



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1404

Introduced 1/28/2025, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Restores certain provisions of Code of Criminal Procedure of 1963 concerning cash bail to the form in which they existed before their amendment by Public Act 101-652 by amendment or reenactment with specified modifications. Establishes additional pretrial procedures. Amends the Statute on Statutes to provide that whenever there is a reference in any Act to the term "pretrial release", "denial of pretrial release", "conditions of pretrial release", or "violations of the conditions of pretrial release", the terms shall be construed to mean "bail", "denial of bail", "conditions of bail", or "forfeiture of bail" respectively. Amends the Rights of Crime Victims and Witnesses Act. Provides that the office of the State's Attorney shall provide to the victim at pretrial stages of the proceedings notification of all pretrial hearings, all bail decisions, conditions of release related to the victim's safety, the defendant's release from custody, and instructions on seeking enforcement of release conditions. Amends the Pretrial Services Act. Provides that pretrial services agencies shall implement a system of court date reminders, including location, date, and time of the court appearance. Provides that reminders shall be provided one to 3 days prior to each scheduled court appearance. Establishes responsibilities of the Administrative Office of the Illinois Courts concerning pretrial services. Amends the Unified Code of Corrections. Provides for specified offenses for which the domestic violence surveillance program is applicable. Provides that the supervising authority shall use the best available global positioning technology to track domestic violence offenders, if available and reliable in the supervising authority's jurisdiction.

LRB104 03231 RLC 13253 b

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 Statute on Statutes is amended by changing
5 Section 1.43 as follows:

6 (5 ILCS 70/1.43)

7 Sec. 1.43. Reference to "pretrial release", "denial of
8 pretrial release", "conditions of release", or "violations of
9 the conditions of release" ~~bail, bail bond, or conditions of~~
10 ~~bail~~. Whenever there is a reference in any Act to the terms
11 "release", "denial of release", "conditions of release", or
12 "violations of the conditions of release", the terms shall be
13 construed to mean "bail", "denial of bail", "conditions of
14 bail", or "forfeiture of bail" respectively ~~"bail", "bail~~
15 ~~bond", or "conditions of bail", these terms shall be construed~~
16 ~~as "pretrial release" or "conditions of pretrial release".~~

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

18 Section 10. The Code of Criminal Procedure of 1963 is
19 amended by changing the heading of Article 110 and by changing
20 Sections 102-6, 102-7, 103-1, 103-5, 103-7, 103-9, 104-13,
21 104-17, 106D-1, 107-4, 107-9, 109-1, 109-2, 109-3, 109-3.1,
22 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,

1 110-6.4, 110-7, 110-10, 110-11, 110-12, 111-2, 112A-23, 114-1,
2 115-4.1, and 122-6 and by adding Sections 110-1.1, 110-4.1,
3 and 110-7.1 as follows:

4 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

5 Sec. 102-6. "Bail" ~~Pretrial release~~. "Bail" means the
6 amount of money set by the court which is required to be
7 obligated and secured as provided by law for the release of a
8 person in custody in order that he or she will appear before
9 the court in which his or her appearance may be required and
10 that he or she will comply with such conditions as set forth in
11 the bail bond ~~"Pretrial release" has the meaning ascribed to~~
12 ~~bail in Section 9 of Article I of the Illinois Constitution~~
13 ~~where the sureties provided are nonmonetary in nature.~~

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

15 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

16 Sec. 102-7. Conditions of pretrial release. "Bail bond"
17 ~~"Conditions of pretrial release"~~ means an undertaking secured
18 by bail entered into by a person in custody by which he or she
19 binds himself to comply with such conditions as are set forth
20 therein ~~the requirements imposed upon a criminal defendant by~~
21 ~~the court under Section 110-5.~~

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

23 (725 ILCS 5/103-1) (from Ch. 38, par. 103-1)

1 Sec. 103-1. Rights on arrest.

2 (a) After an arrest on a warrant the person making the
3 arrest shall inform the person arrested that a warrant has
4 been issued for his arrest and the nature of the offense
5 specified in the warrant.

6 (b) After an arrest without a warrant the person making
7 the arrest shall inform the person arrested of the nature of
8 the offense on which the arrest is based.

9 (b-1) Upon booking, a pretrial services staff shall assess
10 a defendant utilizing a statewide validated risk assessment
11 tool and make recommendations to the prosecution, defense and
12 judge.

13 (b-5) This subsection is intended to implement and be
14 interpreted consistently with the Vienna Convention on
15 Consular Relations, to which the United States is a party.
16 Article 36 of that Convention guarantees that when foreign
17 nationals are arrested or detained, they must be advised of
18 their right to have their consular officials notified, and if
19 an individual chooses to exercise that right, a law
20 enforcement official is required to notify the consulate. It
21 does not create any new substantive State right or remedy.

22 (1) In accordance with federal law and the provisions
23 of this Section, the law enforcement official in charge of
24 a custodial facility shall ensure that any individual
25 booked and detained at the facility, within 48 hours of
26 booking or detention, shall be advised that if that

1 individual is a foreign national, he or she has a right to
2 communicate with an official from the consulate of his or
3 her country. This subsection (b-5) does not create any
4 affirmative duty to investigate whether an arrestee or
5 detainee is a foreign national.

6 (2) If the foreign national requests consular
7 notification or the notification is mandatory by law, the
8 law enforcement official in charge of the custodial
9 facility shall ensure the notice is given to the
10 appropriate officer at the consulate of the foreign
11 national in accordance with the U.S. Department of State
12 Instructions for Consular Notification and Access.

13 (3) The law enforcement official in charge of the
14 custodial facility where a foreign national is located
15 shall ensure that the foreign national is allowed to
16 communicate with, correspond with, and be visited by, a
17 consular officer of his or her country.

18 (c) No person arrested for a traffic, regulatory or
19 misdemeanor offense, except in cases involving weapons or a
20 controlled substance, shall be strip searched unless there is
21 reasonable belief that the individual is concealing a weapon
22 or controlled substance.

23 (d) "Strip search" means having an arrested person remove
24 or arrange some or all of his or her clothing so as to permit a
25 visual inspection of the genitals, buttocks, anus, female
26 breasts or undergarments of such person.

1 (e) All strip searches conducted under this Section shall
2 be performed by persons of the same sex as the arrested person
3 and on premises where the search cannot be observed by persons
4 not physically conducting the search.

5 (f) Every peace officer or employee of a police department
6 conducting a strip search shall:

7 (1) Obtain the written permission of the police
8 commander or an agent thereof designated for the purposes
9 of authorizing a strip search in accordance with this
10 Section.

11 (2) Prepare a report of the strip search. The report
12 shall include the written authorization required by
13 paragraph (1) of this subsection (f), the name of the
14 person subjected to the search, the names of the persons
15 conducting the search, and the time, date and place of the
16 search. A copy of the report shall be provided to the
17 person subject to the search.

18 (g) No search of any body cavity other than the mouth shall
19 be conducted without a duly executed search warrant; any
20 warrant authorizing a body cavity search shall specify that
21 the search must be performed under sanitary conditions and
22 conducted either by or under the supervision of a physician
23 licensed to practice medicine in all of its branches in this
24 State.

25 (h) Any peace officer or employee who knowingly or
26 intentionally fails to comply with any provision of this

1 Section, except subsection (b-5) of this Section, is guilty of
2 official misconduct as provided in Section 103-8; provided
3 however, that nothing contained in this Section shall preclude
4 prosecution of a peace officer or employee under another
5 section of this Code.

6 (i) Nothing in this Section shall be construed as limiting
7 any statutory or common law rights of any person for purposes
8 of any civil action or injunctive relief.

9 (j) The provisions of subsections (c) through (h) of this
10 Section shall not apply when the person is taken into custody
11 by or remanded to the sheriff or correctional institution
12 pursuant to a court order.

13 (Source: P.A. 99-190, eff. 1-1-16.)

14 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

15 Sec. 103-5. Speedy trial.)

16 (a) Every person in custody in this State for an alleged
17 offense shall be tried by the court having jurisdiction within
18 120 days from the date he or she was taken into custody unless
19 delay is occasioned by the defendant, by an examination for
20 fitness ordered pursuant to Section 104-13 of this Act, by a
21 fitness hearing, by an adjudication of unfitness to stand
22 trial, by a continuance allowed pursuant to Section 114-4 of
23 this Act after a court's determination of the defendant's
24 physical incapacity for trial, or by an interlocutory appeal.
25 Delay shall be considered to be agreed to by the defendant

1 unless he or she objects to the delay by making a written
2 demand for trial or an oral demand for trial on the record. The
3 provisions of this subsection (a) do not apply to a person on
4 bail ~~pretrial release~~ or recognizance for an offense but who
5 is in custody for a violation of his or her parole, aftercare
6 release, or mandatory supervised release for another offense.

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

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

24 For purposes of computing the 160 day period under this
25 subsection (b), every person who was in custody for an alleged
26 offense and demanded trial and is subsequently released on

1 bail ~~pretrial release~~ or recognizance and demands trial, shall
2 be given credit for time spent in custody following the making
3 of the demand while in custody. Any demand for trial made under
4 this subsection (b) shall be in writing; and in the case of a
5 defendant not in custody, the demand for trial shall include
6 the date of any prior demand made under this provision while
7 the defendant was in custody.

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

20 (d) Every person not tried in accordance with subsections
21 (a), (b) and (c) of this Section shall be discharged from
22 custody or released from the obligations of his bail ~~pretrial~~
23 ~~release~~ or recognizance.

24 (e) If a person is simultaneously in custody upon more
25 than one charge pending against him in the same county, or
26 simultaneously demands trial upon more than one charge pending

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

1 material to the case and that there are reasonable grounds to
2 believe that such evidence may be obtained at a later day the
3 court may continue the cause on application of the State for
4 not more than an additional 60 days.

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

18 (g) Notwithstanding any other provisions of this Section
19 to the contrary, when a defendant's liberty is substantially
20 impaired prior to trial, the defendant shall be brought to
21 trial within 120 days, unless good cause is shown.

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

23 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

24 Sec. 103-7. Posting notice of rights. Every sheriff, chief
25 of police or other person who is in charge of any jail, police

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

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

20 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

21 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
22 may seize or transport unwillingly any person found in this
23 State who is allegedly in violation of a bail bond posted in
24 some other state ~~or conditions of pretrial release~~. The return
25 of any such person to another state may be accomplished only as

1 provided by the laws of this State. Any bail bondsman who
2 violates this Section is fully subject to the criminal and
3 civil penalties provided by the laws of this State for his
4 actions.

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

6 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

7 Sec. 104-13. Fitness examination.

8 (a) When the issue of fitness involves the defendant's
9 mental condition, the court shall order an examination of the
10 defendant by one or more licensed physicians, clinical
11 psychologists, or psychiatrists chosen by the court. No
12 physician, clinical psychologist or psychiatrist employed by
13 the Department of Human Services shall be ordered to perform,
14 in his official capacity, an examination under this Section.

15 (b) If the issue of fitness involves the defendant's
16 physical condition, the court shall appoint one or more
17 physicians and in addition, such other experts as it may deem
18 appropriate to examine the defendant and to report to the
19 court regarding the defendant's condition.

20 (c) An examination ordered under this Section shall be
21 given at the place designated by the person who will conduct
22 the examination, except that if the defendant is being held in
23 custody, the examination shall take place at such location as
24 the court directs. No examinations under this Section shall be
25 ordered to take place at mental health or developmental

1 disabilities facilities operated by the Department of Human
2 Services. If the defendant fails to keep appointments without
3 reasonable cause or if the person conducting the examination
4 reports to the court that diagnosis requires hospitalization
5 or extended observation, the court may order the defendant
6 admitted to an appropriate facility for an examination, other
7 than a screening examination, for not more than 7 days. The
8 court may, upon a showing of good cause, grant an additional 7
9 days to complete the examination.

10 (d) Release on bail ~~pretrial release~~ or on recognizance
11 shall not be revoked and an application therefor shall not be
12 denied on the grounds that an examination has been ordered.

13 (e) Upon request by the defense and if the defendant is
14 indigent, the court may appoint, in addition to the expert or
15 experts chosen pursuant to subsection (a) of this Section, a
16 qualified expert selected by the defendant to examine him and
17 to make a report as provided in Section 104-15. Upon the filing
18 with the court of a verified statement of services rendered,
19 the court shall enter an order on the county board to pay such
20 expert a reasonable fee stated in the order.

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

22 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

23 Sec. 104-17. Commitment for treatment; treatment plan.

24 (a) If the defendant is eligible to be or has been released
25 on bail ~~pretrial release~~ or on his own recognizance, the court

1 shall select the least physically restrictive form of
2 treatment therapeutically appropriate and consistent with the
3 treatment plan. The placement may be ordered either on an
4 inpatient or an outpatient basis.

