10 aggravated domestic battery, aggravated battery, unlawful
11 restraint, aggravated unlawful restraint or domestic
12 battery in violation of item (1) of subsection (a) of
13 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 against a family or household member as
15 defined in Section 112A-3 of this Code and the violation is
16 an offense of domestic battery, against the same victim,
17 the court shall ~~revoke the bail of the defendant and hold~~
18 the defendant for trial without pre-trial release bail.
19 Neither the finding of the court nor any transcript or
20 other record of the hearing shall be admissible in the
21 State's case in chief, but shall be admissible for
22 impeachment, or as provided in Section 115-10.1 of this
23 Code or in a perjury proceeding.

24 (4) If pre-trial release ~~the bail~~ of any defendant is
25 revoked under ~~pursuant to~~ paragraph (f) (3) of this
26 Section, the defendant may demand and shall be entitled to

1 be brought to trial on the offense with respect to which he
2 or she was formerly released ~~on bail~~ within 90 days after
3 the date on which his or her pre-trial release ~~bail~~ was
4 revoked. If the defendant is not brought to trial within
5 the 90 day period required by the preceding sentence, he or
6 she shall not be held longer without pre-trial release
7 ~~bail~~. In computing the 90 day period, the court shall omit
8 any period of delay resulting from a continuance granted at
9 the request of the defendant.

10 (5) If the defendant either is arrested on a warrant
11 issued under ~~pursuant to~~ this Code or is arrested for an
12 unrelated offense and it is subsequently discovered that
13 the defendant is a subject of another warrant or warrants
14 issued under ~~pursuant to~~ this Code, the defendant shall be
15 transferred promptly to the court which issued the ~~such~~
16 warrant. If, however, the defendant appears initially
17 before a court other than the court which issued the ~~such~~
18 warrant, the non-issuing court shall not alter the
19 conditions of pre-trial release previously ~~amount of bail~~
20 ~~heretofore~~ set on the ~~such~~ warrant unless the court sets
21 forth on the record of proceedings the conclusions of law
22 and facts which are the basis for such altering of another
23 court's conditions of pre-trial release ~~bond~~. The
24 non-issuing court shall not alter another court's
25 conditions of pre-trial release previously ~~courts bail~~ set
26 on a warrant unless the interests of justice and public

1 safety are served by such action.

2 (g) The State may appeal any order where the court has
3 ~~increased or reduced the amount of bail or~~ altered the
4 conditions of pre-trial release ~~the bail bond~~ or granted
5 pre-trial release ~~bail~~ where it has previously been revoked.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

8 Sec. 110-6.1. Denial of pre-trial release ~~bail~~ in
9 non-probationable felony offenses.

10 (a) Upon verified petition by the State, the court shall
11 hold a hearing to determine whether pre-trial release ~~bail~~
12 should be denied to a defendant who is charged with a forcible
13 felony offense for which a sentence of imprisonment, without
14 probation, periodic imprisonment or conditional discharge, is
15 required by law upon conviction, when it is alleged that the
16 defendant's ~~admission~~ pre-trial release ~~to bail~~ poses a real
17 and present threat to the physical safety of any person or
18 persons.

19 (1) A petition may be filed without prior notice to the
20 defendant at the first appearance before a judge, or within
21 the 21 calendar days, except as provided in Section 110-6,
22 after arrest and release of the defendant upon reasonable
23 notice to defendant; provided that while such petition is
24 pending before the court, the defendant if previously
25 released shall not be detained.

1 (2) The hearing shall be held immediately upon the
2 defendant's appearance before the court, unless for good
3 cause shown the defendant or the State seeks a continuance.
4 A continuance on motion of the defendant may not exceed 5
5 calendar days, and a continuance on the motion of the State
6 may not exceed 3 calendar days. The defendant may be held
7 in custody during such continuance.

8 (b) The court may deny pre-trial release ~~bail~~ to the
9 defendant where, after the hearing, it is determined that:

10 (1) the proof is evident or the presumption great that
11 the defendant has committed an offense for which a sentence
12 of imprisonment, without probation, periodic imprisonment
13 or conditional discharge, must be imposed by law as a
14 consequence of conviction, and

15 (2) the defendant poses a real and present threat to
16 the physical safety of any person or persons, by conduct
17 which may include, but is not limited to, a forcible
18 felony, the obstruction of justice, intimidation, injury,
19 physical harm, an offense under the Illinois Controlled
20 Substances Act which is a Class X felony, or an offense
21 under the Methamphetamine Control and Community Protection
22 Act which is a Class X felony, and

23 (3) the court finds that no condition or combination of
24 conditions set forth in subsection (b) of Section 110-10 of
25 this Article, can reasonably assure the physical safety of
26 any other person or persons.

1 (c) Conduct of the hearings.

2 (1) The hearing on the defendant's culpability and
3 dangerousness shall be conducted in accordance with the
4 following provisions:

5 (A) Information used by the court in its findings
6 or stated in or offered at such hearing may be by way
7 of proffer based upon reliable information offered by
8 the State or by defendant. The defendant ~~Defendant~~ has
9 the right to be represented by counsel, and if he or
10 she is indigent, to have counsel appointed for him or
11 her. The defendant ~~Defendant~~ shall have the
12 opportunity to testify, to present witnesses in his own
13 behalf, and to cross-examine witnesses if any are
14 called by the State. The defendant has the right to
15 present witnesses in his or her favor. When the ends of
16 justice so require, the court may exercise ~~exercises~~
17 its discretion and compel the appearance of a
18 complaining witness. The court shall state on the
19 record reasons for granting a defense request to compel
20 the presence of a complaining witness.
21 Cross-examination of a complaining witness at the
22 pre-trial ~~pretrial~~ detention hearing for the purpose
23 of impeaching the witness' credibility is insufficient
24 reason to compel the presence of the witness. In
25 deciding whether to compel the appearance of a
26 complaining witness, the court shall be considerate of

1 the emotional and physical well-being of the witness.
2 The pre-trial detention hearing is not to be used for
3 purposes of discovery, and the post arraignment rules
4 of discovery do not apply. The State shall tender to
5 the defendant, prior to the hearing, copies of
6 defendant's criminal history, if any, if available,
7 and any written or recorded statements and the
8 substance of any oral statements made by any person, if
9 relied upon by the State in its petition. The court may
10 use a regularly validated risk assessment tool. If a
11 risk assessment tool is used, the defendant's counsel
12 shall be provided with the information and scoring
13 system of the risk assessment tool used to arrive at
14 the determination. The defendant retains the right to
15 challenge the validity of a risk assessment tool used
16 by the court and to present evidence relevant to the
17 defendant's challenge. The rules concerning the
18 admissibility of evidence in criminal trials do not
19 apply to the presentation and consideration of
20 information at the hearing. At the trial concerning the
21 offense for which the hearing was conducted neither the
22 finding of the court nor any transcript or other record
23 of the hearing shall be admissible in the State's case
24 in chief, but shall be admissible for impeachment, or
25 as provided in Section 115-10.1 of this Code, or in a
26 perjury proceeding.

1 (B) A motion by the defendant to suppress evidence
2 or to suppress a confession shall not be entertained.
3 Evidence that proof may have been obtained as the
4 result of an unlawful search and seizure or through
5 improper interrogation is not relevant to this state of
6 the prosecution.

7 (2) The facts relied upon by the court to support a
8 finding that the defendant poses a real and present threat
9 to the physical safety of any person or persons shall be
10 supported by clear and convincing evidence presented by the
11 State.

12 (d) Factors to be considered in making a determination of
13 dangerousness. The court may, in determining whether the
14 defendant poses a real and present threat to the physical
15 safety of any person or persons, consider but shall not be
16 limited to evidence or testimony concerning:

17 (1) The nature and circumstances of any offense
18 charged, including whether the offense is a crime of
19 violence, involving a weapon.

20 (2) The history and characteristics of the defendant
21 including:

22 (A) Any evidence of the defendant's prior criminal
23 history indicative of violent, abusive or assaultive
24 behavior, or lack of such behavior. The ~~Such~~ evidence
25 may include testimony or documents received in
26 juvenile proceedings, criminal, quasi-criminal, civil

1 commitment, domestic relations, or other proceedings.

2 (B) Any evidence of the defendant's psychological,
3 psychiatric, or other similar social history which
4 tends to indicate a violent, abusive, or assaultive
5 nature, or lack of any such history.

6 (3) The identity of any person or persons to whose
7 safety the defendant is believed to pose a threat, and the
8 nature of the threat;

9 (4) Any statements made by, or attributed to the
10 defendant, together with the circumstances surrounding
11 them;

12 (5) The age and physical condition of any person
13 assaulted by the defendant;

14 (6) Whether the defendant is known to possess or have
15 access to any weapon or weapons;

16 (7) Whether, at the time of the current offense or any
17 other offense or arrest, the defendant was on probation,
18 parole, aftercare release, mandatory supervised release or
19 other release from custody pending trial, sentencing,
20 appeal or completion of sentence for an offense under
21 federal or state law;

22 (8) Any other factors, including those listed in
23 Section 110-5 of this Article deemed by the court to have a
24 reasonable bearing upon the defendant's propensity or
25 reputation for violent, abusive or assaultive behavior, or
26 lack of such behavior.

1 (e) Detention order. The court shall, in any order for
2 detention:

3 (1) briefly summarize the evidence of the defendant's
4 culpability and its reasons for concluding that the
5 defendant should be held without pre-trial release bail;

6 (2) direct that the defendant be committed to the
7 custody of the sheriff for confinement in the county jail
8 pending trial;

9 (3) direct that the defendant be given a reasonable
10 opportunity for private consultation with counsel, and for
11 communication with others of his or her choice by
12 visitation, mail and telephone; and

13 (4) direct that the sheriff deliver the defendant as
14 required for appearances in connection with court
15 proceedings.

16 (f) If the court enters an order for the detention of the
17 defendant under ~~pursuant to~~ subsection (e) of this Section, the
18 defendant shall be brought to trial on the offense for which he
19 or she is detained within 90 days after the date on which the
20 order for detention was entered. If the defendant is not
21 brought to trial within the 90-day period required by the
22 preceding sentence, he or she shall not be held longer without
23 pre-trial release bail. In computing the 90-day period, the
24 court shall omit any period of delay resulting from a
25 continuance granted at the request of the defendant.

26 (g) The pre-trial release hearing may be reopened before or

1 after a determination by the court under this Section before
2 trial begins at the request of the defendant if 2 court days
3 notice is given to the State. ~~Rights of the defendant. The~~
4 defendant ~~Any person~~ shall be entitled to appeal any order
5 entered under this Section denying bail to the defendant.

6 (h) The State may appeal any order entered under this
7 Section denying any motion for denial of bail.

8 (i) Nothing in this Section shall be construed as modifying
9 or limiting in any way the defendant's presumption of innocence
10 in further criminal proceedings.

11 (Source: P.A. 98-558, eff. 1-1-14.)

12 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

13 Sec. 110-6.2. Post-conviction Detention.

14 (a) The court may order that a person who has been found
15 guilty of an offense and who is waiting imposition or execution
16 of sentence be held without pre-trial release ~~bond~~ unless the
17 court finds by clear and convincing evidence that the person is
18 not likely to flee or pose a danger to any other person or the
19 community if released under Sections 110-5 and 110-10 of this
20 Act.

21 (b) (Blank). ~~The court may order that person who has been~~
22 ~~found guilty of an offense and sentenced to a term of~~
23 ~~imprisonment be held without bond unless the court finds by~~
24 ~~clear and convincing evidence that:~~

25 ~~(1) the person is not likely to flee or pose a danger~~

1 ~~to the safety of any other person or the community if~~
2 ~~released on bond pending appeal; and~~

3 ~~(2) that the appeal is not for purpose of delay and~~
4 ~~raises a substantial question of law or fact likely to~~
5 ~~result in reversal or an order for a new trial.~~

6 (Source: P.A. 96-1200, eff. 7-22-10.)

7 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

8 Sec. 110-6.3. Denial of pre-trial release ~~bail~~ in stalking
9 and aggravated stalking offenses.

10 (a) Upon verified petition by the State, the court shall
11 hold a hearing to determine whether pre-trial release ~~bail~~
12 should be denied to a defendant who is charged with stalking or
13 aggravated stalking, when it is alleged that the defendant's
14 pre-trial release ~~admission to bail~~ poses a real and present
15 threat to the physical safety of the alleged victim of the
16 offense, and denial of pre-trial release ~~on bail or personal~~
17 ~~recognizance~~ is necessary to prevent fulfillment of the threat
18 upon which the charge is based.

19 (1) A petition may be filed without prior notice to the
20 defendant at the first appearance before a judge, or within
21 21 calendar days, except as provided in Section 110-6,
22 after arrest and release of the defendant upon reasonable
23 notice to defendant; provided that while the petition is
24 pending before the court, the defendant if previously
25 released shall not be detained.

1 (2) The hearing shall be held immediately upon the
2 defendant's appearance before the court, unless for good
3 cause shown the defendant or the State seeks a continuance.
4 A continuance on motion of the defendant may not exceed 5
5 calendar days, and the defendant may be held in custody
6 during the continuance. A continuance on the motion of the
7 State may not exceed 3 calendar days; however, the
8 defendant may be held in custody during the continuance
9 under this provision if the defendant has been previously
10 found to have violated an order of protection or has been
11 previously convicted of, or granted court supervision for,
12 any of the offenses set forth in Sections 11-1.20, 11-1.30,
13 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
14 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
15 or 12-16 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, against the same person as the alleged victim of
17 the stalking or aggravated stalking offense.

18 (b) The court may deny pre-trial release ~~bail~~ to the
19 defendant when, after the hearing, it is determined that:

20 (1) the proof is evident or the presumption great that
21 the defendant has committed the offense of stalking or
22 aggravated stalking; and

23 (2) the defendant poses a real and present threat to
24 the physical safety of the alleged victim of the offense;
25 and

26 (3) the denial of pre-trial release ~~on bail or personal~~

1 ~~recognizance~~ is necessary to prevent fulfillment of the
2 threat upon which the charge is based; and

3 (4) the court finds that no condition or combination of
4 conditions set forth in subsection (b) of Section 110-10 of
5 this Code, including mental health treatment at a community
6 mental health center, hospital, or facility of the
7 Department of Human Services, can reasonably assure the
8 physical safety of the alleged victim of the offense.

9 (c) Conduct of the hearings.

10 (1) The hearing on the defendant's culpability and
11 threat to the alleged victim of the offense shall be
12 conducted in accordance with the following provisions:

13 (A) Information used by the court in its findings
14 or stated in or offered at the hearing may be by way of
15 proffer based upon reliable information offered by the
16 State or by defendant. The defendant ~~Defendant~~ has the
17 right to be represented by counsel, and if he is
18 indigent, to have counsel appointed for him or her. The
19 defendant ~~Defendant~~ shall have the opportunity to
20 testify, to present witnesses in his or her own behalf,
21 and to cross-examine witnesses if any are called by the
22 State. The defendant has the right to present witnesses
23 in his or her favor. When the ends of justice so
24 require, the court may exercise its discretion and
25 compel the appearance of a complaining witness. The
26 court shall state on the record reasons for granting a

1 defense request to compel the presence of a complaining
2 witness. Cross-examination of a complaining witness at
3 the pretrial detention hearing for the purpose of
4 impeaching the witness' credibility is insufficient
5 reason to compel the presence of the witness. In
6 deciding whether to compel the appearance of a
7 complaining witness, the court shall be considerate of
8 the emotional and physical well-being of the witness.
9 The ~~pre-trial~~ pretrial detention hearing is not to be
10 used for the purposes of discovery, and the post
11 arraignment rules of discovery do not apply. The State
12 shall tender to the defendant, prior to the hearing,
13 copies of defendant's criminal history, if any, if
14 available, and any written or recorded statements and
15 the substance of any oral statements made by any
16 person, if relied upon by the State. The court may use
17 a regularly validated risk assessment tool. If a risk
18 assessment tool is used, the defendant's counsel shall
19 be provided with the information and scoring system of
20 the risk assessment tool used to arrive at the
21 determination. The defendant retains the right to
22 challenge the validity of a risk assessment tool used
23 by the court and to present evidence relevant to the
24 defendant's challenge. The rules concerning the
25 admissibility of evidence in criminal trials do not
26 apply to the presentation and consideration of

1 information at the hearing. At the trial concerning the
2 offense for which the hearing was conducted neither the
3 finding of the court nor any transcript or other record
4 of the hearing shall be admissible in the State's case
5 in chief, but shall be admissible for impeachment, or
6 as provided in Section 115-10.1 of this Code, or in a
7 perjury proceeding.

8 (B) A motion by the defendant to suppress evidence
9 or to suppress a confession shall not be entertained.
10 Evidence that proof may have been obtained as the
11 result of an unlawful search and seizure or through
12 improper interrogation is not relevant to this state of
13 the prosecution.

14 (2) The facts relied upon by the court to support a
15 finding that:

16 (A) the defendant poses a real and present threat
17 to the physical safety of the alleged victim of the
18 offense; and

19 (B) the denial of pre-trial release ~~on bail or~~
20 ~~personal recognizance~~ is necessary to prevent
21 fulfillment of the threat upon which the charge is
22 based;

23 shall be supported by clear and convincing evidence
24 presented by the State.

25 (d) Factors to be considered in making a determination of
26 the threat to the alleged victim of the offense. The court may,

1 in determining whether the defendant poses, at the time of the
2 hearing, a real and present threat to the physical safety of
3 the alleged victim of the offense, consider but shall not be
4 limited to evidence or testimony concerning:

5 (1) The nature and circumstances of the offense
6 charged;

7 (2) The history and characteristics of the defendant
8 including:

9 (A) Any evidence of the defendant's prior criminal
10 history indicative of violent, abusive or assaultive
11 behavior, or lack of that behavior. The evidence may
12 include testimony or documents received in juvenile
13 proceedings, criminal, quasi-criminal, civil
14 commitment, domestic relations or other proceedings;

15 (B) Any evidence of the defendant's psychological,
16 psychiatric or other similar social history that tends
17 to indicate a violent, abusive, or assaultive nature,
18 or lack of any such history.

19 (3) The nature of the threat which is the basis of the
20 charge against the defendant;

21 (4) Any statements made by, or attributed to the
22 defendant, together with the circumstances surrounding
23 them;

24 (5) The age and physical condition of any person
25 assaulted by the defendant;

26 (6) Whether the defendant is known to possess or have

1 access to any weapon or weapons;

2 (7) Whether, at the time of the current offense or any
3 other offense or arrest, the defendant was on probation,
4 parole, aftercare release, mandatory supervised release or
5 other release from custody pending trial, sentencing,
6 appeal or completion of sentence for an offense under
7 federal or state law;

8 (8) Any other factors, including those listed in
9 Section 110-5 of this Code, deemed by the court to have a
10 reasonable bearing upon the defendant's propensity or
11 reputation for violent, abusive or assaultive behavior, or
12 lack of that behavior.

13 (e) The court shall, in any order denying pre-trial release
14 ~~bail~~ to a person charged with stalking or aggravated stalking:

15 (1) briefly summarize the evidence of the defendant's
16 culpability and its reasons for concluding that the
17 defendant should be held without pre-trial release ~~bail~~;

18 (2) direct that the defendant be committed to the
19 custody of the sheriff for confinement in the county jail
20 pending trial;

21 (3) direct that the defendant be given a reasonable
22 opportunity for private consultation with counsel, and for
23 communication with others of his or her choice by
24 visitation, mail and telephone; and

25 (4) direct that the sheriff deliver the defendant as
26 required for appearances in connection with court

1 proceedings.

2 (f) If the court enters an order for the detention of the
3 defendant under subsection (e) of this Section, the defendant
4 shall be brought to trial on the offense for which he or she is
5 detained within 90 days after the date on which the order for
6 detention was entered. If the defendant is not brought to trial
7 within the 90-day period required by this subsection (f), he or
8 she shall not be held longer without pre-trial release ~~bail~~. In
9 computing the 90-day period, the court shall omit any period of
10 delay resulting from a continuance granted at the request of
11 the defendant. The court shall immediately notify the alleged
12 victim of the offense that the defendant has been released
13 ~~admitted to bail~~ under this subsection.

14 (g) The pre-trial release hearing may be reopened before or
15 after a determination by the court under this Section before
16 trial begins at the request of the defendant if 2 court days
17 notice is given to the State. The defendant ~~Any person~~ shall be
18 entitled to appeal any order entered under this Section denying
19 pre-trial release ~~bail~~ to the defendant.

20 (h) The State may appeal any order entered under this
21 Section denying any motion for denial of bail.

22 (i) Nothing in this Section shall be construed as modifying
23 or limiting in any way the defendant's presumption of innocence
24 in further criminal proceedings.

25 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
26 98-558, eff. 1-1-14.)