5 (b) If the defendant's disability is mental, the court may
6 order him placed for secure treatment in the custody of the
7 Department of Human Services, or the court may order him
8 placed in the custody of any other appropriate public or
9 private mental health facility or treatment program which has
10 agreed to provide treatment to the defendant. If the most
11 serious charge faced by the defendant is a misdemeanor, the
12 court shall order outpatient treatment, unless the court finds
13 good cause on the record to order inpatient treatment. If the
14 court orders the defendant to inpatient treatment in the
15 custody of the Department of Human Services, the Department
16 shall evaluate the defendant to determine the most appropriate
17 secure facility to receive the defendant and, within 20 days
18 of the transmittal by the clerk of the circuit court of the
19 court's placement order, notify the court of the designated
20 facility to receive the defendant. The Department shall admit
21 the defendant to a secure facility within 60 days of the
22 transmittal of the court's placement order, unless the
23 Department can demonstrate good faith efforts at placement and
24 a lack of bed and placement availability. If placement cannot
25 be made within 60 days of the transmittal of the court's
26 placement order and the Department has demonstrated good faith

1 efforts at placement and a lack of bed and placement
2 availability, the Department shall provide an update to the
3 ordering court every 30 days until the defendant is placed.
4 Once bed and placement availability is determined, the
5 Department shall notify the sheriff who shall promptly
6 transport the defendant to the designated facility. If the
7 defendant is placed in the custody of the Department of Human
8 Services, the defendant shall be placed in a secure setting.
9 During the period of time required to determine bed and
10 placement availability at the designated facility, the
11 defendant shall remain in jail. If during the course of
12 evaluating the defendant for placement, the Department of
13 Human Services determines that the defendant is currently fit
14 to stand trial, it shall immediately notify the court and
15 shall submit a written report within 7 days. In that
16 circumstance the placement shall be held pending a court
17 hearing on the Department's report. Otherwise, upon completion
18 of the placement process, including identifying bed and
19 placement availability, the sheriff shall be notified and
20 shall transport the defendant to the designated facility. If,
21 within 60 days of the transmittal by the clerk of the circuit
22 court of the court's placement order, the Department fails to
23 provide the sheriff with notice of bed and placement
24 availability at the designated facility, the sheriff shall
25 contact the Department to inquire about when a placement will
26 become available at the designated facility as well as bed and

1 placement availability at other secure facilities. The
2 Department shall respond to the sheriff within 2 business days
3 of the notice and inquiry by the sheriff seeking the transfer
4 and the Department shall provide the sheriff with the status
5 of the evaluation, information on bed and placement
6 availability, and an estimated date of admission for the
7 defendant and any changes to that estimated date of admission.
8 If the Department notifies the sheriff during the 2 business
9 day period of a facility operated by the Department with
10 placement availability, the sheriff shall promptly transport
11 the defendant to that facility. The placement may be ordered
12 either on an inpatient or an outpatient basis.

13 (c) If the defendant's disability is physical, the court
14 may order him placed under the supervision of the Department
15 of Human Services which shall place and maintain the defendant
16 in a suitable treatment facility or program, or the court may
17 order him placed in an appropriate public or private facility
18 or treatment program which has agreed to provide treatment to
19 the defendant. The placement may be ordered either on an
20 inpatient or an outpatient basis.

21 (d) The clerk of the circuit court shall within 5 days of
22 the entry of the order transmit to the Department, agency or
23 institution, if any, to which the defendant is remanded for
24 treatment, the following:

25 (1) a certified copy of the order to undergo
26 treatment. Accompanying the certified copy of the order to

1 undergo treatment shall be the complete copy of any report
2 prepared under Section 104-15 of this Code or other report
3 prepared by a forensic examiner for the court;

4 (2) the county and municipality in which the offense
5 was committed;

6 (3) the county and municipality in which the arrest
7 took place;

8 (4) a copy of the arrest report, criminal charges,
9 arrest record; and

10 (5) all additional matters which the Court directs the
11 clerk to transmit.

12 (e) Within 30 days of admission to the designated
13 facility, the person supervising the defendant's treatment
14 shall file with the court, the State, and the defense a report
15 assessing the facility's or program's capacity to provide
16 appropriate treatment for the defendant and indicating his
17 opinion as to the probability of the defendant's attaining
18 fitness within a period of time from the date of the finding of
19 unfitness. For a defendant charged with a felony, the period
20 of time shall be one year. For a defendant charged with a
21 misdemeanor, the period of time shall be no longer than the
22 sentence if convicted of the most serious offense. If the
23 report indicates that there is a substantial probability that
24 the defendant will attain fitness within the time period, the
25 treatment supervisor shall also file a treatment plan which
26 shall include:

- 1 (1) A diagnosis of the defendant's disability;
- 2 (2) A description of treatment goals with respect to
3 rendering the defendant fit, a specification of the
4 proposed treatment modalities, and an estimated timetable
5 for attainment of the goals;
- 6 (3) An identification of the person in charge of
7 supervising the defendant's treatment.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

9 (725 ILCS 5/106D-1)

10 Sec. 106D-1. Defendant's appearance by two-way
11 audio-visual communication system.

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

- 21 (1) the initial appearance before a judge on a
22 criminal complaint, at which bail will be set ~~as provided~~
23 ~~in subsection (f) of Section 109-1;~~
- 24 (2) the waiver of a preliminary hearing;
- 25 (3) the arraignment on an information or indictment at

1 which a plea of not guilty will be entered;

2 (4) the presentation of a jury waiver;

3 (5) any status hearing;

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

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

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

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

12 (C) Section 104-25 of this Code (discharge
13 hearing); or

14 (D) Section 5-2-4 of the Unified Code of
15 Corrections (proceedings after acquittal by reason of
16 insanity).

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

22 (c) Nothing in this Section shall be construed to prohibit
23 other court appearances through the use of a two-way
24 audio-visual communication system if the person in custody or
25 confinement waives the right to be present physically in
26 court, the court determines that the physical health and

1 safety of any person necessary to the proceedings would be
2 endangered by appearing in court, or the chief judge of the
3 circuit orders use of that system due to operational
4 challenges in conducting the hearing in person. Such
5 operational challenges must be documented and approved by the
6 chief judge of the circuit, and a plan to address the
7 challenges through reasonable efforts must be presented and
8 approved by the Administrative Office of the Illinois Courts
9 every 6 months.

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

16 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
17 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

18 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

19 Sec. 107-4. Arrest by peace officer from other
20 jurisdiction.

21 (a) As used in this Section:

22 (1) "State" means any State of the United States and
23 the District of Columbia.

24 (2) "Peace Officer" means any peace officer or member
25 of any duly organized State, County, or Municipal peace

1 unit, any police force of another State, the United States
2 Department of Defense, or any police force whose members,
3 by statute, are granted and authorized to exercise powers
4 similar to those conferred upon any peace officer employed
5 by a law enforcement agency of this State.

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

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

10 (a-3) Any peace officer employed by a law enforcement
11 agency of this State may conduct temporary questioning
12 pursuant to Section 107-14 of this Code and may make arrests in
13 any jurisdiction within this State: (1) if the officer is
14 engaged in the investigation of criminal activity that
15 occurred in the officer's primary jurisdiction and the
16 temporary questioning or arrest relates to, arises from, or is
17 conducted pursuant to that investigation; or (2) if the
18 officer, while on duty as a peace officer, becomes personally
19 aware of the immediate commission of a felony or misdemeanor
20 violation of the laws of this State; or (3) if the officer,
21 while on duty as a peace officer, is requested by an
22 appropriate State or local law enforcement official to render
23 aid or assistance to the requesting law enforcement agency
24 that is outside the officer's primary jurisdiction; or (4) in
25 accordance with Section 2605-580 of the Illinois State Police
26 Law of the Civil Administrative Code of Illinois. While acting

1 pursuant to this subsection, an officer has the same authority
2 as within his or her own jurisdiction.

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

6 (b) Any peace officer of another State who enters this
7 State in fresh pursuit and continues within this State in
8 fresh pursuit of a person in order to arrest him on the ground
9 that he has committed an offense in the other State has the
10 same authority to arrest and hold the person in custody as
11 peace officers of this State have to arrest and hold a person
12 in custody on the ground that he has committed an offense in
13 this State.

14 (c) If an arrest is made in this State by a peace officer
15 of another State in accordance with the provisions of this
16 Section he shall without unnecessary delay take the person
17 arrested before the circuit court of the county in which the
18 arrest was made. Such court shall conduct a hearing for the
19 purpose of determining the lawfulness of the arrest. If the
20 court determines that the arrest was lawful it shall commit
21 the person arrested, to await for a reasonable time the
22 issuance of an extradition warrant by the Governor of this
23 State, or admit him to bail ~~pretrial release~~ for such purpose.
24 If the court determines that the arrest was unlawful it shall
25 discharge the person arrested.

26 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

3 Sec. 107-9. Issuance of arrest warrant upon complaint.

4 (a) When a complaint is presented to a court charging that
5 an offense has been committed, it shall examine upon oath or
6 affirmation the complainant or any witnesses.

7 (b) The complaint shall be in writing and shall:

8 (1) State the name of the accused if known, and if not
9 known the accused may be designated by any name or
10 description by which he can be identified with reasonable
11 certainty;

12 (2) State the offense with which the accused is
13 charged;

14 (3) State the time and place of the offense as
15 definitely as can be done by the complainant; and

16 (4) Be subscribed and sworn to by the complainant.

17 (b-5) If an arrest warrant or summons is sought and the
18 request is made by electronic means that has a simultaneous
19 video and audio transmission between the requester and a
20 judge, the judge may issue an arrest warrant or summons based
21 upon a sworn complaint or sworn testimony communicated in the
22 transmission.

23 (c) A warrant or summons may be issued by the court for the
24 arrest or appearance of the person complained against if it
25 appears from the contents of the complaint and the examination

1 of the complainant or other witnesses, if any, that the person
2 against whom the complaint was made has committed an offense.

3 (d) The warrant of arrest or summons shall:

4 (1) Be in writing;

5 (2) Specify the name, sex and birth date of the person
6 to be arrested or summoned or, if his name, sex or birth
7 date is unknown, shall designate such person by any name
8 or description by which the person can be identified with
9 reasonable certainty;

10 (3) Set forth the nature of the offense;

11 (4) State the date when issued and the municipality or
12 county where issued;

13 (5) Be signed by the judge of the court with the title
14 of the judge's office; and

15 (6) Command that the person against whom the complaint
16 was made to be arrested and brought before the court
17 issuing the warrant or the nearest or most accessible
18 court in the same county, or appear before the court at a
19 certain time and place;

20 (7) Specify the amount of bail ~~conditions of pretrial~~
21 ~~release~~, if any; and

22 (8) Specify any geographical limitation placed on the
23 execution of the warrant, if any, but such limitation
24 shall not be expressed in mileage.

25 (e) The summons may be served in the same manner as the
26 summons in a civil action, except that a police officer may

1 serve a summons for a violation of an ordinance occurring
2 within the municipality of the police officer.

3 (f) If the person summoned fails to appear by the date
4 required or cannot be located to serve the summons, a warrant
5 may be issued by the court for the arrest of the person
6 complained against.

7 (g) A warrant of arrest issued under this Section shall
8 incorporate the information included in the summons, and shall
9 comply with the following:

10 (1) The arrest warrant shall specify any geographic
11 limitation placed on the execution of the warrant, but
12 such limitation shall not be expressed in mileage.

13 (2) The arrest warrant shall be directed to all peace
14 officers in the State. It shall be executed by the peace
15 officer, or by a private person specially named therein,
16 at any location within the geographic limitation for
17 execution placed on the warrant. If no geographic
18 limitation is placed on the warrant, then it may be
19 executed anywhere in the State.

20 (h) The arrest warrant or summons may be issued
21 electronically or electromagnetically by use of electronic
22 mail or a facsimile transmission machine and any such arrest
23 warrant or summons shall have the same validity as a written
24 arrest warrant or summons.

25 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;
26 102-1104, eff. 1-1-23.)

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

2 Sec. 109-1. Person arrested; ~~release from law enforcement~~
3 ~~custody and court appearance; geographic constraints prevent~~
4 ~~in person appearances.~~

5 (a) A person arrested with or without a warrant ~~for an~~
6 ~~offense for which pretrial release may be denied under~~
7 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
8 without unnecessary delay before the nearest and most
9 accessible judge in that county, except when such county is a
10 participant in a regional jail authority, in which event such
11 person may be taken to the nearest and most accessible judge,
12 irrespective of the county where such judge presides, within
13 48 hours, and a charge shall be filed. Whenever a person
14 arrested either with or without a warrant is required to be
15 taken before a judge, a charge may be filed against such person
16 by way of a two-way audio-visual communication system, except
17 that a hearing to deny bail ~~pretrial release~~ to the defendant
18 may not be conducted by two-way audio-visual communication
19 system unless the accused waives the right to be present
20 physically in court, the court determines that the physical
21 health and safety of any person necessary to the proceedings
22 would be endangered by appearing in court, or the chief judge
23 of the circuit orders use of that system due to operational
24 challenges in conducting the hearing in person. Such
25 operational challenges must be documented and approved by the

1 chief judge of the circuit, and a plan to address the
2 challenges through reasonable efforts must be presented and
3 approved by the Administrative Office of the Illinois Courts
4 every 6 months.