1 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

2 Sec. 110-7. Process ~~Deposit of bail security.~~

3 (a) ~~The person for whom bail has been set shall execute the~~
4 ~~bail bond and deposit with the clerk of the court before which~~
5 ~~the proceeding is pending a sum of money equal to 10% of the~~
6 ~~bail, but in no event shall such deposit be less than \$25. The~~
7 ~~clerk of the court shall provide a space on each form for a~~
8 ~~person other than the accused who has provided the money for~~
9 ~~the posting of bail to so indicate and a space signed by an~~
10 ~~accused who has executed the bail bond indicating whether a~~
11 ~~person other than the accused has provided the money for the~~
12 ~~posting of bail. The form shall also include a written notice~~
13 ~~to such person who has provided the defendant with the money~~
14 ~~for the posting of bail indicating that the bail may be used to~~
15 ~~pay costs, attorney's fees, fines, or other purposes authorized~~
16 ~~by the court and if the defendant fails to comply with the~~
17 ~~conditions of the bail bond, the court shall enter an order~~
18 ~~declaring the bail to be forfeited. The written notice must be:~~
19 ~~(1) distinguishable from the surrounding text; (2) in bold type~~
20 ~~or underlined; and (3) in a type size at least 2 points larger~~
21 ~~than the surrounding type. When a person for whom bail has been~~
22 ~~set is charged with an offense under the Illinois Controlled~~
23 ~~Substances Act or the Methamphetamine Control and Community~~
24 ~~Protection Act which is a Class X felony, or making a terrorist~~
25 ~~threat in violation of Section 29D-20 of the Criminal Code of~~

1 ~~1961 or the Criminal Code of 2012 or an attempt to commit the~~
2 ~~offense of making a terrorist threat, the court may require the~~
3 ~~defendant to deposit a sum equal to 100% of the bail.~~ Where any
4 person is charged with a forcible felony while on pre-trial
5 release ~~free on bail~~ and is the subject of proceedings under
6 Section 109-3 of this Code the judge conducting the preliminary
7 examination may also conduct a hearing upon the application of
8 the State under ~~pursuant to~~ the provisions of Section 110-6 of
9 this Code to increase or revoke conditions of pre-trial release
10 ~~the bail~~ for that person's prior alleged offense.

11 (b) (Blank). ~~Upon depositing this sum and any bond fee~~
12 ~~authorized by law, the person shall be released from custody~~
13 ~~subject to the conditions of the bail bond.~~

14 (c) Once pre-trial release ~~bail~~ has been given and a charge
15 is pending or is thereafter filed in or transferred to a court
16 of competent jurisdiction the latter court shall continue the
17 original conditions of pre-trial release ~~bail~~ in that court
18 subject to the provisions of Section 110-6 of this Code.

19 (d) After conviction the court may order that the original
20 conditions of pre-trial release ~~bail~~ stand ~~as bail~~ pending
21 appeal or deny, increase, or reduce conditions of pre-trial
22 release ~~bail~~ subject to the provisions of Section 110-6.2.

23 (e) After the entry of an order by the trial court allowing
24 or denying pre-trial release ~~bail~~ pending appeal either party
25 may apply to the reviewing court having jurisdiction or to a
26 justice thereof sitting in vacation for an order increasing or

1 decreasing the the conditions of pre-trial release ~~amount of~~
2 ~~bail~~ or allowing or denying pre-trial release ~~bail~~ pending
3 appeal subject to the provisions of Section 110-6.2.

4 (f) (Blank). ~~When the conditions of the bail bond have been~~
5 ~~performed and the accused has been discharged from all~~
6 ~~obligations in the cause the clerk of the court shall return to~~
7 ~~the accused or to the defendant's designee by an assignment~~
8 ~~executed at the time the bail amount is deposited, unless the~~
9 ~~court orders otherwise, 90% of the sum which had been deposited~~
10 ~~and shall retain as bail bond costs 10% of the amount~~
11 ~~deposited. However, in no event shall the amount retained by~~
12 ~~the clerk as bail bond costs be less than \$5. Notwithstanding~~
13 ~~the foregoing, in counties with a population of 3,000,000 or~~
14 ~~more, in no event shall the amount retained by the clerk as~~
15 ~~bail bond costs exceed \$100. Bail bond deposited by or on~~
16 ~~behalf of a defendant in one case may be used, in the court's~~
17 ~~discretion, to satisfy financial obligations of that same~~
18 ~~defendant incurred in a different case due to a fine, court~~
19 ~~costs, restitution or fees of the defendant's attorney of~~
20 ~~record. In counties with a population of 3,000,000 or more, the~~
21 ~~court shall not order bail bond deposited by or on behalf of a~~
22 ~~defendant in one case to be used to satisfy financial~~
23 ~~obligations of that same defendant in a different case until~~
24 ~~the bail bond is first used to satisfy court costs and~~
25 ~~attorney's fees in the case in which the bail bond has been~~
26 ~~deposited and any other unpaid child support obligations are~~

1 ~~satisfied. In counties with a population of less than~~
2 ~~3,000,000, the court shall not order bail bond deposited by or~~
3 ~~on behalf of a defendant in one case to be used to satisfy~~
4 ~~financial obligations of that same defendant in a different~~
5 ~~case until the bail bond is first used to satisfy court costs~~
6 ~~in the case in which the bail bond has been deposited.~~

7 ~~At the request of the defendant the court may order such~~
8 ~~90% of defendant's bail deposit, or whatever amount is~~
9 ~~repayable to defendant from such deposit, to be paid to~~
10 ~~defendant's attorney of record.~~

11 (g) (Blank). ~~If the accused does not comply with the~~
12 ~~conditions of the bail bond the court having jurisdiction shall~~
13 ~~enter an order declaring the bail to be forfeited. Notice of~~
14 ~~such order of forfeiture shall be mailed forthwith to the~~
15 ~~accused at his last known address. If the accused does not~~
16 ~~appear and surrender to the court having jurisdiction within 30~~
17 ~~days from the date of the forfeiture or within such period~~
18 ~~satisfy the court that appearance and surrender by the accused~~
19 ~~is impossible and without his fault the court shall enter~~
20 ~~judgment for the State if the charge for which the bond was~~
21 ~~given was a felony or misdemeanor, or if the charge was~~
22 ~~quasi criminal or traffic, judgment for the political~~
23 ~~subdivision of the State which prosecuted the case, against the~~
24 ~~accused for the amount of the bail and costs of the court~~
25 ~~proceedings; however, in counties with a population of less~~
26 ~~than 3,000,000, instead of the court entering a judgment for~~

1 ~~the full amount of the bond the court may, in its discretion,~~
2 ~~enter judgment for the cash deposit on the bond, less costs,~~
3 ~~retain the deposit for further disposition or, if a cash bond~~
4 ~~was posted for failure to appear in a matter involving~~
5 ~~enforcement of child support or maintenance, the amount of the~~
6 ~~cash deposit on the bond, less outstanding costs, may be~~
7 ~~awarded to the person or entity to whom the child support or~~
8 ~~maintenance is due. The deposit made in accordance with~~
9 ~~paragraph (a) shall be applied to the payment of costs. If~~
10 ~~judgment is entered and any amount of such deposit remains~~
11 ~~after the payment of costs it shall be applied to payment of~~
12 ~~the judgment and transferred to the treasury of the municipal~~
13 ~~corporation wherein the bond was taken if the offense was a~~
14 ~~violation of any penal ordinance of a political subdivision of~~
15 ~~this State, or to the treasury of the county wherein the bond~~
16 ~~was taken if the offense was a violation of any penal statute~~
17 ~~of this State. The balance of the judgment may be enforced and~~
18 ~~collected in the same manner as a judgment entered in a civil~~
19 ~~action.~~

20 (h) (Blank). ~~After a judgment for a fine and court costs or~~
21 ~~either is entered in the prosecution of a cause in which a~~
22 ~~deposit had been made in accordance with paragraph (a) the~~
23 ~~balance of such deposit, after deduction of bail bond costs,~~
24 ~~shall be applied to the payment of the judgment.~~

25 (i) When a court appearance is required for an alleged
26 violation of the Criminal Code of 1961, the Criminal Code of

1 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
2 and Aquatic Life Code, the Child Passenger Protection Act, or a
3 comparable offense of a unit of local government as specified
4 in Supreme Court Rule 551, and if the accused does not appear
5 in court on the date set for appearance or any date to which
6 the case may be continued and the court issues an arrest
7 warrant for the accused, based upon his or her failure to
8 appear when having so previously been ordered to appear by the
9 court, the accused ~~upon his or her admission to bail~~ shall be
10 assessed by the court a fee of \$75. Payment of the fee shall be
11 a condition of release unless otherwise ordered by the court.
12 ~~The fee shall be in addition to any bail that the accused is~~
13 ~~required to deposit for the offense for which the accused has~~
14 ~~been charged and may not be used for the payment of court costs~~
15 ~~or fines assessed for the offense.~~ The clerk of the court shall
16 remit \$70 of the fee assessed to the arresting agency who
17 brings the offender in on the arrest warrant. If the Department
18 of State Police is the arresting agency, \$70 of the fee
19 assessed shall be remitted by the clerk of the court to the
20 State Treasurer within one month after receipt for deposit into
21 the State Police Operations Assistance Fund. The clerk of the
22 court shall remit \$5 of the fee assessed to the Circuit Court
23 Clerk Operation and Administrative Fund as provided in Section
24 27.3d of the Clerks of Courts Act.

25 (Source: P.A. 99-412, eff. 1-1-16.)

1 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

2 Sec. 110-9. Pre-trial release ~~Taking of bail~~ by peace
3 officer. A peace officer shall ~~When bail has been set by a~~
4 ~~judicial officer for a particular offense or offender any~~
5 ~~sheriff or other peace officer may take bail in accordance with~~
6 ~~the provisions of Section 110-7 or 110-8 of this Code and~~
7 release the offender to appear in accordance with the
8 conditions of pre-trial release ~~the bail bond,~~ the Notice to
9 Appear, or the Summons. ~~The officer shall give a receipt to the~~
10 ~~offender for the bail so taken and within a reasonable time~~
11 ~~deposit such bail with the clerk of the court having~~
12 ~~jurisdiction of the offense. A sheriff or other peace officer~~
13 ~~taking bail in accordance with the provisions of Section 110-7~~
14 ~~or 110-8 of this Code shall accept payments made in the form of~~
15 ~~currency, and may accept other forms of payment as the sheriff~~
16 ~~shall by rule authorize. For purposes of this Section,~~
17 ~~"currency" has the meaning provided in subsection (a) of~~
18 ~~Section 3 of the Currency Reporting Act.~~

19 (Source: P.A. 99-618, eff. 1-1-17.)

20 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

21 Sec. 110-10. Conditions of pre-trial release ~~bail bond~~.

22 (a) If a person is released prior to conviction, either
23 upon setting of conditions of pre-trial release ~~payment of bail~~
24 ~~security~~ or on his or her own recognizance, the conditions of
25 the pre-trial release ~~bail bond~~ shall be that he or she shall

1 ~~will:~~

2 (1) Appear to answer the charge in the court having
3 jurisdiction on a day certain and thereafter as ordered by
4 the court until discharged or final order of the court;

5 (2) Submit himself or herself to the orders and process
6 of the court;

7 (3) Not depart this State without leave of the court;

8 (4) Not violate any criminal statute of any
9 jurisdiction;

10 (5) At a time and place designated by the court,
11 surrender all firearms in his or her possession to a law
12 enforcement officer designated by the court to take custody
13 of and impound the firearms and physically surrender his or
14 her Firearm Owner's Identification Card to the clerk of the
15 circuit court when the offense the person has been charged
16 with is a forcible felony, stalking, aggravated stalking,
17 domestic battery, ~~any violation of the Illinois Controlled~~
18 ~~Substances Act, the Methamphetamine Control and Community~~
19 ~~Protection Act, or the Cannabis Control Act that is~~
20 ~~classified as a Class 2 or greater felony,~~ or any felony
21 violation of Article 24 of the Criminal Code of 1961 or the
22 Criminal Code of 2012; the court may, however, forgo the
23 imposition of this condition when the circumstances of the
24 case clearly do not warrant it or when its imposition would
25 be impractical; if the Firearm Owner's Identification Card
26 is confiscated, the clerk of the circuit court shall mail

1 the confiscated card to the Department of Illinois State
2 Police; all legally possessed firearms shall be returned to
3 the person upon the charges being dismissed, or if the
4 person is found not guilty, unless the finding of not
5 guilty is by reason of insanity; and

6 (6) At a time and place designated by the court, submit
7 to a psychological evaluation when the person has been
8 charged with a violation of item (4) of subsection (a) of
9 Section 24-1 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 and that violation occurred in a school or in
11 any conveyance owned, leased, or contracted by a school to
12 transport students to or from school or a school-related
13 activity, or on any public way within 1,000 feet of real
14 property comprising any school.