5 (a-1) (Blank). ~~Law enforcement shall issue a citation in~~
6 ~~lieu of custodial arrest, upon proper identification, for~~
7 ~~those accused of any offense that is not a felony or Class A~~
8 ~~misdemeanor unless (i) a law enforcement officer reasonably~~
9 ~~believes the accused poses a threat to the community or any~~
10 ~~person, (ii) a custodial arrest is necessary because the~~
11 ~~criminal activity persists after the issuance of a citation,~~
12 ~~or (iii) the accused has an obvious medical or mental health~~
13 ~~issue that poses a risk to the accused's own safety. Nothing in~~
14 ~~this Section requires arrest in the case of Class A~~
15 ~~misdemeanor and felony offenses, or otherwise limits existing~~
16 ~~law enforcement discretion to decline to effect a custodial~~
17 ~~arrest.~~

18 (a-3) (Blank). ~~A person arrested with or without a warrant~~
19 ~~for an offense for which pretrial release may not be denied~~
20 ~~may, except as otherwise provided in this Code, be released by~~
21 ~~a law enforcement officer without appearing before a judge. A~~
22 ~~presumption in favor of pretrial release shall be applied by~~
23 ~~an arresting officer in the exercise of his or her discretion~~
24 ~~under this Section.~~

25 (a-4) Law enforcement shall issue a citation in lieu of
26 custodial arrest, upon proper identification, for those

1 accused of Class B and C traffic and criminal misdemeanor
2 offenses, or of petty and business offenses unless: (i) a law
3 enforcement officer reasonably believes the accused poses a
4 threat to the community or any person, (ii) a custodial arrest
5 is necessary because the criminal activity persists after the
6 issuance of a citation, (iii) the accused has an obvious
7 medical or mental health issue that poses a risk to the
8 accused's own safety or (iv) to verify the person's identity.
9 Nothing in this Section requires arrest in the case of Class A
10 misdemeanor and felony offenses, or otherwise limits existing
11 law enforcement discretion to decline to effect a custodial
12 arrest.

13 (a-4.1) A person arrested shall not be released prior to
14 arraignment if the person is arrested for a weapons-related or
15 sex offense. Upon release, the defendant shall be provided
16 written notification of the defendant's scheduled court date,
17 which shall scheduled within 21 days after arrest, and
18 conditions of release, and shall be sent subsequent court
19 reminder notification by mail, electronically, text, or
20 telephone.

21 (a-4.2) A pretrial services agency shall screen each
22 defendant who is statutorily eligible for release before the
23 initial court appearance and provide a written report for the
24 bail hearing. The screen shall include a defendant interview,
25 criminal history investigation, verification of interview
26 information, administration of a validated pretrial risk

1 assessment instrument, and any other information as required
2 to assist the court in making informed release or detention
3 determinations.

4 (a-5) A person charged with an offense shall be allowed
5 counsel at the hearing at which bail ~~pretrial release~~ is
6 determined under Article 110 of this Code and at all pretrial
7 detention hearings and shall have the right to cross examine
8 the prosecution's witnesses and present evidence. If the
9 defendant desires counsel for his or her initial appearance
10 but is unable to obtain counsel, the court shall appoint a
11 public defender or licensed attorney at law of this State to
12 represent him or her. At all pretrial detention hearings, the
13 prosecution shall have the burden to prove by clear and
14 convincing evidence that no conditions of release will
15 reasonably assure the safety of the community or the
16 defendant's appearance in court. At all pretrial detention
17 hearings, when detention is ordered, the court shall make a
18 written finding, explaining why less restrictive conditions of
19 release would be insufficient to protect community safety or
20 reasonably assure the defendant's appearance at future court
21 hearings. A public defender shall be appointed prior to the
22 defendant's first appearance, with sufficient time for
23 meaningful attorney-client contact to gather information in
24 order to advocate effectively for defendant's pretrial release
25 under the least restrictive conditions to reasonably assure
26 community safety and court appearance. Defense counsel shall

1 have access to the same documentary information relied upon by
2 the prosecution and presented to the court.

3 (a-6) The defendant shall appear before the court in
4 person at the first appearance, but based on geographical or
5 other constraints, may appear through remote access.

6 (a-7) At the initial pretrial court appearance, the court,
7 upon written motion by the prosecution, may order the
8 defendant's temporary detention, pending a full pretrial
9 detention hearing within 3 calendar days, if:

10 (1) the court finds probable cause for the crime
11 charged;

12 (2) the defendant falls within the narrowly drawn
13 detention-eligible criteria; and

14 (3) the court finds by the preponderance of the
15 evidence that the defendant poses an unmanageable level of
16 risk to commit or attempt to commit a crime of violence, or
17 intentional failure to appear for scheduled court
18 appearances, or both, setting forth the factual basis for
19 temporary detention.

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

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

24 (2) advise the defendant of his right to counsel and
25 if indigent shall appoint a public defender or licensed
26 attorney at law of this State to represent him in

1 accordance with the provisions of Section 113-3 of this
2 Code;

3 (3) schedule a preliminary hearing in appropriate
4 cases;

5 (4) admit the defendant to bail ~~pretrial release~~ in
6 accordance with the provisions of Article 110 of this
7 Code, ~~or upon verified petition of the State, proceed with~~
8 ~~the setting of a detention hearing as provided in Section~~
9 ~~110-6.1; and~~

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

18 (c) The court may issue an order of protection in
19 accordance with the provisions of Article 112A of this Code.
20 Crime victims shall be given notice by the State's Attorney's
21 office of this hearing as required in paragraph (2) of
22 subsection (b) of Section 4.5 of the Rights of Crime Victims
23 and Witnesses Act and shall be informed of their opportunity
24 at this hearing to obtain an order of protection under Article
25 112A of this Code.

26 (d) At the initial appearance of a defendant in any

1 criminal proceeding, the court must advise the defendant in
2 open court that any foreign national who is arrested or
3 detained has the right to have notice of the arrest or
4 detention given to his or her country's consular
5 representatives and the right to communicate with those
6 consular representatives if the notice has not already been
7 provided. The court must make a written record of so advising
8 the defendant.

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

19 (f) (Blank). ~~At the hearing at which conditions of~~
20 ~~pretrial release are determined, the person charged shall be~~
21 ~~present in person rather than by two way audio video~~
22 ~~communication system unless the accused waives the right to be~~
23 ~~present physically in court, the court determines that the~~
24 ~~physical health and safety of any person necessary to the~~
25 ~~proceedings would be endangered by appearing in court, or the~~
26 ~~chief judge of the circuit orders use of that system due to~~

1 ~~operational challenges in conducting the hearing in person.~~
2 ~~Such operational challenges must be documented and approved by~~
3 ~~the chief judge of the circuit, and a plan to address the~~
4 ~~challenges through reasonable efforts must be presented and~~
5 ~~approved by the Administrative Office of the Illinois Courts~~
6 ~~every 6 months.~~

7 (g) (Blank). ~~Defense counsel shall be given adequate~~
8 ~~opportunity to confer with the defendant prior to any hearing~~
9 ~~in which conditions of release or the detention of the~~
10 ~~defendant is to be considered, with a physical accommodation~~
11 ~~made to facilitate attorney/client consultation. If defense~~
12 ~~counsel needs to confer or consult with the defendant during~~
13 ~~any hearing conducted via a two-way audio-visual communication~~
14 ~~system, such consultation shall not be recorded and shall be~~
15 ~~undertaken consistent with constitutional protections.~~

16 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
17 102-1104, eff. 1-1-23.)

18 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

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

20 (a) Any person arrested in a county other than the one in
21 which a warrant for his arrest was issued shall be taken
22 without unnecessary delay before the nearest and most
23 accessible judge in the county where the arrest was made or, if
24 no additional delay is created, before the nearest and most
25 accessible judge in the county from which the warrant was

1 issued. He shall be admitted to bail in the amount specified in
2 the warrant or, for offenses other than felonies, in an amount
3 as set by the judge, and such bail shall be conditioned on his
4 appearing in the court issuing the warrant on a certain date.

5 The judge may hold a hearing to determine if the defendant is
6 the same person as named in the warrant.

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

16 (c) (Blank). ~~If a person is taken before a judge in any~~
17 ~~county and a warrant for arrest issued by another Illinois~~
18 ~~county exists for that person, the court in the arresting~~
19 ~~county shall hold for that person a detention hearing under~~
20 ~~Section 110-6.1, or other hearing under Section 110-5 or~~
21 ~~Section 110-6.~~

22 (Blank). ~~(d) After the court in the arresting county has~~
23 ~~determined whether the person shall be released or detained on~~
24 ~~the arresting offense, the court shall then order the sheriff~~
25 ~~to immediately contact the sheriff in any county where any~~
26 ~~warrant is outstanding and notify them of the arrest of the~~

1 ~~individual.~~

2 (e) (Blank). ~~If a person has a warrant in another county~~
3 ~~for an offense, then, no later than 5 calendar days after the~~
4 ~~end of any detention issued on the charge in the arresting~~
5 ~~county, the county where the warrant is outstanding shall do~~
6 ~~one of the following:~~

7 ~~(1) transport the person to the county where the~~
8 ~~warrant was issued for a hearing under Section 110-6 or~~
9 ~~110-6.1 in the matter for which the warrant was issued; or~~

10 ~~(2) quash the warrant and order the person released on~~
11 ~~the case for which the warrant was issued only when the~~
12 ~~county that issued the warrant fails to transport the~~
13 ~~defendant in the timeline as proscribed.~~

14 (f) (Blank). ~~If the issuing county fails to take any~~
15 ~~action under subsection (e) within 5 calendar days, the~~
16 ~~defendant shall be released from custody on the warrant, and~~
17 ~~the circuit judge or associate circuit judge in the county of~~
18 ~~arrest shall set conditions of release under Section 110-5 and~~
19 ~~shall admit the defendant to pretrial release for his or her~~
20 ~~appearance before the court named in the warrant. Upon~~
21 ~~releasing the defendant, the circuit judge or associate~~
22 ~~circuit judge shall certify such a fact on the warrant and~~
23 ~~deliver the warrant and the acknowledgment by the defendant of~~
24 ~~his or her receiving the conditions of pretrial release to the~~
25 ~~officer having charge of the defendant from arrest and without~~
26 ~~delay deliver such warrant and such acknowledgment by the~~

1 ~~defendant of his or her receiving the conditions to the court~~
2 ~~before which the defendant is required to appear.~~

3 (g) (Blank). ~~If a person has a warrant in another county,~~
4 ~~in lieu of transporting the person to the issuing county as~~
5 ~~outlined in subsection (e), the issuing county may hold the~~
6 ~~hearing by way of a two way audio visual communication system~~
7 ~~if the accused waives the right to be physically present in~~
8 ~~court, the court determines that the physical health and~~
9 ~~safety of any person necessary to the proceedings would be~~
10 ~~endangered by appearing in court, or the chief judge of the~~
11 ~~circuit orders use of that system due to operational~~
12 ~~challenges in conducting the hearing in person. Such~~
13 ~~operational challenges must be documented and approved by the~~
14 ~~chief judge of the circuit, and a plan to address the~~
15 ~~challenges through reasonable efforts must be presented and~~
16 ~~approved by the Administrative Office of the Illinois Courts~~
17 ~~every 6 months.~~

18 (h) (Blank). ~~If more than 2 Illinois county warrants~~
19 ~~exist, the judge in the county of arrest shall order that the~~
20 ~~process described in subsections (d) through (f) occur in each~~
21 ~~county in whatever order the judge finds most appropriate.~~
22 ~~Each judge in each subsequent county shall then follow the~~
23 ~~rules in this Section.~~

24 (i) (Blank). ~~This Section applies only to warrants issued~~
25 ~~by Illinois state, county, or municipal courts.~~

26 (j) (Blank). ~~When an issuing agency is contacted by an~~

1 ~~out of state agency of a person arrested for any offense, or~~
2 ~~when an arresting agency is contacted by or contacts an~~
3 ~~out of state issuing agency, the Uniform Criminal Extradition~~
4 ~~Act shall govern.~~

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

6 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

7 Sec. 109-3. Preliminary examination.

8 (a) The judge shall hold the defendant to answer to the
9 court having jurisdiction of the offense if from the evidence
10 it appears there is probable cause to believe an offense has
11 been committed by the defendant, as provided in Section
12 109-3.1 of this Code, if the offense is a felony.

13 (b) If the defendant waives preliminary examination the
14 judge shall hold him to answer and may, or on the demand of the
15 prosecuting attorney shall, cause the witnesses for the State
16 to be examined. After hearing the testimony if it appears that
17 there is not probable cause to believe the defendant guilty of
18 any offense the judge shall discharge him.

19 (c) During the examination of any witness or when the
20 defendant is making a statement or testifying the judge may
21 and on the request of the defendant or State shall exclude all
22 other witnesses. He may also cause the witnesses to be kept
23 separate and to be prevented from communicating with each
24 other until all are examined.