15 Psychological evaluations ordered under ~~pursuant to~~ this
16 Section shall be completed promptly and made available to the
17 State, the defendant, and the court. As a further condition of
18 pre-trial release bail under these circumstances, the court
19 shall order the defendant to refrain from entering upon the
20 property of the school, including any conveyance owned, leased,
21 or contracted by a school to transport students to or from
22 school or a school-related activity, or on any public way
23 within 1,000 feet of real property comprising any school. Upon
24 receipt of the psychological evaluation, either the State or
25 the defendant may request a change in the conditions of
26 pre-trial release bail, under ~~pursuant to~~ Section 110-6 of this

1 Code. The court may change the conditions of pre-trial release
2 ~~bail~~ to include a requirement that the defendant follow the
3 recommendations of the psychological evaluation, including
4 undergoing psychiatric treatment. The conclusions of the
5 psychological evaluation and any statements elicited from the
6 defendant during its administration are not admissible as
7 evidence of guilt during the course of any trial on the charged
8 offense, unless the defendant places his or her mental
9 competency in issue.

10 (b) The court may impose other conditions, such as the
11 following, if the court finds that those ~~such~~ conditions are
12 reasonably necessary to assure the defendant's appearance in
13 court, protect the public from the defendant, or prevent the
14 defendant's unlawful interference with the orderly
15 administration of justice:

16 (1) Report to or appear in person before a ~~such~~ person
17 or agency as the court may direct;

18 (2) Refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational
4 training;

5 (9) Attend or reside in a facility designated by the
6 court;

7 (10) Support his or her dependents;

8 (11) If a minor resides with his or her parents or in a
9 foster home, attend school, attend a non-residential
10 program for youths, and contribute to his or her own
11 support at home or in a foster home;

12 (12) Observe any curfew ordered by the court;

13 (13) Remain in the custody of a ~~such~~ designated person
14 or organization agreeing to supervise his or her release.
15 The ~~Such~~ third party custodian shall be responsible for
16 notifying the court if the defendant fails to observe the
17 conditions of release which the custodian has agreed to
18 monitor, and shall be subject to contempt of court for
19 failure ~~to~~ to notify the court;

20 (14) Be placed under direct supervision of the Pretrial
21 Services Agency, Probation Department or Court Services
22 Department in a pretrial ~~bond~~ home supervision capacity
23 with or without the use of an approved electronic
24 monitoring device subject to Article 8A of Chapter V of the
25 Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who is

1 charged with any alcohol, cannabis, methamphetamine, or
2 controlled substance violation and is placed under direct
3 supervision of the Pretrial Services Agency, Probation
4 Department or Court Services Department in a pretrial ~~bond~~
5 home supervision capacity with the use of an approved
6 monitoring device, as a condition of pre-trial release ~~such~~
7 ~~bail bond~~, a fee that represents costs incidental to the
8 electronic monitoring for each day of ~~such bail~~ supervision
9 ordered by the court, unless after determining the
10 inability of the defendant to pay the fee, the court
11 assesses a lesser fee or no fee as the case may be. The fee
12 shall be collected by the clerk of the circuit court,
13 except as provided in an administrative order of the Chief
14 Judge of the circuit court. The clerk of the circuit court
15 shall pay all monies collected from this fee to the county
16 treasurer for deposit in the substance abuse services fund
17 under Section 5-1086.1 of the Counties Code, except as
18 provided in an administrative order of the Chief Judge of
19 the circuit court.

20 The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders with regard to drug-related and
23 alcohol-related offenses, in which a vendor supplies and
24 monitors the operation of the electronic monitoring
25 device, and collects the fees on behalf of the county. The
26 program shall include provisions for indigent offenders

1 and the collection of unpaid fees. The program shall not
2 unduly burden the offender and shall be subject to review
3 by the Chief Judge.

4 The Chief Judge of the circuit court may suspend any
5 additional charges or fees for late payment, interest, or
6 damage to any device;

7 (14.2) The court shall impose upon all defendants,
8 including those defendants subject to paragraph (14.1)
9 above, placed under direct supervision of the Pretrial
10 Services Agency, Probation Department or Court Services
11 Department in a pretrial ~~bond~~ home supervision capacity
12 with the use of an approved monitoring device, as a
13 condition of pre-trial release ~~such bail bond~~, a fee which
14 shall represent costs incidental to the ~~such~~ electronic
15 monitoring for each day of ~~such bail~~ supervision ordered by
16 the court, unless after determining the inability of the
17 defendant to pay the fee, the court assesses a lesser fee
18 or no fee as the case may be. The fee shall be collected by
19 the clerk of the circuit court, except as provided in an
20 administrative order of the Chief Judge of the circuit
21 court. The clerk of the circuit court shall pay all monies
22 collected from this fee to the county treasurer who shall
23 use the monies collected to defray the costs of
24 corrections. The county treasurer shall deposit the fee
25 collected in the county working cash fund under Section
26 6-27001 or Section 6-29002 of the Counties Code, as the

1 case may be, except as provided in an administrative order
2 of the Chief Judge of the circuit court.

3 The Chief Judge of the circuit court of the county may
4 by administrative order establish a program for electronic
5 monitoring of offenders with regard to drug-related and
6 alcohol-related offenses, in which a vendor supplies and
7 monitors the operation of the electronic monitoring
8 device, and collects the fees on behalf of the county. The
9 program shall include provisions for indigent offenders
10 and the collection of unpaid fees. The program shall not
11 unduly burden the offender and shall be subject to review
12 by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device;

16 (14.3) The Chief Judge of the Judicial Circuit may
17 establish reasonable fees to be paid by a person receiving
18 pretrial services while under supervision of a pretrial
19 services agency, probation department, or court services
20 department. Reasonable fees may be charged for pretrial
21 services including, but not limited to, pretrial
22 supervision, diversion programs, electronic monitoring,
23 victim impact services, drug and alcohol testing, DNA
24 testing, GPS electronic monitoring, assessments and
25 evaluations related to domestic violence and other
26 victims, and victim mediation services. The person

1 receiving pretrial services may be ordered to pay all costs
2 incidental to pretrial services in accordance with his or
3 her ability to pay those costs;

4 (14.4) For persons charged with violating Section
5 11-501 of the Illinois Vehicle Code, refrain from operating
6 a motor vehicle not equipped with an ignition interlock
7 device, as defined in Section 1-129.1 of the Illinois
8 Vehicle Code, under ~~pursuant to~~ the rules promulgated by
9 the Secretary of State for the installation of ignition
10 interlock devices. Under this condition the court may allow
11 a defendant who is not self-employed to operate a vehicle
12 owned by the defendant's employer that is not equipped with
13 an ignition interlock device in the course and scope of the
14 defendant's employment;

15 (15) Comply with the terms and conditions of an order
16 of protection issued by the court under the Illinois
17 Domestic Violence Act of 1986 or an order of protection
18 issued by the court of another state, tribe, or United
19 States territory;

20 (16) Under Section 110-6.5 comply with the conditions
21 of the drug testing program; and

22 (17) Other ~~Such other~~ reasonable conditions as the
23 court may impose.

24 (c) When a person is charged with an offense under Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, involving a victim who is a minor under
2 18 years of age living in the same household with the defendant
3 at the time of the offense, in setting conditions of pre-trial
4 release or ~~granting bail or~~ releasing the defendant on his own
5 recognizance, the judge shall impose conditions to restrict the
6 defendant's access to the victim which may include, but are not
7 limited to conditions that he or she will:

8 (1) ~~1.~~ Vacate the household.

9 (2) ~~2.~~ Make payment of temporary support to his or her
10 dependents.

11 (3) ~~3.~~ Refrain from contact or communication with the
12 child victim, except as ordered by the court.

13 (d) When a person is charged with a criminal offense and
14 the victim is a family or household member as defined in
15 Article 112A, conditions shall be imposed at the time of the
16 defendant's release ~~on bond~~ that restrict the defendant's
17 access to the victim. Unless provided otherwise by the court,
18 the restrictions shall include requirements that the defendant
19 do the following:

20 (1) refrain from contact or communication with the
21 victim for a minimum period of 72 hours following the
22 defendant's release; and

23 (2) refrain from entering or remaining at the victim's
24 residence for a minimum period of 72 hours following the
25 defendant's release.

26 (e) Local law enforcement agencies shall develop

1 standardized pre-trial release bond forms for use in cases
2 involving family or household members as defined in Article
3 112A, including specific conditions of pre-trial release bond
4 as provided in subsection (d). Failure of any law enforcement
5 department to develop or use those forms shall in no way limit
6 the applicability and enforcement of subsections (d) and (f).

7 (f) If the defendant is released ~~admitted to bail~~ after
8 conviction the conditions of release ~~the bail bond~~ shall be
9 that he or she will, in addition to the conditions set forth in
10 subsections (a) and (b) ~~hereof~~:

11 (1) Duly prosecute his or her appeal;

12 (2) Appear at the ~~such~~ time and place as the court may
13 direct;

14 (3) Not depart this State without leave of the court;

15 (4) Comply with ~~such~~ other reasonable conditions as the
16 court may impose; and

17 (5) If the judgment is affirmed or the cause reversed
18 and remanded for a new trial, forthwith surrender to the
19 officer from whose custody he or she was released ~~bailed~~.

20 (g) Upon a finding of guilty for any felony offense, the
21 defendant shall physically surrender, at a time and place
22 designated by the court, any and all firearms in his or her
23 possession and his or her Firearm Owner's Identification Card
24 as a condition of release ~~remaining on bond~~ pending sentencing.

25 (Source: P.A. 99-797, eff. 8-12-16.)

1 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

2 Sec. 110-11. Conditions of release ~~Bail~~ on a new trial. If
3 the judgment of conviction is reversed and the cause remanded
4 for a new trial the trial court may order that the conditions
5 of pre-trial release ~~bail~~ stand pending the ~~such~~ trial, or
6 modify the conditions imposed ~~reduce or increase bail~~.