25 (d) If the defendant is held to answer the judge may

1 require any material witness for the State or defendant to
2 enter into a written undertaking to appear at the trial. Any
3 witness who refuses to execute a recognizance may be committed
4 by the judge to the custody of the sheriff until trial or
5 further order of the court having jurisdiction of the cause.
6 Any witness who executes a recognizance and fails to comply
7 with its terms, in addition to any forfeiture provided in the
8 recognizance, be subject to the penalty provided in Section
9 32-10 of the Criminal Code of 2012 for violation of bail bond
10 ~~commits a Class C misdemeanor.~~

11 (e) During preliminary hearing or examination the
12 defendant may move for an order of suppression of evidence
13 pursuant to Section 114-11 or 114-12 of this Act or for other
14 reasons, and may move for dismissal of the charge pursuant to
15 Section 114-1 of this Act or for other reasons.

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

17 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

18 Sec. 109-3.1. Persons charged with felonies.

19 (a) In any case involving a person charged with a felony in
20 this State, alleged to have been committed on or after January
21 1, 1984, the provisions of this Section shall apply.

22 (b) Every person in custody in this State for the alleged
23 commission of a felony shall receive either a preliminary
24 examination as provided in Section 109-3 or an indictment by
25 Grand Jury as provided in Section 111-2, within 30 days from

1 the date he or she was taken into custody. Every person on bail
2 ~~released pretrial~~ for the alleged commission of a felony shall
3 receive either a preliminary examination as provided in
4 Section 109-3 or an indictment by Grand Jury as provided in
5 Section 111-2, within 60 days from the date he or she was
6 arrested.

7 The provisions of this paragraph shall not apply in the
8 following situations:

9 (1) when delay is occasioned by the defendant; or

10 (2) when the defendant has been indicted by the Grand
11 Jury on the felony offense for which he or she was
12 initially taken into custody or on an offense arising from
13 the same transaction or conduct of the defendant that was
14 the basis for the felony offense or offenses initially
15 charged; or

16 (3) when a competency examination is ordered by the
17 court; or

18 (4) when a competency hearing is held; or

19 (5) when an adjudication of incompetency for trial has
20 been made; or

21 (6) when the case has been continued by the court
22 under Section 114-4 of this Code after a determination
23 that the defendant is physically incompetent to stand
24 trial.

25 (c) Delay occasioned by the defendant shall temporarily
26 suspend, for the time of the delay, the period within which the

1 preliminary examination must be held. On the day of expiration
2 of the delay the period in question shall continue at the point
3 at which it was suspended.

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

5 (725 ILCS 5/Art. 110 heading)

6 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

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

8 Sec. 110-1. Definitions. As used in this Article:

9 (a) (Blank).

10 (a-1) "Security" is that which is required to be pledged
11 to insure the payment of bail.

12 (b) "Sureties" encompasses the nonmonetary requirements
13 set by the court as conditions for release either before or
14 after conviction. "Surety" is one who executes a bail bond and
15 binds himself to pay the bail if the person in custody fails to
16 comply with all conditions of the bail bond.

17 (c) The phrase "for which a sentence of imprisonment,
18 without conditional and revocable release, shall be imposed by
19 law as a consequence of conviction" means an offense for which
20 a sentence of imprisonment in the Department of Corrections,
21 without probation, periodic imprisonment or conditional
22 discharge, is required by law upon conviction.

23 (d) (Blank).

24 (d-1) "Real and present threat to the physical safety of

1 any person or persons", as used in this Article, includes a
2 threat to the community, person, persons or class of persons.

3 (e) "Protective order" means any order of protection
4 issued under Section 112A-14 of this Code or the Illinois
5 Domestic Violence Act of 1986, a stalking no contact order
6 issued under Section 80 of the Stalking No Contact Order Act,
7 or a civil no contact order issued under Section 213 of the
8 Civil No Contact Order Act.

9 (f) (Blank). ~~"Willful flight" means intentional conduct~~
10 ~~with a purpose to thwart the judicial process to avoid~~
11 ~~prosecution. Isolated instances of nonappearance in court~~
12 ~~alone are not evidence of the risk of willful flight.~~
13 ~~Reoccurrence and patterns of intentional conduct to evade~~
14 ~~prosecution, along with any affirmative steps to communicate~~
15 ~~or remedy any such missed court date, may be considered as~~
16 ~~factors in assessing future intent to evade prosecution.~~

17 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
18 103-154, eff. 6-30-23.)

19 (725 ILCS 5/110-1.1 new)

20 Sec. 110-1.1. Legislative findings. The General Assembly
21 finds that:

22 (1) The constitutional presumption of innocence and
23 reasonable bail shall be honored, by providing for release of
24 persons charged with crimes on the least restrictive
25 conditions that reasonably assure the person would (i) not

1 endanger public safety while awaiting trial and (ii) appear in
2 court as directed.

3 (2) Courts should first and foremost consider nonfinancial
4 bail alternatives and release on recognizance. To the extent
5 that it is used, money bail should be a method of release, not
6 a de facto method of detention, and must be attainable. No
7 defendant should be detained solely because they are
8 financially unable to post a money bond.

9 (3) Decisions regarding release, conditions of release,
10 and detention prior to trial should be individualized.

11 (4) Locally imposed exceptions to release of individuals
12 who are statutorily eligible for pretrial release shall be
13 precluded.

14 (5) Limited preventive detention of individuals charged
15 with statutory delineated exceptions shall be allowed, but
16 only after a due process hearing at which the individual's
17 risk to public safety or risk of flight is lawfully
18 established by clear and convincing evidence.

19 (6) Pretrial detention of any individual solely due to
20 inability to meet a financial condition of release shall be
21 prohibited.

22 (7) A systematic mechanism to identify any individual who
23 remains in custody solely due to inability to meet a financial
24 condition of release shall be established and used to cause
25 prompt reconsideration in that case.

26 (8) The entire pretrial services system must be fair,

1 efficient, transparent, accountable and adequately-resourced;
2 it must use legal and evidence-based practices and have an
3 operational structure guided by the National Institute of
4 Corrections.

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

6 Sec. 110-2. Compliance with conditions of bond; release on
7 recognizance ~~Pretrial release.~~

8 When from all the circumstances the court is of the
9 opinion that the defendant will appear as required either
10 before or after conviction and the defendant will not pose a
11 danger to any person or the community and that the defendant
12 will comply with all conditions of bond, which shall include
13 the defendant's current address with a written admonishment to
14 the defendant that he or she must comply with the provisions of
15 Section 110-12 of this Code regarding any change in his or her
16 address, the defendant may be released on his or her own
17 recognizance. The defendant's address shall at all times
18 remain a matter of public record with the clerk of the court. A
19 failure to appear as required by such recognizance shall
20 constitute an offense subject to the penalty provided in
21 Section 32-10 of the Criminal Code of 2012 for violation of the
22 bail bond, and any obligated sum fixed in the recognizance
23 shall be forfeited and collected in accordance with subsection
24 (g) of Section 110-7 of this Code. ~~(a) All persons charged with~~
25 ~~an offense shall be eligible for pretrial release before~~

1 ~~conviction. It is presumed that a defendant is entitled to~~
2 ~~release on personal recognizance on the condition that the~~
3 ~~defendant attend all required court proceedings and the~~
4 ~~defendant does not commit any criminal offense, and complies~~
5 ~~with all terms of pretrial release, including, but not limited~~
6 ~~to, orders of protection under both Section 112A 4 of this~~
7 ~~Code and Section 214 of the Illinois Domestic Violence Act of~~
8 ~~1986, all civil no contact orders, and all stalking no contact~~
9 ~~orders. Pretrial release may be denied only if a person is~~
10 ~~charged with an offense listed in Section 110-6.1 and after~~
11 ~~the court has held a hearing under Section 110-6.1, and in a~~
12 ~~manner consistent with subsections (b), (c), and (d) of this~~
13 ~~Section.~~

14 ~~(b) At all pretrial hearings, the prosecution shall have~~
15 ~~the burden to prove by clear and convincing evidence that any~~
16 ~~condition of release is necessary.~~

17 ~~(c) When it is alleged that pretrial release should be~~
18 ~~denied to a person upon the grounds that the person presents a~~
19 ~~real and present threat to the safety of any person or persons~~
20 ~~or the community, based on the specific articulable facts of~~
21 ~~the case, the burden of proof of such allegations shall be upon~~
22 ~~the State.~~

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

1 ~~(e)~~ This Section shall be liberally construed to
2 effectuate the purpose of relying upon contempt of court
3 proceedings or criminal sanctions instead of financial loss to
4 assure the appearance of the defendant, and that the defendant
5 will not pose a danger to any person or the community and that
6 the defendant will comply with all conditions of bond.
7 Monetary bail should be set only when it is determined that no
8 other conditions of release will reasonably assure the
9 defendant's appearance in court, that the defendant does not
10 present a danger to any person or the community and that the
11 defendant will comply with all conditions of bond ~~on pretrial~~
12 ~~release by nonmonetary means to reasonably ensure an eligible~~
13 ~~person's appearance in court, the protection of the safety of~~
14 ~~any other person or the community, that the person will not~~
15 ~~attempt or obstruct the criminal justice process, and the~~
16 ~~person's compliance with all conditions of release, while~~
17 ~~authorizing the court, upon motion of a prosecutor, to order~~
18 ~~pretrial detention of the person under Section 110-6.1 when it~~
19 ~~finds clear and convincing evidence that no condition or~~
20 ~~combination of conditions can reasonably ensure the~~
21 ~~effectuation of these goals.~~

22 The State may appeal any order permitting release by
23 personal recognizance.

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

25 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

1 Sec. 110-3. Issuance of warrant ~~Options for warrant~~
2 ~~alternatives.~~

3 (a) Upon failure to comply with any condition of a bail
4 bond or recognizance ~~pretrial release~~, the court having
5 jurisdiction at the time of such failure may, in addition to
6 any other action provided by law, issue a warrant for the
7 arrest of the person at liberty on bail or his own
8 recognizance. The contents of such a warrant shall be the same
9 as required for an arrest warrant issued upon complaint. When
10 a defendant is at liberty on bail or his own recognizance on a
11 felony charge and fails to appear in court as directed, the
12 court shall issue a warrant for the arrest of such person. Such
13 warrant shall be noted with a directive to peace officers to
14 arrest the person and hold such person without bail and to
15 deliver such person before the court for further proceedings.

16 **(b) A defendant who is arrested or surrenders within 30**
17 **days of the issuance of such warrant shall not be bailable in**
18 **the case in question unless he shows by the preponderance of**
19 **the evidence that his failure to appear was not intentional.**
20 ~~on its own motion or upon motion from the State, issue a~~
21 ~~summons or a warrant for the arrest of the person at liberty on~~
22 ~~pretrial release. This Section shall be construed to~~
23 ~~effectuate the goal of relying upon summonses rather than~~
24 ~~warrants to ensure the appearance of the defendant in court~~
25 ~~whenever possible. The contents of such a summons or warrant~~
26 ~~shall be the same as required for those issued upon complaint~~

1 ~~under Section 107-9.~~

2 ~~(b) A defendant who appears in court on the date assigned~~
3 ~~or within 48 hours of service, whichever is later, in response~~
4 ~~to a summons issued for failure to appear in court, shall not~~
5 ~~be recorded in the official docket as having failed to appear~~
6 ~~on the initial missed court date. If a person fails to appear~~
7 ~~in court on the date listed on the summons, the court may issue~~
8 ~~a warrant for the person's arrest.~~

9 ~~(c) For the purpose of any risk assessment or future~~
10 ~~evaluation of risk of willful flight or risk of failure to~~
11 ~~appear, a nonappearance in court cured by an appearance in~~
12 ~~response to a summons shall not be considered as evidence of~~
13 ~~future likelihood of appearance in court.~~

14 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
15 102-1104, eff. 1-1-23.)

16 (725 ILCS 5/110-4.1 new)

17 Sec. 110-4.1. Bailable offenses.

18 (a) All persons shall be bailable before conviction,
19 except the following offenses where the proof is evident or
20 the presumption great that the defendant is guilty of the
21 offense: capital offenses; offenses for which a sentence of
22 life imprisonment may be imposed as a consequence of
23 conviction; felony offenses for which a sentence of
24 imprisonment, without conditional and revocable release, shall
25 be imposed by law as a consequence of conviction, where the

1 court after a hearing, determines that the release of the
2 defendant would pose a real and present threat to the physical
3 safety of any person or persons; stalking or aggravated
4 stalking, where the court, after a hearing, determines that
5 the release of the defendant would pose a real and present
6 threat to the physical safety of the alleged victim of the
7 offense and denial of bail is necessary to prevent fulfillment
8 of the threat upon which the charge is based; or unlawful use
9 of weapons in violation of item (4) of subsection (a) of
10 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 when that offense occurred in a school or in any
12 conveyance owned, leased, or contracted by a school to
13 transport students to or from school or a school-related
14 activity, or on any public way within 1,000 feet of real
15 property comprising any school, where the court, after a
16 hearing, determines that the release of the defendant would
17 pose a real and present threat to the physical safety of any
18 person and denial of bail is necessary to prevent fulfillment
19 of that threat; or making a terrorist threat in violation of
20 Section 29D-20 of the Criminal Code of 1961 or the Criminal
21 Code of 2012 or an attempt to commit the offense of making a
22 terrorist threat, where the court, after a hearing, determines
23 that the release of the defendant would pose a real and present
24 threat to the physical safety of any person and denial of bail
25 is necessary to prevent fulfillment of that threat.