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

8 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

9 Sec. 110-12. Notice of change of address.

10 A defendant who has been released ~~admitted to bail~~ shall
11 file a written notice with the clerk of the court before which
12 the proceeding is pending of any change in his or her address
13 within 24 hours after the ~~such~~ change, except that a defendant
14 who has been released and the offense is ~~admitted to bail for~~ a
15 forcible felony as defined in Section 2-8 of the Criminal Code
16 of 2012 shall file a written notice with the clerk of the court
17 before which the proceeding is pending and the clerk shall
18 immediately deliver a time stamped copy of the written notice
19 to the State's Attorney charged with the prosecution within 24
20 hours prior to such change. The address of a defendant who has
21 been released ~~admitted to bail~~ shall at all times remain a
22 matter of public record with the clerk of the court.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

1 Sec. 110-16. Pre-trial release ~~Bail bond~~-forfeiture in
2 same case or absents self during trial-not eligible for release
3 ~~bailable~~.

4 If a person admitted to pre-trial release ~~bail~~ on a felony
5 charge forfeits his or her pre-trial release ~~bond~~ and fails to
6 appear in court during the 30 days immediately after the ~~such~~
7 forfeiture, on being taken into custody thereafter he or she
8 shall not be eligible for release ~~bailable~~ in the case in
9 question, unless the court finds that his or her absence was
10 not for the purpose of obstructing justice or avoiding
11 prosecution.

12 (Source: P.A. 77-1447.)

13 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

14 Sec. 110-18. Reimbursement. The sheriff of each county
15 shall certify to the treasurer of each county the number of
16 days that persons had been detained in the custody of the
17 sheriff without pre-trial release ~~a bond being set~~ as a result
18 of an order entered under ~~pursuant to~~ Section 110-6.1 of this
19 Code. The county treasurer shall, no later than January 1,
20 annually certify to the Supreme Court the number of days that
21 persons had been detained without pre-trial release ~~bond~~ during
22 the twelve-month period ending November 30. The Supreme Court
23 shall reimburse, from funds appropriated to it by the General
24 Assembly for such purposes, the treasurer of each county an
25 amount of money for deposit in the county general revenue fund

1 at a rate of \$50 per day for each day that persons were
2 detained in custody without pre-trial release ~~bail~~ as a result
3 of an order entered under ~~pursuant to~~ Section 110-6.1 of this
4 Code.

5 (Source: P.A. 85-892.)

6 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

7 Sec. 112A-23. Enforcement of orders of protection.

8 (a) When violation is crime. A violation of any order of
9 protection, whether issued in a civil, quasi-criminal
10 proceeding, shall be enforced by a criminal court when:

11 (1) The respondent commits the crime of violation of an
12 order of protection under ~~pursuant to~~ Section 12-3.4 or
13 12-30 of the Criminal Code of 1961 or the Criminal Code of
14 2012, by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section
17 112A-14,

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14) or (14.5) of subsection (b) of Section 214 of
21 the Illinois Domestic Violence Act of 1986, in a valid
22 order of protection, which is authorized under the laws
23 of another state, tribe or United States territory,

24 (iii) or any other remedy when the act constitutes
25 a crime against the protected parties as defined by the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 Prosecution for a violation of an order of protection
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the
5 time of the violation of the order of protection; or

6 (2) The respondent commits the crime of child abduction
7 under ~~pursuant to~~ Section 10-5 of the Criminal Code of 1961
8 or the Criminal Code of 2012, by having knowingly violated:

9 (i) remedies described in paragraphs (5), (6) or
10 (8) of subsection (b) of Section 112A-14, or

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraphs (1), (5),
13 (6), or (8) of subsection (b) of Section 214 of the
14 Illinois Domestic Violence Act of 1986, in a valid
15 order of protection, which is authorized under the laws
16 of another state, tribe or United States territory.

17 (b) When violation is contempt of court. A violation of any
18 valid order of protection, whether issued in a civil or
19 criminal proceeding, may be enforced through civil or criminal
20 contempt procedures, as appropriate, by any court with
21 jurisdiction, regardless where the act or acts which violated
22 the order of protection were committed, to the extent
23 consistent with the venue provisions of this Article. Nothing
24 in this Article shall preclude any Illinois court from
25 enforcing any valid order of protection issued in another
26 state. The courts of this State ~~Illinois courts~~ may enforce

1 orders of protection through both criminal prosecution and
2 contempt proceedings, unless the action which is second in time
3 is barred by collateral estoppel or the constitutional
4 prohibition against double jeopardy.

5 (1) In a contempt proceeding where the petition for a
6 rule to show cause sets forth facts evidencing an immediate
7 danger that the respondent will flee the jurisdiction,
8 conceal a child, or inflict physical abuse on the
9 petitioner or minor children or on dependent adults in
10 petitioner's care, the court may order the attachment of
11 the respondent without prior service of the rule to show
12 cause or the petition for a rule to show cause. Pre-trial
13 release ~~Bond~~ shall be set unless specifically denied in
14 writing.

15 (2) A petition for a rule to show cause for violation
16 of an order of protection shall be treated as an expedited
17 proceeding.

18 (c) Violation of custody, allocation of parental
19 responsibility, or support orders. A violation of remedies
20 described in paragraphs (5), (6), (8), or (9) of subsection (b)
21 of Section 112A-14 may be enforced by any remedy provided by
22 Section 607.5 of the Illinois Marriage and Dissolution of
23 Marriage Act. The court may enforce any order for support
24 issued under paragraph (12) of subsection (b) of Section
25 112A-14 in the manner provided for under Parts V and VII of the
26 Illinois Marriage and Dissolution of Marriage Act.

1 (d) Actual knowledge. An order of protection may be
2 enforced under ~~pursuant to~~ this Section if the respondent
3 violates the order after respondent has actual knowledge of its
4 contents as shown through one of the following means:

5 (1) By service, delivery, or notice under Section
6 112A-10.

7 (2) By notice under Section 112A-11.

8 (3) By service of an order of protection under Section
9 112A-22.

10 (4) By other means demonstrating actual knowledge of
11 the contents of the order.

12 (e) The enforcement of an order of protection in civil or
13 criminal court shall not be affected by either of the
14 following:

15 (1) The existence of a separate, correlative order
16 entered under Section 112A-15.

17 (2) Any finding or order entered in a conjoined
18 criminal proceeding.

19 (f) Circumstances. The court, when determining whether or
20 not a violation of an order of protection has occurred, shall
21 not require physical manifestations of abuse on the person of
22 the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a crime
26 or contempt of court under subsections (a) or (b) of this

1 Section, the penalty shall be the penalty that generally
2 applies in such criminal or contempt proceedings, and may
3 include one or more of the following: incarceration,
4 payment of restitution, a fine, payment of attorneys' fees
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence
7 of any factors in aggravation or mitigation before deciding
8 an appropriate penalty under paragraph (1) of this
9 subsection.

10 (3) To the extent permitted by law, the court is
11 encouraged to:

12 (i) increase the penalty for the knowing violation
13 of any order of protection over any penalty previously
14 imposed by any court for respondent's violation of any
15 order of protection or penal statute involving
16 petitioner as victim and respondent as defendant;

17 (ii) impose a minimum penalty of 24 hours
18 imprisonment for respondent's first violation of any
19 order of protection; and

20 (iii) impose a minimum penalty of 48 hours
21 imprisonment for respondent's second or subsequent
22 violation of an order of protection

23 unless the court explicitly finds that an increased penalty
24 or that period of imprisonment would be manifestly unjust.

25 (4) In addition to any other penalties imposed for a
26 violation of an order of protection, a criminal court may

1 consider evidence of any violations of an order of
2 protection:

3 (i) to increase, revoke, or modify the conditions
4 of pre-trial release bail ~~bond~~ on an underlying
5 criminal charge under ~~pursuant to~~ Section 110-6;

6 (ii) to revoke or modify an order of probation,
7 conditional discharge or supervision, under ~~pursuant~~
8 ~~to~~ Section 5-6-4 of the Unified Code of Corrections;

9 (iii) to revoke or modify a sentence of periodic
10 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
11 Unified Code of Corrections.

12 (Source: P.A. 99-90, eff. 1-1-16.)

13 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

14 Sec. 115-4.1. Absence of defendant.

15 (a) When a defendant after arrest and an initial court
16 appearance for a non-capital felony or a misdemeanor, fails to
17 appear for trial, at the request of the State and after the
18 State has affirmatively proven through substantial evidence
19 that the defendant is willfully avoiding trial, the court may
20 commence trial in the absence of the defendant. Absence of a
21 defendant as specified in this Section shall not be a bar to
22 indictment of a defendant, return of information against a
23 defendant, or arraignment of a defendant for the charge for
24 which pre-trial release bail has been granted. If a defendant
25 fails to appear at arraignment, the court may enter a plea of

1 "not guilty" on his or her behalf. If a defendant absents
2 himself or herself before trial on a capital felony, trial may
3 proceed as specified in this Section provided that the State
4 certifies that it will not seek a death sentence following
5 conviction. Trial in the defendant's absence shall be by jury
6 unless the defendant had previously waived trial by jury. The
7 absent defendant must be represented by retained or appointed
8 counsel. ~~The court, at the conclusion of all of the~~
9 ~~proceedings, may order the clerk of the circuit court to pay~~
10 ~~counsel such sum as the court deems reasonable, from any bond~~
11 ~~monies which were posted by the defendant with the clerk, after~~
12 ~~the clerk has first deducted all court costs.~~ If trial had
13 previously commenced in the presence of the defendant and the
14 defendant willfully absents himself for two successive court
15 days, the court shall proceed to trial. All procedural rights
16 guaranteed by the United States Constitution, Constitution of
17 the State of Illinois, statutes of this ~~the State of Illinois,~~
18 and rules of court shall apply to the proceedings the same as
19 if the defendant were present in court ~~and had not either~~
20 ~~forfeited his bail bond or escaped from custody.~~ The court may
21 set the case for a trial which may be conducted under this
22 Section despite the failure of the defendant to appear at the
23 hearing at which the trial date is set. When such trial date is
24 set the clerk shall send to the defendant, by certified mail at
25 his or her last known address ~~indicated on his bond slip,~~
26 notice of the new date which has been set for trial. The ~~Such~~

1 notification shall be required when the defendant was not
2 personally present in open court at the time when the case was
3 set for trial.

4 (b) The absence of a defendant from a trial conducted under
5 ~~pursuant to~~ this Section does not operate as a bar to
6 concluding the trial, to a judgment of conviction resulting
7 therefrom, or to a final disposition of the trial in favor of
8 the defendant.

9 (c) Upon a verdict of not guilty, the court shall enter
10 judgment for the defendant. Upon a verdict of guilty, the court
11 shall set a date for the hearing of post-trial motions and
12 shall hear such motion in the absence of the defendant. If
13 post-trial motions are denied, the court shall proceed to
14 conduct a sentencing hearing and to impose a sentence upon the
15 defendant.

16 (d) A defendant who is absent for part of the proceedings
17 of trial, post-trial motions, or sentencing, does not ~~thereby~~
18 forfeit his or her right to be present at all remaining
19 proceedings.