26 (b) A person seeking release on bail who is charged with a

1 capital offense or an offense for which a sentence of life
2 imprisonment may be imposed shall not be bailable until a
3 hearing is held wherein such person has the burden of
4 demonstrating that the proof of his guilt is not evident and
5 the presumption is not great.

6 (c) Where it is alleged that bail should be denied to a
7 person upon the grounds that the person presents a real and
8 present threat to the physical safety of any person or
9 persons, the burden of proof of such allegations shall be upon
10 the State.

11 (d) When it is alleged that bail should be denied to a
12 person charged with stalking or aggravated stalking upon the
13 grounds set forth in Section 110-6.3 of this Code, the burden
14 of proof of those allegations shall be upon the State.

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

16 Sec. 110-5. Determining the amount of bail and conditions
17 of release.

18 (a) In determining the amount of monetary bail or ~~which~~
19 ~~conditions of pretrial~~ release, if any, will reasonably ensure
20 the appearance of a defendant as required or the safety of any
21 other person or the community and the likelihood of compliance
22 by the defendant with all the conditions of bail ~~pretrial~~
23 ~~release~~, the court shall, on the basis of available
24 information, take into account such matters as:

25 (1) the nature and circumstances of the offense

1 charged;

2 (2) the weight of the evidence against the defendant,
3 except that the court may consider the admissibility of
4 any evidence sought to be excluded;

5 (3) the history and characteristics of the defendant,
6 including:

7 (A) the defendant's character, physical and mental
8 condition, family ties, employment, financial
9 resources, length of residence in the community,
10 community ties, past relating to drug or alcohol
11 abuse, conduct, history criminal history, and record
12 concerning appearance at court proceedings; and

13 (B) whether, at the time of the current offense or
14 arrest, the defendant was on probation, parole, or on
15 other release pending trial, sentencing, appeal, or
16 completion of sentence for an offense under federal
17 law, or the law of this or any other state;

18 (4) the nature and seriousness of risk of obstructing
19 or attempting to obstruct the criminal justice process
20 that would be posed by the eligible defendant's release,
21 if applicable; and ~~the real and present threat to the~~
22 ~~safety of any person or persons or the community, based on~~
23 ~~the specific articulable facts of the case, that would be~~
24 ~~posed by the defendant's release, if applicable, as~~
25 ~~required under paragraph (7.5) of Section 4 of the Rights~~
26 ~~of Crime Victims and Witnesses Act;~~

1 (4.1) the release recommendation of the pretrial
2 services agency, obtained using a risk assessment
3 instrument.

4 The court may consider the risk assessed through an
5 actuarial pretrial risk assessment instrument, except that the
6 court may not detain based solely on the results of that
7 instrument.

8 (a-1) The Court shall, upon a detention determination,
9 state in writing the factual basis for its finding that, by
10 clear and convincing evidence, the defendant poses an
11 unmanageable risk to commit a violent offense or to willfully
12 fail to appear for scheduled court appearances and explaining
13 why less restrictive conditions of release would be
14 insufficient to protect the public or ensure that the
15 defendant returns to court. This written finding shall be
16 entered in every instance in which detention is ordered or in
17 which the conditions imposed by the court do not result in the
18 defendant's immediate release.

19 (a-5) There shall be a presumption that any conditions of
20 release imposed shall be non-monetary in nature and the court
21 shall impose the least restrictive and individualized
22 conditions or combination of conditions necessary to
23 reasonably assure the appearance of the defendant for further
24 court proceedings, provide reasonable assurance of public
25 safety, and protect the integrity of the judicial proceedings
26 from a specific threat to a witness or participant. Conditions

1 of release may include, but not be limited to, electronic home
2 monitoring, drug counseling, stay-away orders, and in-person
3 reporting. The court shall consider the defendant's
4 socio-economic circumstance when setting conditions of release
5 or imposing monetary bail. Conditions of bail requiring the
6 defendant to be placed on electronic home monitoring or to
7 undergo drug counseling are appropriate when used in
8 accordance with national best practices as detailed in the
9 Pretrial Supervision Standards of the Illinois Supreme Court.

10 (b) The amount of bail shall be:

11 (1) Sufficient to assure compliance with the
12 conditions set forth in the bail bond, which shall include
13 the defendant's current address with a written
14 admonishment to the defendant that he or she must comply
15 with the provisions of Section 110-12 regarding any change
16 in his or her address. The defendant's address shall at
17 all times remain a matter of public record with the clerk
18 of the court.

19 (2) Not oppressive.

20 (3) Considerate of the financial ability of the
21 accused.

22 (b-1) No defendant shall be solely detained due to his or
23 her inability to meet a financial condition of release.

24 (b-2) Sequential review procedures shall be adopted to
25 review pretrial release and detention decisions throughout the
26 pendency of the case.

1 (b-3) A defendant shall receive verbal and written
2 notification of all court-imposed bail conditions with clear
3 instructions for each condition. A Defendant shall also
4 receive verbal and written notification of subsequent court
5 dates, including date, time, and courtroom.

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

9 (d) When a person has been convicted of an offense and only
10 a fine has been imposed the amount of the bail shall not exceed
11 double the amount of the fine.

12 (e) The State may appeal any order granting bail or
13 setting a given amount for bail.

14 ~~(5) the nature and seriousness of the risk of~~
15 ~~obstructing or attempting to obstruct the criminal justice~~
16 ~~process that would be posed by the defendant's release, if~~
17 ~~applicable;~~

18 ~~(6) when a person is charged with a violation of a~~
19 ~~protective order, domestic battery, aggravated domestic~~
20 ~~battery, kidnapping, aggravated kidnapping, unlawful~~
21 ~~restraint, aggravated unlawful restraint, cyberstalking,~~
22 ~~harassment by telephone, harassment through electronic~~
23 ~~communications, or an attempt to commit first degree~~
24 ~~murder committed against a spouse or a current or former~~
25 ~~partner in a cohabitation or dating relationship,~~
26 ~~regardless of whether an order of protection has been~~

1 ~~issued against the person, the court may consider the~~
2 ~~following additional factors:~~

3 ~~(A) whether the alleged incident involved~~
4 ~~harassment or abuse, as defined in the Illinois~~
5 ~~Domestic Violence Act of 1986;~~

6 ~~(B) whether the person has a history of domestic~~
7 ~~violence, as defined in the Illinois Domestic Violence~~
8 ~~Act of 1986, or a history of other criminal acts;~~

9 ~~(C) the mental health of the person;~~

10 ~~(D) whether the person has a history of violating~~
11 ~~the orders of any court or governmental entity;~~

12 ~~(E) whether the person has been, or is,~~
13 ~~potentially a threat to any other person;~~

14 ~~(F) whether the person has access to deadly~~
15 ~~weapons or a history of using deadly weapons;~~

16 ~~(G) whether the person has a history of abusing~~
17 ~~alcohol or any controlled substance;~~

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

26 ~~(I) whether a separation of the person from the~~

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

4 ~~(J) whether the person has exhibited obsessive or~~
5 ~~controlling behaviors toward the victim of abuse,~~
6 ~~including, but not limited to, stalking, surveillance,~~
7 ~~or isolation of the victim of abuse or the victim's~~
8 ~~family member or members;~~

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

11 ~~(L) any other factors deemed by the court to have a~~
12 ~~reasonable bearing upon the defendant's propensity or~~
13 ~~reputation for violent, abusive, or assaultive~~
14 ~~behavior, or lack of that behavior.~~

15 ~~(7) in cases of stalking or aggravated stalking under~~
16 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
17 ~~court may consider the factors listed in paragraph (6) and~~
18 ~~the following additional factors:~~

19 ~~(A) any evidence of the defendant's prior criminal~~
20 ~~history indicative of violent, abusive or assaultive~~
21 ~~behavior, or lack of that behavior; the evidence may~~
22 ~~include testimony or documents received in juvenile~~
23 ~~proceedings, criminal, quasi-criminal, civil~~
24 ~~commitment, domestic relations, or other proceedings;~~

25 ~~(B) any evidence of the defendant's psychological,~~
26 ~~psychiatric, or other similar social history that~~

1 ~~tends to indicate a violent, abusive, or assaultive~~
2 ~~nature, or lack of any such history;~~

3 ~~(C) the nature of the threat that is the basis of~~
4 ~~the charge against the defendant;~~

5 ~~(D) any statements made by, or attributed to, the~~
6 ~~defendant, together with the circumstances surrounding~~
7 ~~them;~~

8 ~~(E) the age and physical condition of any person~~
9 ~~allegedly assaulted by the defendant;~~

10 ~~(F) whether the defendant is known to possess or~~
11 ~~have access to any weapon or weapons; and~~

12 ~~(G) any other factors deemed by the court to have a~~
13 ~~reasonable bearing upon the defendant's propensity or~~
14 ~~reputation for violent, abusive, or assaultive~~
15 ~~behavior, or lack of that behavior.~~

16 (f) When a person is charged with a violation of an order
17 of protection under Section 12-3.4 or 12-30 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 or when a person is
19 charged with domestic battery, aggravated domestic battery,
20 kidnapping, aggravated kidnaping, unlawful restraint,
21 aggravated unlawful restraint, stalking, aggravated stalking,
22 cyberstalking, harassment by telephone, harassment through
23 electronic communications, or an attempt to commit first
24 degree murder committed against an intimate partner regardless
25 whether an order of protection has been issued against the
26 person,

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

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

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

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

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

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

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

16 (8) based on the severity of the alleged incident that
17 is the basis of the alleged offense, including, but not
18 limited to, the duration of the current incident, and
19 whether the alleged incident involved the use of a weapon,
20 physical injury, sexual assault, strangulation, abuse
21 during the alleged victim's pregnancy, abuse of pets, or
22 forcible entry to gain access to the alleged victim;

23 (9) whether a separation of the person from the
24 alleged victim or a termination of the relationship
25 between the person and the alleged victim has recently
26 occurred or is pending;

1 (10) whether the person has exhibited obsessive or
2 controlling behaviors toward the alleged victim,
3 including, but not limited to, stalking, surveillance, or
4 isolation of the alleged victim or victim's family member
5 or members;

6 (11) whether the person has expressed suicidal or
7 homicidal ideations;

8 (12) based on any information contained in the
9 complaint and any police reports, affidavits, or other
10 documents accompanying the complaint,

11 the court may, in its discretion, order the respondent to
12 undergo a risk assessment evaluation using a recognized,
13 evidence-based instrument conducted by an Illinois Department
14 of Human Services approved partner abuse intervention program
15 provider, pretrial service, probation, or parole agency. These
16 agencies shall have access to summaries of the defendant's
17 criminal history, which shall not include victim interviews or
18 information, for the risk evaluation. Based on the information
19 collected from the 12 points to be considered at a bail hearing
20 under this subsection (f), the results of any risk evaluation
21 conducted and the other circumstances of the violation, the
22 court may order that the person, as a condition of bail, be
23 placed under electronic surveillance as provided in Section
24 5-8A-7 of the Unified Code of Corrections. Upon making a
25 determination whether or not to order the respondent to
26 undergo a risk assessment evaluation or to be placed under

1 electronic surveillance and risk assessment, the court shall
2 document in the record the court's reasons for making those
3 determinations. The cost of the electronic surveillance and
4 risk assessment shall be paid by, or on behalf, of the
5 defendant. As used in this subsection (f), "intimate partner"
6 means a spouse or a current or former partner in a cohabitation
7 or dating relationship.