20 (e) When a defendant who in his or her absence has been
21 either convicted or sentenced or both convicted and sentenced
22 appears before the court, he or she must be granted a new trial
23 or new sentencing hearing if the defendant can establish that
24 his or her failure to appear in court was both without his or
25 her fault and due to circumstances beyond his or her control. A
26 hearing with notice to the State's Attorney on the defendant's

1 request for a new trial or a new sentencing hearing must be
2 held before any ~~such~~ request may be granted. At any ~~such~~
3 hearing both the defendant and the State may present evidence.

4 (f) If the court grants only the defendant's request for a
5 new sentencing hearing, then a new sentencing hearing shall be
6 held under ~~in accordance with~~ the provisions of the Unified
7 Code of Corrections. At any ~~such~~ hearing, both the defendant
8 and the State may offer evidence of the defendant's conduct
9 during his or her period of absence from the court. The court
10 may impose any sentence authorized by the Unified Code of
11 Corrections and is not in any way limited or restricted by any
12 sentence previously imposed.

13 (g) A defendant whose motion under paragraph (e) for a new
14 trial or new sentencing hearing has been denied may file a
15 notice of appeal ~~therefrom~~. The ~~Such~~ notice may also include a
16 request for review of the judgment and sentence not vacated by
17 the trial court.

18 (Source: P.A. 90-787, eff. 8-14-98.)

19 (725 ILCS 5/102-7 rep.)

20 (725 ILCS 5/110-6.5 rep.)

21 (725 ILCS 5/110-8 rep.)

22 (725 ILCS 5/110-13 rep.)

23 (725 ILCS 5/110-14 rep.)

24 (725 ILCS 5/110-15 rep.)

25 (725 ILCS 5/110-17 rep.)

1 Section 20. The Code of Criminal Procedure of 1963 is
2 amended by repealing Sections 102-7, 110-6.5, 110-8, 110-13,
3 110-14, 110-15, and 110-17.

4 Section 25. The Pretrial Services Act is amended by
5 changing Sections 7, 20, 22, and 34 as follows:

6 (725 ILCS 185/7) (from Ch. 38, par. 307)

7 Sec. 7. Duties of pretrial service agencies. Pretrial
8 services agencies shall perform the following duties for the
9 circuit court:

10 (a) Interview and assemble verified information and data
11 concerning the community ties, employment, residency, criminal
12 record, and social background of arrested persons who are to
13 be, or have been, presented in court for first appearance on
14 felony charges, to assist the court in determining the
15 appropriate terms and conditions of pretrial release;

16 (b) Submit written reports of those investigations to the
17 court along with such findings and recommendations, if any, as
18 may be necessary to assess:

19 (1) the need for financial security to assure the
20 defendant's appearance at later proceedings; and

21 (2) appropriate conditions which shall be imposed to
22 protect against the risks of nonappearance and commission of
23 new offenses or other interference with the orderly
24 administration of justice before trial;

1 (c) Supervise compliance with pretrial release conditions,
2 and promptly report violations of those conditions to the court
3 and prosecutor to assure effective enforcement;

4 (c-5) Provide reminders to defendants of upcoming court
5 dates via phone or messaging and offer transportation
6 assistance for indigent defendants;

7 (d) Cooperate with the court and all other criminal justice
8 agencies in the development of programs to minimize unnecessary
9 pretrial detention and protect the public against breaches of
10 pretrial release conditions; and

11 (e) Monitor the local operations of the pretrial release
12 system and maintain accurate and comprehensive records of
13 program activities.

14 (Source: P.A. 84-1449.)

15 (725 ILCS 185/20) (from Ch. 38, par. 320)

16 Sec. 20. Recommendations and evaluation. In preparing and
17 presenting its written reports under Sections 17 and 19,
18 pretrial services agencies shall in appropriate cases include
19 specific recommendations for the setting, increasing or
20 modifying the conditions of pre-trial release ~~increase, or~~
21 ~~decrease of bail~~; the release of the interviewee on his or her
22 own recognizance ~~in sums certain~~; and the imposition of
23 pretrial conditions for pre-trial release ~~to bail or~~
24 ~~recognizance~~ designed to minimize the risks of nonappearance,
25 the commission of new offenses while awaiting trial, and other

1 potential interference with the orderly administration of
2 justice. In establishing objective internal criteria of any
3 such recommendation policies, the agency may utilize so-called
4 "point scales" for evaluating the aforementioned risks, but no
5 interviewee shall be considered as ineligible for particular
6 agency recommendations by sole reference to such procedures.

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 (725 ILCS 185/22) (from Ch. 38, par. 322)

9 Sec. 22. Uniform pre-trial release order. If so ordered by
10 the court, the pretrial services agency shall prepare and
11 submit for the court's approval and signature a uniform release
12 order on the uniform form established by the Supreme Court in
13 all cases where an interviewee may be released from custody
14 under conditions contained in an agency report. ~~The Such~~
15 conditions shall become part of the conditions of the pre-trial
16 release order ~~bail bond~~. A copy of the uniform release order
17 shall be provided to the defendant and defendant's attorney of
18 record, and the prosecutor.

19 (Source: P.A. 84-1449.)

20 (725 ILCS 185/34)

21 Sec. 34. Probation and court services departments
22 considered pretrial services agencies. For the purposes of
23 administering the provisions of Public Act 95-773, known as the
24 Cindy Bischof Law, all probation and court services departments

1 are to be considered pretrial services agencies under this Act
2 and under the conditions of pre-trial release ~~bail bond~~
3 provisions of the Code of Criminal Procedure of 1963.

4 (Source: P.A. 96-341, eff. 8-11-09.)

5 Section 30. The Unified Code of Corrections is amended by
6 changing Sections 5-6-4 as follows:

7 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

8 Sec. 5-6-4. Violation, Modification or Revocation of
9 Probation, of Conditional Discharge or Supervision or of a
10 sentence of county impact incarceration - Hearing.

11 (a) Except in cases where conditional discharge or
12 supervision was imposed for a petty offense as defined in
13 Section 5-1-17, when a petition is filed charging a violation
14 of a condition, the court may:

15 (1) in the case of probation violations, order the
16 issuance of a notice to the offender to be present by the
17 County Probation Department or such other agency
18 designated by the court to handle probation matters; and in
19 the case of conditional discharge or supervision
20 violations, such notice to the offender shall be issued by
21 the Circuit Court Clerk; and in the case of a violation of
22 a sentence of county impact incarceration, such notice
23 shall be issued by the Sheriff;

24 (2) order a summons to the offender to be present for

1 hearing; or

2 (3) order a warrant for the offender's arrest where
3 there is danger of his fleeing the jurisdiction or causing
4 serious harm to others or when the offender fails to answer
5 a summons or notice from the clerk of the court or Sheriff.

6 Personal service of the petition for violation of probation
7 or the issuance of such warrant, summons or notice shall toll
8 the period of probation, conditional discharge, supervision,
9 or sentence of county impact incarceration until the final
10 determination of the charge, and the term of probation,
11 conditional discharge, supervision, or sentence of county
12 impact incarceration shall not run until the hearing and
13 disposition of the petition for violation.

14 (b) The court shall conduct a hearing of the alleged
15 violation. The court shall release the defendant ~~admit the~~
16 ~~offender to bail~~ pending the hearing unless the alleged
17 violation is itself a criminal offense in which case the
18 offender shall be released ~~admitted to bail~~ on such terms as
19 are provided in the Code of Criminal Procedure of 1963, ~~as~~
20 ~~amended~~. In any case where an offender remains incarcerated
21 only as a result of his or her alleged violation of the court's
22 earlier order of probation, supervision, conditional
23 discharge, or county impact incarceration the ~~such~~ hearing
24 shall be held within 14 days of the onset of said
25 incarceration, unless the alleged violation is the commission
26 of another offense by the offender during the period of

1 probation, supervision or conditional discharge in which case
2 such hearing shall be held within the time limits described in
3 Section 103-5 of the Code of Criminal Procedure of 1963,~~as~~
4 ~~amended~~.

5 (c) The State has the burden of going forward with the
6 evidence and proving the violation by the preponderance of the
7 evidence. The evidence shall be presented in open court with
8 the right of confrontation, cross-examination, and
9 representation by counsel.

10 (d) Probation, conditional discharge, periodic
11 imprisonment and supervision shall not be revoked for failure
12 to comply with conditions of a sentence or supervision, which
13 imposes financial obligations upon the offender unless such
14 failure is due to his willful refusal to pay.

15 (e) If the court finds that the offender has violated a
16 condition at any time prior to the expiration or termination of
17 the period, it may continue him on the existing sentence, with
18 or without modifying or enlarging the conditions, or may impose
19 any other sentence that was available under Article 4.5 of
20 Chapter V of this Code or Section 11-501 of the Illinois
21 Vehicle Code at the time of initial sentencing. If the court
22 finds that the person has failed to successfully complete his
23 or her sentence to a county impact incarceration program, the
24 court may impose any other sentence that was available under
25 Article 4.5 of Chapter V of this Code or Section 11-501 of the
26 Illinois Vehicle Code at the time of initial sentencing, except

1 for a sentence of probation or conditional discharge. If the
2 court finds that the offender has violated paragraph (8.6) of
3 subsection (a) of Section 5-6-3, the court shall revoke the
4 probation of the offender. If the court finds that the offender
5 has violated subsection (o) of Section 5-6-3.1, the court shall
6 revoke the supervision of the offender.

7 (f) The conditions of probation, of conditional discharge,
8 of supervision, or of a sentence of county impact incarceration
9 may be modified by the court on motion of the supervising
10 agency or on its own motion or at the request of the offender
11 after notice and a hearing.

12 (g) A judgment revoking supervision, probation,
13 conditional discharge, or a sentence of county impact
14 incarceration is a final appealable order.

15 (h) Resentencing after revocation of probation,
16 conditional discharge, supervision, or a sentence of county
17 impact incarceration shall be under Article 4. The term on
18 probation, conditional discharge or supervision shall not be
19 credited by the court against a sentence of imprisonment or
20 periodic imprisonment unless the court orders otherwise. The
21 amount of credit to be applied against a sentence of
22 imprisonment or periodic imprisonment when the defendant
23 served a term or partial term of periodic imprisonment shall be
24 calculated upon the basis of the actual days spent in
25 confinement rather than the duration of the term.

26 (i) Instead of filing a violation of probation, conditional

1 discharge, supervision, or a sentence of county impact
2 incarceration, an agent or employee of the supervising agency
3 with the concurrence of his or her supervisor may serve on the
4 defendant a Notice of Intermediate Sanctions. The Notice shall
5 contain the technical violation or violations involved, the
6 date or dates of the violation or violations, and the
7 intermediate sanctions to be imposed. Upon receipt of the
8 Notice, the defendant shall immediately accept or reject the
9 intermediate sanctions. If the sanctions are accepted, they
10 shall be imposed immediately. If the intermediate sanctions are
11 rejected or the defendant does not respond to the Notice, a
12 violation of probation, conditional discharge, supervision, or
13 a sentence of county impact incarceration shall be immediately
14 filed with the court. The State's Attorney and the sentencing
15 court shall be notified of the Notice of Sanctions. Upon
16 successful completion of the intermediate sanctions, a court
17 may not revoke probation, conditional discharge, supervision,
18 or a sentence of county impact incarceration or impose
19 additional sanctions for the same violation. A notice of
20 intermediate sanctions may not be issued for any violation of
21 probation, conditional discharge, supervision, or a sentence
22 of county impact incarceration which could warrant an
23 additional, separate felony charge. The intermediate sanctions
24 shall include a term of home detention as provided in Article
25 8A of Chapter V of this Code for multiple or repeat violations
26 of the terms and conditions of a sentence of probation,

1 conditional discharge, or supervision.

2 (j) When an offender is re-sentenced after revocation of
3 probation that was imposed in combination with a sentence of
4 imprisonment for the same offense, the aggregate of the
5 sentences may not exceed the maximum term authorized under
6 Article 4.5 of Chapter V.

7 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
8 96-1200, eff. 7-22-10.)

9 Section 35. The Uniform Criminal Extradition Act is amended
10 by changing Section 16 as follows:

11 (725 ILCS 225/16) (from Ch. 60, par. 33)

12 Sec. 16. Bail; in what cases; conditions of bond.

13 Unless the offense with which the prisoner is charged is
14 shown to be an offense punishable by death or life imprisonment
15 under the laws of the state in which it was committed, a judge
16 in this State may admit the person arrested to bail by bond,
17 with sufficient sureties, and in such sum as he or she deems
18 proper, conditioned for his or her appearance before him or her
19 at a time specified in such bond, and for his surrender, to be
20 arrested upon the warrant of the Governor of this State. Bail
21 under this Act and the procedures for it shall be as provided
22 by Supreme Court Rule.

23 (Source: P.A. 77-1256.)

1 Section 40. The County Jail Good Behavior Allowance Act is
2 amended by changing Section 3 as follows:

3 (730 ILCS 130/3) (from Ch. 75, par. 32)

4 Sec. 3. Good behavior allowance. The good behavior of any
5 person who commences a sentence of confinement in a county jail
6 for a fixed term of imprisonment after January 1, 1987 shall
7 entitle such person to a good behavior allowance, except that:
8 (1) a person who inflicted physical harm upon another person in
9 committing the offense for which he is confined shall receive
10 no good behavior allowance; and (2) a person sentenced for an
11 offense for which the law provides a mandatory minimum sentence
12 shall not receive any portion of a good behavior allowance that
13 would reduce the sentence below the mandatory minimum; and (3)
14 a person sentenced to a county impact incarceration program;
15 and (4) a person who is convicted of criminal sexual assault
16 under subdivision (a) (3) of Section 11-1.20 or paragraph (a) (3)
17 of Section 12-13 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, criminal sexual abuse, or aggravated criminal
19 sexual abuse shall receive no good behavior allowance. The good
20 behavior allowance provided for in this Section shall not apply
21 to individuals sentenced for a felony to probation or
22 conditional discharge where a condition of such probation or
23 conditional discharge is that the individual serve a sentence
24 of periodic imprisonment or to individuals sentenced under an
25 order of court for civil contempt.

1 Such good behavior allowance shall be cumulative and
2 awarded as provided in this Section.

3 The good behavior allowance rate shall be cumulative and
4 awarded on the following basis:

5 The prisoner shall receive one day of good behavior
6 allowance for each day of service of sentence in the county
7 jail, and one day of good behavior allowance for each day of
8 incarceration in the county jail before sentencing for the
9 offense that he or she is currently serving sentence ~~but was~~
10 ~~unable to post bail before sentencing~~, except that a prisoner
11 serving a sentence of periodic imprisonment under Section 5-7-1
12 of the Unified Code of Corrections shall only be eligible to
13 receive good behavior allowance if authorized by the sentencing
14 judge. Each day of good behavior allowance shall reduce by one
15 day the prisoner's period of incarceration set by the court.
16 For the purpose of calculating a prisoner's good behavior
17 allowance, a fractional part of a day shall not be calculated
18 as a day of service of sentence in the county jail unless the
19 fractional part of the day is over 12 hours in which case a
20 whole day shall be credited on the good behavior allowance.

21 If consecutive sentences are served and the time served
22 amounts to a total of one year or more, the good behavior
23 allowance shall be calculated on a continuous basis throughout
24 the entire time served beginning on the first date of sentence
25 or incarceration, as the case may be.

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1 Section 45. The Civil No Contact Order Act is amended by
2 changing Section 220 as follows:

3 (740 ILCS 22/220)

4 Sec. 220. Enforcement of a civil no contact order.

5 (a) Nothing in this Act shall preclude any ~~Illinois~~ court
6 of this State from enforcing a valid protective order issued in
7 another state.

8 (b) Courts of this State ~~Illinois courts~~ may enforce civil
9 no contact orders through both criminal proceedings and civil
10 contempt proceedings, unless the action which is second in time
11 is barred by collateral estoppel or the constitutional
12 prohibition against double jeopardy.

13 (b-1) The court shall not hold a school district or private
14 or non-public school or any of its employees in civil or
15 criminal contempt unless the school district or private or
16 non-public school has been allowed to intervene.

17 (b-2) The court may hold the parents, guardian, or legal
18 custodian of a minor respondent in civil or criminal contempt
19 for a violation of any provision of any order entered under
20 this Act for conduct of the minor respondent in violation of
21 this Act if the parents, guardian, or legal custodian directed,
22 encouraged, or assisted the respondent minor in such conduct.

23 (c) Criminal prosecution. A violation of any civil no
24 contact order, whether issued in a civil or criminal

1 proceeding, shall be enforced by a criminal court when the
2 respondent commits the crime of violation of a civil no contact
3 order under ~~pursuant to~~ Section 219 by having knowingly
4 violated:

5 (1) remedies described in Section 213 and included in a
6 civil no contact order; or

7 (2) a provision of an order, which is substantially
8 similar to provisions of Section 213, in a valid civil no
9 contact order which is authorized under the laws of another
10 state, tribe, or United States territory.

11 Prosecution for a violation of a civil no contact order
12 shall not bar a concurrent prosecution for any other crime,
13 including any crime that may have been committed at the time of
14 the violation of the civil no contact order.

15 (d) Contempt of court. A violation of any valid Illinois
16 civil no contact order, whether issued in a civil or criminal
17 proceeding, may be enforced through civil or criminal contempt
18 procedures, as appropriate, by any court with jurisdiction,
19 regardless of where the act or acts which violated the civil no
20 contact order were committed, to the extent consistent with the
21 venue provisions of this Act.

22 (1) In a contempt proceeding where the petition for a
23 rule to show cause or petition for adjudication of criminal
24 contempt sets forth facts evidencing an immediate danger
25 that the respondent will flee the jurisdiction or inflict
26 physical abuse on the petitioner or minor children or on

1 dependent adults in the petitioner's care, the court may
2 order the attachment of the respondent without prior
3 service of the petition for a rule to show cause, the rule
4 to show cause, the petition for adjudication of criminal
5 contempt or the adjudication of criminal contempt.
6 Conditions of pre-trial release ~~Bond~~ shall be set unless
7 specifically denied in writing.

8 (2) A petition for a rule to show cause or a petition
9 for adjudication of criminal contempt for violation of a
10 civil no contact order shall be treated as an expedited
11 proceeding.

12 (e) Actual knowledge. A civil no contact order may be
13 enforced under ~~pursuant to~~ this Section if the respondent
14 violates the order after the respondent has actual knowledge of
15 its contents as shown through one of the following means:

16 (1) by service, delivery, or notice under Section 208;

17 (2) by notice under Section 218;

18 (3) by service of a civil no contact order under
19 Section 218; or

20 (4) by other means demonstrating actual knowledge of
21 the contents of the order.

22 (f) The enforcement of a civil no contact order in civil or
23 criminal court shall not be affected by either of the
24 following:

25 (1) the existence of a separate, correlative order,
26 entered under Section 202; or

1 (2) any finding or order entered in a conjoined
2 criminal proceeding.

3 (g) Circumstances. The court, when determining whether or
4 not a violation of a civil no contact order has occurred, shall
5 not require physical manifestations of abuse on the person of
6 the victim.

7 (h) Penalties.

8 (1) Except as provided in paragraph (3) of this
9 subsection, where the court finds the commission of a crime
10 or contempt of court under subsection (a) or (b) of this
11 Section, the penalty shall be the penalty that generally
12 applies in such criminal or contempt proceedings, and may
13 include one or more of the following: incarceration,
14 payment of restitution, a fine, payment of attorneys' fees
15 and costs, or community service.

16 (2) The court shall hear and take into account evidence
17 of any factors in aggravation or mitigation before deciding
18 an appropriate penalty under paragraph (1) of this
19 subsection.

20 (3) To the extent permitted by law, the court is
21 encouraged to:

22 (i) increase the penalty for the knowing violation
23 of any civil no contact order over any penalty
24 previously imposed by any court for respondent's
25 violation of any civil no contact order or penal
26 statute involving petitioner as victim and respondent

1 as defendant;

2 (ii) impose a minimum penalty of 24 hours
3 imprisonment for respondent's first violation of any
4 civil no contact order; and

5 (iii) impose a minimum penalty of 48 hours
6 imprisonment for respondent's second or subsequent
7 violation of a civil no contact order unless the court
8 explicitly finds that an increased penalty or that
9 period of imprisonment would be manifestly unjust.

10 (4) In addition to any other penalties imposed for a
11 violation of a civil no contact order, a criminal court may
12 consider evidence of any previous violations of a civil no
13 contact order:

14 (i) to increase, revoke, or modify the conditions
15 of pre-trial release bail—bond on an underlying
16 criminal charge under ~~pursuant to~~ Section 110-6 of the
17 Code of Criminal Procedure of 1963;

18 (ii) to revoke or modify an order of probation,
19 conditional discharge or supervision, under ~~pursuant~~
20 ~~to~~ Section 5-6-4 of the Unified Code of Corrections; or

21 (iii) to revoke or modify a sentence of periodic
22 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
23 Unified Code of Corrections.

24 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

25 Section 50. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Sections 223 and 301 as follows:

2 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

3 Sec. 223. Enforcement of orders of protection.

4 (a) When violation is crime. A violation of any order of
5 protection, whether issued in a civil or criminal proceeding,
6 shall be enforced by a criminal court when:

7 (1) The respondent commits the crime of violation of an
8 order of protection under ~~pursuant to~~ Section 12-3.4 or
9 12-30 of the Criminal Code of 1961 or the Criminal Code of
10 2012, by having knowingly violated:

11 (i) remedies described in paragraphs (1), (2),
12 (3), (14), or (14.5) of subsection (b) of Section 214
13 of this Act; or

14 (ii) a remedy, which is substantially similar to
15 the remedies authorized under paragraphs (1), (2),
16 (3), (14), and (14.5) of subsection (b) of Section 214
17 of this Act, in a valid order of protection which is
18 authorized under the laws of another state, tribe, or
19 United States territory; or

20 (iii) any other remedy when the act constitutes a
21 crime against the protected parties as defined by the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 Prosecution for a violation of an order of protection
24 shall not bar concurrent prosecution for any other crime,
25 including any crime that may have been committed at the

1 time of the violation of the order of protection; or

2 (2) The respondent commits the crime of child abduction
3 under ~~pursuant to~~ Section 10-5 of the Criminal Code of 1961
4 or the Criminal Code of 2012, by having knowingly violated:

5 (i) remedies described in paragraphs (5), (6) or
6 (8) of subsection (b) of Section 214 of this Act; or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (5), (6), or
9 (8) of subsection (b) of Section 214 of this Act, in a
10 valid order of protection which is authorized under the
11 laws of another state, tribe, or United States
12 territory.