8 ~~(b) The court may use a regularly validated risk~~
9 ~~assessment tool to aid its determination of appropriate~~
10 ~~conditions of release as provided under Section 110-6.4. If a~~
11 ~~risk assessment tool is used, the defendant's counsel shall be~~
12 ~~provided with the information and scoring system of the risk~~
13 ~~assessment tool used to arrive at the determination. The~~
14 ~~defendant retains the right to challenge the validity of a~~
15 ~~risk assessment tool used by the court and to present evidence~~
16 ~~relevant to the defendant's challenge.~~

17 ~~(c) The court shall impose any conditions that are~~
18 ~~mandatory under subsection (a) of Section 110-10. The court~~
19 ~~may impose any conditions that are permissible under~~
20 ~~subsection (b) of Section 110-10. The conditions of release~~
21 ~~imposed shall be the least restrictive conditions or~~
22 ~~combination of conditions necessary to reasonably ensure the~~
23 ~~appearance of the defendant as required or the safety of any~~
24 ~~other person or persons or the community.~~

25 ~~(d) When a person is charged with a violation of a~~
26 ~~protective order, the court may order the defendant placed~~

1 ~~under electronic surveillance as a condition of pretrial~~
2 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~
3 ~~Corrections, based on the information collected under~~
4 ~~paragraph (6) of subsection (a) of this Section, the results~~
5 ~~of any assessment conducted, or other circumstances of the~~
6 ~~violation.~~

7 ~~(e) If a person remains in pretrial detention 48 hours~~
8 ~~after having been ordered released with pretrial conditions,~~
9 ~~the court shall hold a hearing to determine the reason for~~
10 ~~continued detention. If the reason for continued detention is~~
11 ~~due to the unavailability or the defendant's ineligibility for~~
12 ~~one or more pretrial conditions previously ordered by the~~
13 ~~court or directed by a pretrial services agency, the court~~
14 ~~shall reopen the conditions of release hearing to determine~~
15 ~~what available pretrial conditions exist that will reasonably~~
16 ~~ensure the appearance of a defendant as required, the safety~~
17 ~~of any other person, and the likelihood of compliance by the~~
18 ~~defendant with all the conditions of pretrial release. The~~
19 ~~inability of the defendant to pay for a condition of release or~~
20 ~~any other ineligibility for a condition of pretrial release~~
21 ~~shall not be used as a justification for the pretrial~~
22 ~~detention of that defendant.~~

23 ~~(f) Prior to the defendant's first appearance, and with~~
24 ~~sufficient time for meaningful attorney-client contact to~~
25 ~~gather information in order to advocate effectively for the~~
26 ~~defendant's pretrial release, the court shall appoint the~~

1 ~~public defender or a licensed attorney at law of this State to~~
2 ~~represent the defendant for purposes of that hearing, unless~~
3 ~~the defendant has obtained licensed counsel. Defense counsel~~
4 ~~shall have access to the same documentary information relied~~
5 ~~upon by the prosecution and presented to the court.~~

6 ~~(f 5) At each subsequent appearance of the defendant~~
7 ~~before the court, the judge must find that the current~~
8 ~~conditions imposed are necessary to reasonably ensure the~~
9 ~~appearance of the defendant as required, the safety of any~~
10 ~~other person, and the compliance of the defendant with all the~~
11 ~~conditions of pretrial release. The court is not required to~~
12 ~~be presented with new information or a change in circumstance~~
13 ~~to remove pretrial conditions.~~

14 ~~(g) Electronic monitoring, GPS monitoring, or home~~
15 ~~confinement can only be imposed as a condition of pretrial~~
16 ~~release if a no less restrictive condition of release or~~
17 ~~combination of less restrictive condition of release would~~
18 ~~reasonably ensure the appearance of the defendant for later~~
19 ~~hearings or protect an identifiable person or persons from~~
20 ~~imminent threat of serious physical harm.~~

21 ~~(h) If the court imposes electronic monitoring, GPS~~
22 ~~monitoring, or home confinement, the court shall set forth in~~
23 ~~the record the basis for its finding. A defendant shall be~~
24 ~~given custodial credit for each day he or she was subjected to~~
25 ~~home confinement, at the same rate described in subsection (b)~~
26 ~~of Section 5 4.5 100 of the Unified Code of Corrections. The~~

1 ~~court may give custodial credit to a defendant for each day the~~
2 ~~defendant was subjected to GPS monitoring without home~~
3 ~~confinement or electronic monitoring without home confinement.~~

4 ~~(i) If electronic monitoring, GPS monitoring, or home~~
5 ~~confinement is imposed, the court shall determine every 60~~
6 ~~days if no less restrictive condition of release or~~
7 ~~combination of less restrictive conditions of release would~~
8 ~~reasonably ensure the appearance, or continued appearance, of~~
9 ~~the defendant for later hearings or protect an identifiable~~
10 ~~person or persons from imminent threat of serious physical~~
11 ~~harm. If the court finds that there are less restrictive~~
12 ~~conditions of release, the court shall order that the~~
13 ~~condition be removed. This subsection takes effect January 1,~~
14 ~~2022.~~

15 ~~(g)-(j)~~ Crime Victims shall be given notice by the State's
16 Attorney's office of this hearing as required in paragraph (1)
17 of subsection (b) of Section 4.5 of the Rights of Crime Victims
18 and Witnesses Act and shall be informed of their opportunity
19 at this hearing to obtain a protective order.

20 ~~(k) The State and defendants may appeal court orders~~
21 ~~imposing conditions of pretrial release.~~

22 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
23 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
24 1-1-23.)

1 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial
2 detainee.

3 (a) It is the policy of this State that a pre-trial
4 detainee shall not be required to deliver a child while in
5 custody absent a finding by the court that continued pre-trial
6 custody is necessary to alleviate a real and present threat to
7 the safety of any person or persons or the community, based on
8 the specific articulable facts of the case, or prevent the
9 defendant's willful flight.

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

14 (1) the pregnant pretrial detainee is charged with an
15 offense for which pretrial release may be denied under
16 Section 110-6.1; and

17 (2) after a hearing under Section 110-6.1 that
18 considers the circumstances of the pregnancy, the court
19 determines that continued detention is the only way to
20 prevent a real and present threat to the safety of any
21 person or persons or the community, based on the specific
22 articulable facts of the case, or prevent the defendant's
23 willful flight.

24 (c) Electronic Monitoring may be ordered by the court only
25 if no less restrictive condition of release or combination of
26 less restrictive conditions of release would reasonably ensure

1 the appearance, or continued appearance, of the defendant for
2 later hearings or protect an identifiable person or persons
3 from imminent threat of serious physical harm. All pregnant
4 people or those who have given birth within 6 weeks shall be
5 granted ample movement to attend doctor's appointments and for
6 emergencies related to the health of the pregnancy, infant, or
7 postpartum person.

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

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

12 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

13 Sec. 110-6. Modification of bail or conditions ~~Revocation~~
14 ~~of pretrial release, modification of conditions of pretrial~~
15 ~~release, and sanctions for violations of conditions of~~
16 ~~pretrial release.~~

17 (a) (Blank). ~~When a defendant has previously been granted~~
18 ~~pretrial release under this Section for a felony or Class A~~
19 ~~misdemeanor, that pretrial release may be revoked only if the~~
20 ~~defendant is charged with a felony or Class A misdemeanor that~~
21 ~~is alleged to have occurred during the defendant's pretrial~~
22 ~~release after a hearing on the court's own motion or upon the~~
23 ~~filing of a verified petition by the State.~~

24 ~~When a defendant released pretrial is charged with a~~
25 ~~violation of a protective order or was previously convicted of~~

1 ~~a violation of a protective order and the subject of the~~
2 ~~protective order is the same person as the victim in the~~
3 ~~current underlying matter, the State shall file a verified~~
4 ~~petition seeking revocation of pretrial release.~~

5 ~~Upon the filing of a petition or upon motion of the court~~
6 ~~seeking revocation, the court shall order the transfer of the~~
7 ~~defendant and the petition or motion to the court before which~~
8 ~~the previous felony or Class A misdemeanor is pending. The~~
9 ~~defendant may be held in custody pending transfer to and a~~
10 ~~hearing before such court. The defendant shall be transferred~~
11 ~~to the court before which the previous matter is pending~~
12 ~~without unnecessary delay, and the revocation hearing shall~~
13 ~~occur within 72 hours of the filing of the State's petition or~~
14 ~~the court's motion for revocation.~~

15 ~~A hearing at which pretrial release may be revoked must be~~
16 ~~conducted in person (and not by way of two way audio visual~~
17 ~~communication) unless the accused waives the right to be~~
18 ~~present physically in court, the court determines that the~~
19 ~~physical health and safety of any person necessary to the~~
20 ~~proceedings would be endangered by appearing in court, or the~~
21 ~~chief judge of the circuit orders use of that system due to~~
22 ~~operational challenges in conducting the hearing in person.~~
23 ~~Such operational challenges must be documented and approved by~~
24 ~~the chief judge of the circuit, and a plan to address the~~
25 ~~challenges through reasonable efforts must be presented and~~
26 ~~approved by the Administrative Office of the Illinois Courts~~

1 ~~every 6 months.~~

2 ~~The court before which the previous felony matter or Class~~
3 ~~A misdemeanor is pending may revoke the defendant's pretrial~~
4 ~~release after a hearing. During the hearing for revocation,~~
5 ~~the defendant shall be represented by counsel and have an~~
6 ~~opportunity to be heard regarding the violation and evidence~~
7 ~~in mitigation. The court shall consider all relevant~~
8 ~~circumstances, including, but not limited to, the nature and~~
9 ~~seriousness of the violation or criminal act alleged. The~~
10 ~~State shall bear the burden of proving, by clear and~~
11 ~~convincing evidence, that no condition or combination of~~
12 ~~conditions of release would reasonably ensure the appearance~~
13 ~~of the defendant for later hearings or prevent the defendant~~
14 ~~from being charged with a subsequent felony or Class A~~
15 ~~misdemeanor.~~

16 ~~In lieu of revocation, the court may release the defendant~~
17 ~~pre trial, with or without modification of conditions of~~
18 ~~pretrial release.~~

19 ~~If the case that caused the revocation is dismissed, the~~
20 ~~defendant is found not guilty in the case causing the~~
21 ~~revocation, or the defendant completes a lawfully imposed~~
22 ~~sentence on the case causing the revocation, the court shall,~~
23 ~~without unnecessary delay, hold a hearing on conditions of~~
24 ~~pretrial release pursuant to Section 110-5 and release the~~
25 ~~defendant with or without modification of conditions of~~
26 ~~pretrial release.~~

1 ~~Both the State and the defendant may appeal an order~~
2 ~~revoking pretrial release or denying a petition for revocation~~
3 ~~of release.~~

4 (b) (Blank). ~~If a defendant previously has been granted~~
5 ~~pretrial release under this Section for a Class B or Class C~~
6 ~~misdemeanor offense, a petty or business offense, or an~~
7 ~~ordinance violation and if the defendant is subsequently~~
8 ~~charged with a felony that is alleged to have occurred during~~
9 ~~the defendant's pretrial release or a Class A misdemeanor~~
10 ~~offense that is alleged to have occurred during the~~
11 ~~defendant's pretrial release, such pretrial release may not be~~
12 ~~revoked, but the court may impose sanctions under subsection~~
13 ~~(e).~~

14 (c) (Blank). ~~The court shall follow the procedures set~~
15 ~~forth in Section 110-3 to ensure the defendant's appearance in~~
16 ~~court if the defendant:~~

17 ~~(1) fails to appear in court as required by the~~
18 ~~defendant's conditions of release;~~

19 ~~(2) is charged with a felony or Class A misdemeanor~~
20 ~~offense that is alleged to have occurred during the~~
21 ~~defendant's pretrial release after having been previously~~
22 ~~granted pretrial release for a Class B or Class C~~
23 ~~misdemeanor, a petty or business offense, or an ordinance~~
24 ~~violation that is alleged to have occurred during the~~
25 ~~defendant's pretrial release;~~

26 ~~(3) is charged with a Class B or C misdemeanor~~

1 ~~offense, petty or business offense, or ordinance violation~~
2 ~~that is alleged to have occurred during the defendant's~~
3 ~~pretrial release; or~~

4 ~~(4) violates any other condition of pretrial release~~
5 ~~set by the court.~~

6 ~~In response to a violation described in this subsection,~~
7 ~~the court may issue a warrant specifying that the defendant~~
8 ~~must appear before the court for a hearing for sanctions and~~
9 ~~may not be released by law enforcement before that appearance.~~

10 (d) (Blank). ~~When a defendant appears in court pursuant to~~
11 ~~a summons or warrant issued in accordance with Section 110-3~~
12 ~~or after being arrested for an offense that is alleged to have~~
13 ~~occurred during the defendant's pretrial release, the State~~
14 ~~may file a verified petition requesting a hearing for~~
15 ~~sanctions.~~

16 (e) (Blank). ~~During the hearing for sanctions, the~~
17 ~~defendant shall be represented by counsel and have an~~
18 ~~opportunity to be heard regarding the violation and evidence~~
19 ~~in mitigation. The State shall bear the burden of proving by~~
20 ~~clear and convincing evidence that:~~

21 ~~(1) the defendant committed an act that violated a~~
22 ~~term of the defendant's pretrial release;~~

23 ~~(2) the defendant had actual knowledge that the~~
24 ~~defendant's action would violate a court order;~~

25 ~~(3) the violation of the court order was willful; and~~

26 ~~(4) the violation was not caused by a lack of access to~~

1 ~~financial monetary resources.~~

2 (f) (Blank). ~~Sanctions for violations of pretrial release~~
3 ~~may include:~~

4 ~~(1) a verbal or written admonishment from the court;~~

5 ~~(2) imprisonment in the county jail for a period not~~
6 ~~exceeding 30 days;~~

7 ~~(3) (Blank); or~~

8 ~~(4) a modification of the defendant's pretrial~~
9 ~~conditions.~~

10 (g) (Blank). ~~The court may, at any time, after motion by~~
11 ~~either party or on its own motion, remove previously set~~
12 ~~conditions of pretrial release, subject to the provisions in~~
13 ~~this subsection. The court may only add or increase conditions~~
14 ~~of pretrial release at a hearing under this Section.~~

15 ~~The court shall not remove a previously set condition of~~
16 ~~pretrial release regulating contact with a victim or witness~~
17 ~~in the case, unless the subject of the condition has been given~~
18 ~~notice of the hearing as required in paragraph (1) of~~
19 ~~subsection (b) of Section 4.5 of the Rights of Crime Victims~~
20 ~~and Witnesses Act. If the subject of the condition of release~~
21 ~~is not present, the court shall follow the procedures of~~
22 ~~paragraph (10) of subsection (c-1) of the Rights of Crime~~
23 ~~Victims and Witnesses Act.~~

24 (h) Crime victims shall be given notice by the State's
25 Attorney's office of all hearings under this Section as
26 required in paragraph (1) of subsection (b) of Section 4.5 of

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

18 (h-1) In addition to any other available motion or
19 procedure under this Code, a person in custody solely for a
20 Category B offense due to an inability to post monetary bail
21 shall be brought before the court at the next available court
22 date or 7 calendar days from the date bail was set, whichever
23 is earlier, for a rehearing on the amount or conditions of bail
24 or release pending further court proceedings. The court may
25 reconsider conditions of release for any other person whose
26 inability to post monetary bail is the sole reason for

1 continued incarceration, including a person in custody for a
2 Category A offense or a Category A offense and a Category B
3 offense. The court may deny the rehearing permitted under this
4 subsection (h-1) if the person has failed to appear as
5 required before the court and is incarcerated based on a
6 warrant for failure to appear on the same original criminal
7 offense.