13 (b) When violation is contempt of court. A violation of any
14 valid ~~Illinois~~ order of protection under this State, whether
15 issued in a civil or criminal proceeding, may be enforced
16 through civil or criminal contempt procedures, as appropriate,
17 by any court with jurisdiction, regardless where the act or
18 acts which violated the order of protection were committed, to
19 the extent consistent with the venue provisions of this Act.
20 Nothing in this Act shall preclude any Illinois court from
21 enforcing any valid order of protection issued in another
22 state. Courts of this State ~~Illinois courts~~ may enforce orders
23 of protection through both criminal prosecution and contempt
24 proceedings, unless the action which is second in time is
25 barred by collateral estoppel or the constitutional
26 prohibition against double jeopardy.

1 (1) In a contempt proceeding where the petition for a
2 rule to show cause sets forth facts evidencing an immediate
3 danger that the respondent will flee the jurisdiction,
4 conceal a child, or inflict physical abuse on the
5 petitioner or minor children or on dependent adults in
6 petitioner's care, the court may order the attachment of
7 the respondent without prior service of the rule to show
8 cause or the petition for a rule to show cause. Conditions
9 of pre-trial release ~~Bond~~ shall be set unless specifically
10 denied in writing.

11 (2) A petition for a rule to show cause for violation
12 of an order of protection shall be treated as an expedited
13 proceeding.

14 (b-1) The court shall not hold a school district or private
15 or non-public school or any of its employees in civil or
16 criminal contempt unless the school district or private or
17 non-public school has been allowed to intervene.

18 (b-2) The court may hold the parents, guardian, or legal
19 custodian of a minor respondent in civil or criminal contempt
20 for a violation of any provision of any order entered under
21 this Act for conduct of the minor respondent in violation of
22 this Act if the parents, guardian, or legal custodian directed,
23 encouraged, or assisted the respondent minor in such conduct.

24 (c) Violation of custody or support orders or temporary or
25 final judgments allocating parental responsibilities. A
26 violation of remedies described in paragraphs (5), (6), (8), or

1 (9) of subsection (b) of Section 214 of this Act may be
2 enforced by any remedy provided by Section 607.5 of the
3 Illinois Marriage and Dissolution of Marriage Act. The court
4 may enforce any order for support issued under paragraph (12)
5 of subsection (b) of Section 214 in the manner provided for
6 under Parts V and VII of the Illinois Marriage and Dissolution
7 of Marriage Act.

8 (d) Actual knowledge. An order of protection may be
9 enforced under ~~pursuant to~~ this Section if the respondent
10 violates the order after the respondent has actual knowledge of
11 its contents as shown through one of the following means:

12 (1) By service, delivery, or notice under Section 210.

13 (2) By notice under Section 210.1 or 211.

14 (3) By service of an order of protection under Section
15 222.

16 (4) By other means demonstrating actual knowledge of
17 the contents of the order.

18 (e) The enforcement of an order of protection in civil or
19 criminal court shall not be affected by either of the
20 following:

21 (1) The existence of a separate, correlative order,
22 entered under Section 215.

23 (2) Any finding or order entered in a conjoined
24 criminal proceeding.

25 (f) Circumstances. The court, when determining whether or
26 not a violation of an order of protection has occurred, shall

1 not require physical manifestations of abuse on the person of
2 the victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection, where the court finds the commission of a crime
6 or contempt of court under subsections (a) or (b) of this
7 Section, the penalty shall be the penalty that generally
8 applies in such criminal or contempt proceedings, and may
9 include one or more of the following: incarceration,
10 payment of restitution, a fine, payment of attorneys' fees
11 and costs, or community service.

12 (2) The court shall hear and take into account evidence
13 of any factors in aggravation or mitigation before deciding
14 an appropriate penalty under paragraph (1) of this
15 subsection.

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any order of protection over any penalty previously
20 imposed by any court for respondent's violation of any
21 order of protection or penal statute involving
22 petitioner as victim and respondent as defendant;

23 (ii) impose a minimum penalty of 24 hours
24 imprisonment for respondent's first violation of any
25 order of protection; and

26 (iii) impose a minimum penalty of 48 hours

1 imprisonment for respondent's second or subsequent
2 violation of an order of protection
3 unless the court explicitly finds that an increased penalty
4 or that period of imprisonment would be manifestly unjust.

5 (4) In addition to any other penalties imposed for a
6 violation of an order of protection, a criminal court may
7 consider evidence of any violations of an order of
8 protection:

9 (i) to increase, revoke or modify the conditions of
10 pre-trial release ~~bail bond~~ on an underlying criminal
11 charge under ~~pursuant to~~ Section 110-6 of the Code of
12 Criminal Procedure of 1963;

13 (ii) to revoke or modify an order of probation,
14 conditional discharge or supervision, under ~~pursuant~~
15 ~~to~~ Section 5-6-4 of the Unified Code of Corrections;

16 (iii) to revoke or modify a sentence of periodic
17 imprisonment, under ~~pursuant to~~ Section 5-7-2 of the
18 Unified Code of Corrections.

19 (5) In addition to any other penalties, the court shall
20 impose an additional fine of \$20 as authorized by Section
21 5-9-1.11 of the Unified Code of Corrections upon any person
22 convicted of or placed on supervision for a violation of an
23 order of protection. The additional fine shall be imposed
24 for each violation of this Section.

25 (Source: P.A. 99-90, eff. 1-1-16.)

1 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

2 Sec. 301. Arrest without warrant.

3 (a) Any law enforcement officer may make an arrest without
4 warrant if the officer has probable cause to believe that the
5 person has committed or is committing any crime, including but
6 not limited to violation of an order of protection, under
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, even if the crime was not committed in
9 the presence of the officer.

10 (b) The law enforcement officer may verify the existence of
11 an order of protection by telephone or radio communication with
12 his or her law enforcement agency or by referring to the copy
13 of the order provided by the petitioner or respondent.

14 (c) Any law enforcement officer may make an arrest without
15 warrant if the officer has reasonable grounds to believe a
16 defendant at liberty under the provisions of subdivision (d) (1)
17 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
18 of 1963 has violated a condition of his or her pre-trial
19 release ~~bail bond or recognizance~~.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1 INDEX
2 Statutes amended in order of appearance

| | | |
|----|------------------------|------------------------------|
| 3 | 625 ILCS 5/16-103 | from Ch. 95 1/2, par. 16-103 |
| 4 | 705 ILCS 105/14 | from Ch. 25, par. 14 |
| 5 | 705 ILCS 105/27.3a | |
| 6 | 705 ILCS 105/27.3b | from Ch. 25, par. 27.3b |
| 7 | 705 ILCS 105/27.5 | from Ch. 25, par. 27.5 |
| 8 | 705 ILCS 105/27.6 | |
| 9 | 720 ILCS 5/32-10 | from Ch. 38, par. 32-10 |
| 10 | 725 ILCS 5/103-5 | from Ch. 38, par. 103-5 |
| 11 | 725 ILCS 5/103-7 | from Ch. 38, par. 103-7 |
| 12 | 725 ILCS 5/104-17 | from Ch. 38, par. 104-17 |
| 13 | 725 ILCS 5/106D-1 | |
| 14 | 725 ILCS 5/107-4 | from Ch. 38, par. 107-4 |
| 15 | 725 ILCS 5/109-1 | from Ch. 38, par. 109-1 |
| 16 | 725 ILCS 5/109-2 | from Ch. 38, par. 109-2 |
| 17 | 725 ILCS 5/110-1 | from Ch. 38, par. 110-1 |
| 18 | 725 ILCS 5/110-1.5 new | |
| 19 | 725 ILCS 5/110-2 | from Ch. 38, par. 110-2 |
| 20 | 725 ILCS 5/110-3 | from Ch. 38, par. 110-3 |
| 21 | 725 ILCS 5/110-4 | from Ch. 38, par. 110-4 |
| 22 | 725 ILCS 5/110-5 | from Ch. 38, par. 110-5 |
| 23 | 725 ILCS 5/110-5.1 | |
| 24 | 725 ILCS 5/110-6 | from Ch. 38, par. 110-6 |
| 25 | 725 ILCS 5/110-6.1 | from Ch. 38, par. 110-6.1 |

| | | |
|----|-------------------------|----------------------------|
| 1 | 725 ILCS 5/110-6.2 | from Ch. 38, par. 110-6.2 |
| 2 | 725 ILCS 5/110-6.3 | from Ch. 38, par. 110-6.3 |
| 3 | 725 ILCS 5/110-7 | from Ch. 38, par. 110-7 |
| 4 | 725 ILCS 5/110-9 | from Ch. 38, par. 110-9 |
| 5 | 725 ILCS 5/110-10 | from Ch. 38, par. 110-10 |
| 6 | 725 ILCS 5/110-11 | from Ch. 38, par. 110-11 |
| 7 | 725 ILCS 5/110-12 | from Ch. 38, par. 110-12 |
| 8 | 725 ILCS 5/110-16 | from Ch. 38, par. 110-16 |
| 9 | 725 ILCS 5/110-18 | from Ch. 38, par. 110-18 |
| 10 | 725 ILCS 5/112A-23 | from Ch. 38, par. 112A-23 |
| 11 | 725 ILCS 5/115-4.1 | from Ch. 38, par. 115-4.1 |
| 12 | 725 ILCS 5/102-7 rep. | |
| 13 | 725 ILCS 5/110-6.5 rep. | |
| 14 | 725 ILCS 5/110-8 rep. | |
| 15 | 725 ILCS 5/110-13 rep. | |
| 16 | 725 ILCS 5/110-14 rep. | |
| 17 | 725 ILCS 5/110-15 rep. | |
| 18 | 725 ILCS 5/110-17 rep. | |
| 19 | 725 ILCS 185/7 | from Ch. 38, par. 307 |
| 20 | 725 ILCS 185/20 | from Ch. 38, par. 320 |
| 21 | 725 ILCS 185/22 | from Ch. 38, par. 322 |
| 22 | 725 ILCS 185/34 | |
| 23 | 730 ILCS 5/5-6-4 | from Ch. 38, par. 1005-6-4 |
| 24 | 725 ILCS 225/16 | from Ch. 60, par. 33 |
| 25 | 730 ILCS 130/3 | from Ch. 75, par. 32 |
| 26 | 740 ILCS 22/220 | |

HB3421

- 155 - LRB100 05621 SLF 15635 b

1 750 ILCS 60/223

from Ch. 40, par. 2312-23

2 750 ILCS 60/301

from Ch. 40, par. 2313-1