8 (h-2) Violation of the conditions of Section 110-10 of
9 this Code or any special conditions of bail as ordered by the
10 court shall constitute grounds for the court to increase the
11 amount of bail, or otherwise alter the conditions of bail, or,
12 where the alleged offense committed on bail is a forcible
13 felony in Illinois or a Class 2 or greater offense under the
14 Illinois Controlled Substances Act, the Cannabis Control Act,
15 or the Methamphetamine Control and Community Protection Act,
16 revoke bail pursuant to the appropriate provisions of
17 subsection (h-5).

18 (h-3) Reasonable notice of such application by the
19 defendant shall be given to the State.

20 (h-4) Reasonable notice of such application by the State
21 shall be given to the defendant, except as provided in
22 subsection (h-5).

23 (h-5) Upon verified application by the State stating facts
24 or circumstances constituting a violation or a threatened
25 violation of any of the conditions of the bail bond the court
26 may issue a warrant commanding any peace officer to bring the

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

23 (h-6) Where the alleged violation consists of the
24 violation of one or more felony statutes of any jurisdiction
25 which would be a forcible felony in Illinois or a Class 2 or
26 greater offense under the Illinois Controlled Substances Act,

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

16 (1) The court shall hold the defendant without bail
17 pending the hearing on the alleged breach; however, if the
18 defendant is not admitted to bail the hearing shall be
19 commenced within 10 days from the date the defendant is
20 taken into custody or the defendant may not be held any
21 longer without bail, unless delay is occasioned by the
22 defendant. Where defendant occasions the delay, the
23 running of the 10 day period is temporarily suspended and
24 resumes at the termination of the period of delay. Where
25 defendant occasions the delay with 5 or fewer days
26 remaining in the 10 day period, the court may grant a

1 period of up to 5 additional days to the State for good
2 cause shown. The State, however, shall retain the right to
3 proceed to hearing on the alleged violation at any time,
4 upon reasonable notice to the defendant and the court.

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

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

24 (4) If the bail of any defendant is revoked pursuant
25 to paragraph (3) of this subsection, the defendant may
26 demand and shall be entitled to be brought to trial on the

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

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

24 (h-6) The State may appeal any order where the court has
25 increased or reduced the amount of bail or altered the
26 conditions of the bail bond or granted bail where it has

1 previously been revoked.

2 (i) (Blank). ~~Nothing in this Section shall be construed~~
3 ~~to limit the State's ability to file a verified petition~~
4 ~~seeking denial of pretrial release under subsection (a) of~~
5 ~~Section 110-6.1 or subdivision (d) (2) of Section 110-6.1.~~

6 (j) (Blank). ~~At each subsequent appearance of the~~
7 ~~defendant before the court, the judge must find that continued~~
8 ~~detention under this Section is necessary to reasonably ensure~~
9 ~~the appearance of the defendant for later hearings or to~~
10 ~~prevent the defendant from being charged with a subsequent~~
11 ~~felony or Class A misdemeanor.~~

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

13 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

14 Sec. 110-6.1. Denial of bail for certain offenses ~~pretrial~~
15 ~~release.~~

16 (a) Upon verified petition by the State, the court shall
17 hold a hearing to determine whether bail should be denied to
18 ~~and may deny a defendant who pretrial release only if: (1) the~~
19 ~~defendant~~ is charged with a felony offense ~~other than a~~
20 ~~forcible felony~~ for which a sentence of imprisonment, without
21 probation, periodic imprisonment or conditional discharge, is
22 required by law upon conviction, when based on the charge or
23 ~~the defendant's criminal history, a sentence of imprisonment,~~
24 ~~without probation, periodic imprisonment or conditional~~
25 ~~discharge, is required by law upon conviction, and it is~~

1 alleged that the defendant's admission to bail poses a real
2 and present threat to the physical safety of any person or
3 persons. ~~pretrial release poses a real and present threat to~~
4 ~~the safety of any person or persons or the community, based on~~
5 ~~the specific articulable facts of the case;~~

6 ~~(1.5) the defendant's pretrial release poses a real~~
7 ~~and present threat to the safety of any person or persons~~
8 ~~or the community, based on the specific articulable facts~~
9 ~~of the case, and the defendant is charged with a forcible~~
10 ~~felony, which as used in this Section, means treason,~~
11 ~~first degree murder, second degree murder, predatory~~
12 ~~criminal sexual assault of a child, aggravated criminal~~
13 ~~sexual assault, criminal sexual assault, armed robbery,~~
14 ~~aggravated robbery, robbery, burglary where there is use~~
15 ~~of force against another person, residential burglary,~~
16 ~~home invasion, vehicular invasion, aggravated arson,~~
17 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~
18 ~~resulting in great bodily harm or permanent disability or~~
19 ~~disfigurement or any other felony which involves the~~
20 ~~threat of or infliction of great bodily harm or permanent~~
21 ~~disability or disfigurement;~~

22 ~~(2) the defendant is charged with stalking or~~
23 ~~aggravated stalking, and it is alleged that the~~
24 ~~defendant's pre-trial release poses a real and present~~
25 ~~threat to the safety of a victim of the alleged offense,~~
26 ~~and denial of release is necessary to prevent fulfillment~~

1 ~~of the threat upon which the charge is based;~~

2 ~~(3) the defendant is charged with a violation of an~~
3 ~~order of protection issued under Section 112A-14 of this~~
4 ~~Code or Section 214 of the Illinois Domestic Violence Act~~
5 ~~of 1986, a stalking no contact order under Section 80 of~~
6 ~~the Stalking No Contact Order Act, or of a civil no contact~~
7 ~~order under Section 213 of the Civil No Contact Order Act,~~
8 ~~and it is alleged that the defendant's pretrial release~~
9 ~~poses a real and present threat to the safety of any person~~
10 ~~or persons or the community, based on the specific~~
11 ~~articulable facts of the case;~~

12 ~~(4) the defendant is charged with domestic battery or~~
13 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
14 ~~of the Criminal Code of 2012 and it is alleged that the~~
15 ~~defendant's pretrial release poses a real and present~~
16 ~~threat to the safety of any person or persons or the~~
17 ~~community, based on the specific articulable facts of the~~
18 ~~case;~~

19 ~~(5) the defendant is charged with any offense under~~
20 ~~Article 11 of the Criminal Code of 2012, except for~~
21 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~
22 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~
23 ~~provisions of the Criminal Code of 1961 and it is alleged~~
24 ~~that the defendant's pretrial release poses a real and~~
25 ~~present threat to the safety of any person or persons or~~
26 ~~the community, based on the specific articulable facts of~~

1 ~~the case;~~

2 ~~(6) the defendant is charged with any of the following~~
3 ~~offenses under the Criminal Code of 2012, and it is~~
4 ~~alleged that the defendant's pretrial release poses a real~~
5 ~~and present threat to the safety of any person or persons~~
6 ~~or the community, based on the specific articulable facts~~
7 ~~of the case:~~

8 ~~(A) Section 24 1.2 (aggravated discharge of a~~
9 ~~firearm);~~

10 ~~(B) Section 24 2.5 (aggravated discharge of a~~
11 ~~machine gun or a firearm equipped with a device~~
12 ~~designed or used use for silencing the report of a~~
13 ~~firearm);~~

14 ~~(C) Section 24 1.5 (reckless discharge of a~~
15 ~~firearm);~~

16 ~~(D) Section 24 1.7 (unlawful possession of a~~
17 ~~firearm by a repeat felony offender);~~

18 ~~(E) Section 24 2.2 (manufacture, sale or transfer~~
19 ~~of bullets or shells represented to be armor piercing~~
20 ~~bullets, dragon's breath shotgun shells, bolo shells,~~
21 ~~or flechette shells);~~

22 ~~(F) Section 24 3 (unlawful sale or delivery of~~
23 ~~firearms);~~

24 ~~(G) Section 24 3.3 (unlawful sale or delivery of~~
25 ~~firearms on the premises of any school);~~

26 ~~(H) Section 24 34 (unlawful sale of firearms by~~

1 ~~liquor license);~~

2 ~~(I) Section 24-3.5 (unlawful purchase of a~~
3 ~~firearm);~~

4 ~~(J) Section 24-3A (gunrunning);~~

5 ~~(K) Section 24-3B (firearms trafficking);~~

6 ~~(L) Section 10-9 (b) (involuntary servitude);~~

7 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
8 ~~of a minor);~~

9 ~~(N) Section 10-9(d) (trafficking in persons);~~

10 ~~(O) Non probationable violations: (i) unlawful~~
11 ~~possession of weapons by felons or persons in the~~
12 ~~Custody of the Department of Corrections facilities~~
13 ~~(Section 24-1.1), (ii) aggravated unlawful possession~~
14 ~~of a weapon (Section 24-1.6), or (iii) aggravated~~
15 ~~possession of a stolen firearm (Section 24-3.9);~~

16 ~~(P) Section 9-3 (reckless homicide and involuntary~~
17 ~~manslaughter);~~

18 ~~(Q) Section 19-3 (residential burglary);~~

19 ~~(R) Section 10-5 (child abduction);~~

20 ~~(S) Felony violations of Section 12C-5 (child~~
21 ~~endangerment);~~

22 ~~(T) Section 12-7.1 (hate crime);~~

23 ~~(U) Section 10-3.1 (aggravated unlawful~~
24 ~~restraint);~~

25 ~~(V) Section 12-9 (threatening a public official);~~

26 ~~(W) Subdivision (f) (1) of Section 12-3.05~~

1 ~~(aggravated battery with a deadly weapon other than by~~
2 ~~discharge of a firearm);~~

3 ~~(6.5) the defendant is charged with any of the~~
4 ~~following offenses, and it is alleged that the defendant's~~
5 ~~pretrial release poses a real and present threat to the~~
6 ~~safety of any person or persons or the community, based on~~
7 ~~the specific articulable facts of the case:~~

8 ~~(A) Felony violations of Sections 3.01, 3.02, or~~
9 ~~3.03 of the Humane Care for Animals Act (cruel~~
10 ~~treatment, aggravated cruelty, and animal torture);~~

11 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~
12 ~~Illinois Vehicle Code (aggravated driving under the~~
13 ~~influence while operating a school bus with~~
14 ~~passengers);~~

15 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~
16 ~~Illinois Vehicle Code (aggravated driving under the~~
17 ~~influence causing great bodily harm);~~

18 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~
19 ~~Illinois Vehicle Code (aggravated driving under the~~
20 ~~influence after a previous reckless homicide~~
21 ~~conviction);~~

22 ~~(E) Subdivision (d) (1) (F) of Section 11-501 of the~~
23 ~~Illinois Vehicle Code (aggravated driving under the~~
24 ~~influence leading to death); or~~

25 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~
26 ~~Illinois Vehicle Code (aggravated driving under the~~

1 ~~influence that resulted in bodily harm to a child~~
2 ~~under the age of 16);~~

3 ~~(7) the defendant is charged with an attempt to commit~~
4 ~~any charge listed in paragraphs (1) through (6.5), and it~~
5 ~~is alleged that the defendant's pretrial release poses a~~
6 ~~real and present threat to the safety of any person or~~
7 ~~persons or the community, based on the specific~~
8 ~~articulable facts of the case; or~~

9 ~~(8) the person has a high likelihood of willful flight~~
10 ~~to avoid prosecution and is charged with:~~

11 ~~(A) Any felony described in subdivisions (a) (1)~~
12 ~~through (a) (7) of this Section; or~~

13 ~~(B) A felony offense other than a Class 4 offense.~~

14 ~~(b) If the charged offense is a felony, as part of the~~
15 ~~detention hearing, the court shall determine whether there is~~
16 ~~probable cause the defendant has committed an offense, unless~~
17 ~~a hearing pursuant to Section 109-3 of this Code has already~~
18 ~~been held or a grand jury has returned a true bill of~~
19 ~~indictment against the defendant. If there is a finding of no~~
20 ~~probable cause, the defendant shall be released. No such~~
21 ~~finding is necessary if the defendant is charged with a~~
22 ~~misdemeanor.~~

23 ~~(c) Timing of petition.~~

24 (1) A petition may be filed without prior notice to
25 the defendant at the first appearance before a judge, or
26 within the 21 calendar days, except as provided in Section

1 110-6, after arrest and release of the defendant upon
2 reasonable notice to defendant; provided that while such
3 petition is pending before the court, the defendant if
4 previously released shall not be detained.

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

12 ~~Upon filing, the court shall immediately hold a hearing on~~
13 ~~the petition unless a continuance is requested. If a~~
14 ~~continuance is requested and granted, the hearing shall be~~
15 ~~held within 48 hours of the defendant's first appearance~~
16 ~~if the defendant is charged with first degree murder or a~~
17 ~~Class X, Class 1, Class 2, or Class 3 felony, and within 24~~
18 ~~hours if the defendant is charged with a Class 4 or~~
19 ~~misdemeanor offense. The Court may deny or grant the~~
20 ~~request for continuance. If the court decides to grant the~~
21 ~~continuance, the Court retains the discretion to detain or~~
22 ~~release the defendant in the time between the filing of~~
23 ~~the petition and the hearing.~~

24 ~~(d) Contents of petition.~~

25 ~~(1) The petition shall be verified by the State and~~
26 ~~shall state the grounds upon which it contends the~~

1 ~~defendant should be denied pretrial release, including the~~
2 ~~real and present threat to the safety of any person or~~
3 ~~persons or the community, based on the specific~~
4 ~~articulable facts or flight risk, as appropriate.~~

5 ~~(2) If the State seeks to file a second or subsequent~~
6 ~~petition under this Section, the State shall be required~~
7 ~~to present a verified application setting forth in detail~~
8 ~~any new facts not known or obtainable at the time of the~~
9 ~~filing of the previous petition.~~

10 ~~(c) Eligibility: All defendants shall be presumed eligible~~
11 ~~for pretrial release, and the State shall bear the burden of~~
12 ~~proving by clear and convincing evidence that:~~

13 (b) The court may deny bail to the defendant where, after
14 the hearing, it is determined that:

15 (1) the proof is evident or the presumption great that
16 the defendant has committed an offense for which a
17 sentence of imprisonment, without probation, periodic
18 imprisonment or conditional discharge, must be imposed by
19 law as a consequence of conviction listed in subsection

20 ~~(a), and~~

21 (2) ~~for offenses listed in paragraphs (1) through (7)~~
22 ~~of subsection (a),~~ the defendant poses a real and present
23 threat to the physical safety of any person or persons ~~or~~
24 ~~the community, based on the specific articulable facts of~~
25 ~~the case,~~ by conduct which may include, but is not limited
26 to, a forcible felony, the obstruction of justice,

1 intimidation, injury, physical harm, an offense under the
2 Illinois Controlled Substances Act which is a Class X
3 felony, or an offense under the Methamphetamine Control
4 and Community Protection Act which is a Class X felony ~~or~~
5 ~~abuse as defined by paragraph (1) of Section 103 of the~~
6 ~~Illinois Domestic Violence Act of 1986, and~~

7 (3) the court finds that no condition or combination
8 of conditions set forth in subsection (b) of Section
9 110-10 of this Article, can reasonably assure the physical
10 safety of any other ~~can mitigate (i) the real and present~~
11 ~~threat to the safety of any person or persons. or the~~
12 ~~community, based on the specific articulable facts of the~~
13 ~~case, for offenses listed in paragraphs (1) through (7) of~~
14 ~~subsection (a), or (ii) the defendant's willful flight for~~
15 ~~offenses listed in paragraph (8) of subsection (a), and~~

16 ~~(4) for offenses under subsection (b) of Section 407~~
17 ~~of the Illinois Controlled Substances Act that are subject~~
18 ~~to paragraph (1) of subsection (a), no condition or~~
19 ~~combination of conditions set forth in subsection (b) of~~
20 ~~Section 110-10 of this Article can mitigate the real and~~
21 ~~present threat to the safety of any person or persons or~~
22 ~~the community, based on the specific articulable facts of~~
23 ~~the case, and the defendant poses a serious risk to not~~
24 ~~appear in court as required.~~

25 (c-1) The court shall deny bail only to a defendant
26 charged with a Class X felony, a Class 1 felony, or a crime of

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act.

3 (c-2) The court may order the pretrial detention of a
4 defendant only upon clear and convincing evidence as shown
5 through relevant facts and circumstances that:

6 (1) the person poses an unmanageable level of risk to
7 commit or attempt to commit an offense, while on pretrial
8 release against a reasonably identifiable person or groups
9 of persons; and

10 (2) that no condition or combination of conditions
11 will reasonably assure public safety or manage the
12 person's unmanageable level of risk.

13 (c-3) ~~(f)~~ Conduct of the hearings.

14 (1) The hearing on the defendant's culpability and
15 dangerousness shall be conducted in accordance with the
16 following provisions:

17 (A) Information used by the court in its findings
18 or stated in or offered at such hearing may be by way
19 of proffer based upon reliable information offered by
20 the State or by defendant.

21 ~~Prior to the hearing, the State shall tender to the~~
22 ~~defendant copies of the defendant's criminal history~~
23 ~~available, any written or recorded statements, and the~~
24 ~~substance of any oral statements made by any person, if~~
25 ~~relied upon by the State in its petition, and any police~~
26 ~~reports in the prosecutor's possession at the time of the~~

1 ~~hearing.~~

2 ~~(2) The State or defendant may present evidence at the~~
3 ~~hearing by way of proffer based upon reliable information.~~

4 ~~(3) The defendant has the right to be represented by~~
5 ~~counsel, and if he or she is indigent, to have counsel~~
6 ~~appointed for him or her. The defendant shall have the~~
7 ~~opportunity to testify, to present witnesses on his or her~~
8 ~~own behalf, and to cross-examine any witnesses, if any,~~
9 ~~that are called by the State. Defense counsel shall be~~
10 ~~given adequate opportunity to confer with the defendant~~
11 ~~before any hearing at which conditions of release or the~~
12 ~~detention of the defendant are to be considered, with an~~
13 ~~accommodation for a physical condition made to facilitate~~
14 ~~attorney/client consultation. If defense counsel needs to~~
15 ~~confer or consult with the defendant during any hearing~~
16 ~~conducted via a two way audio visual communication system,~~
17 ~~such consultation shall not be recorded and shall be~~
18 ~~undertaken consistent with constitutional protections.~~

19 ~~(3.5) A hearing at which pretrial release may be~~
20 ~~denied must be conducted in person (and not by way of~~
21 ~~two way audio visual communication) unless the accused~~
22 ~~waives the right to be present physically in court, the~~
23 ~~court determines that the physical health and safety of~~
24 ~~any person necessary to the proceedings would be~~
25 ~~endangered by appearing in court, or the chief judge of~~
26 ~~the circuit orders use of that system due to operational~~

1 ~~challenges in conducting the hearing in person. Such~~
2 ~~operational challenges must be documented and approved by~~
3 ~~the chief judge of the circuit, and a plan to address the~~
4 ~~challenges through reasonable efforts must be presented~~
5 ~~and approved by the Administrative Office of the Illinois~~
6 ~~Courts every 6 months.~~

7 ~~(4) If the defense seeks to compel the complaining~~
8 ~~witness to testify as a witness in its favor, it shall~~
9 ~~petition the court for permission. When the ends of~~
10 ~~justice so require, the court may exercise its discretion~~
11 ~~and compel the appearance of a complaining witness. The~~
12 ~~court shall state on the record reasons for granting a~~
13 ~~defense request to compel the presence of a complaining~~
14 ~~witness only on the issue of the defendant's pretrial~~
15 ~~detention. In making a determination under this Section,~~
16 ~~the court shall state on the record the reason for~~
17 ~~granting a defense request to compel the presence of a~~
18 ~~complaining witness, and only grant the request if the~~
19 ~~court finds by clear and convincing evidence that the~~
20 ~~defendant will be materially prejudiced if the complaining~~
21 ~~witness does not appear. Cross examination of a~~
22 ~~complaining witness at the pretrial detention hearing for~~
23 ~~the purpose of impeaching the witness' credibility is~~
24 ~~insufficient reason to compel the presence of the witness.~~
25 ~~In deciding whether to compel the appearance of a~~
26 ~~complaining witness, the court shall be considerate of the~~

1 ~~emotional and physical well-being of the witness.~~ The
2 pre-trial detention hearing is not to be used for purposes
3 of discovery, and the post arraignment rules of discovery
4 do not apply. The State shall tender to the defendant,
5 prior to the hearing, copies, if any, of the defendant's
6 criminal history, if any, if available, and any written or
7 recorded statements and the substance of any oral
8 statements made by any person, if relied upon by the State
9 in its petition ~~in the State's Attorney's possession at~~
10 ~~the time of the hearing.~~

11 ~~(5)~~ The rules concerning the admissibility of evidence
12 in criminal trials do not apply to the presentation and
13 consideration of information at the hearing. At the trial
14 concerning the offense for which the hearing was conducted
15 neither the finding of the court nor any transcript or
16 other record of the hearing shall be admissible in the
17 State's case-in-chief, but shall be admissible for
18 impeachment, or as provided in Section 115-10.1 of this
19 Code, or in a perjury proceeding.

20 (B) A motion by the defendant ~~(6) The defendant~~
21 ~~may not move~~ to suppress evidence or to suppress a
22 confession shall not be entertained. Evidence ~~7~~
23 ~~however, evidence~~ that proof ~~of the charged crime~~ may
24 have been the result of an unlawful search and ~~or~~
25 seizure, ~~or both,~~ or through improper interrogation,
26 is not relevant to this state of prosecution.

1 (2) The facts relied upon by the court to support a
2 finding that the defendant poses a real and present threat
3 to the physical safety of any person or persons shall be
4 supported by clear and convincing evidence presented by
5 the State. ~~in assessing the weight of the evidence against~~
6 ~~the defendant.~~

7 ~~(7) Decisions regarding release, conditions of~~
8 ~~release, and detention prior to trial must be~~
9 ~~individualized, and no single factor or standard may be~~
10 ~~used exclusively to order detention. Risk assessment tools~~
11 ~~may not be used as the sole basis to deny pretrial release.~~

12 (c-4) ~~(g)~~ Factors to be considered in making a
13 determination of dangerousness. The court may, in determining
14 whether the defendant poses a real and present threat to the
15 physical safety of any person or persons ~~or the community,~~
16 ~~based on the specific articulable facts of the case,~~ consider,
17 but shall not be limited to, evidence or testimony concerning:

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

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

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

1 proceedings, criminal, quasi-criminal, civil
2 commitment, domestic relations, or other proceedings.

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

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

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

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

15 (6) (Blank). ~~The age and physical condition of any~~
16 ~~victim or complaining witness.~~

17 (7) Whether the defendant is known to possess or have
18 access to any weapon or weapons.

19 (8) Whether, at the time of the current offense or any
20 other offense or arrest, the defendant was on probation,
21 parole, aftercare release, mandatory supervised release,
22 or other release from custody pending trial, sentencing,
23 appeal, or completion of sentence for an offense under
24 federal or State ~~state~~ law.

25 (9) Any other factors, including those listed in
26 Section 110-5 of this Article deemed by the court to have a

1 reasonable bearing upon the defendant's propensity or
2 reputation for violent, abusive, or assaultive behavior,
3 or lack of such behavior.

4 (c-5) ~~(h) Detention order.~~ The court shall, in any order
5 for detention:

6 (1) briefly summarize the evidence of the defendant's
7 culpability and its reasons for concluding that the
8 defendant should be held without bail ~~make a written~~
9 ~~finding summarizing the court's reasons for concluding~~
10 ~~that the defendant should be denied pretrial release,~~
11 ~~including why less restrictive conditions would not avoid~~
12 ~~a real and present threat to the safety of any person or~~
13 ~~persons or the community, based on the specific~~
14 ~~articulable facts of the case, or prevent the defendant's~~
15 ~~willful flight from prosecution;~~

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

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

23 (4) direct that the sheriff deliver the defendant as
24 required for appearances in connection with court
25 proceedings.

26 (c-6) ~~(i) Detention.~~ If the court enters an order for the

1 detention of the defendant pursuant to subsection (a) ~~(e)~~ of
2 this Section, the defendant shall be brought to trial on the
3 offense for which he is detained within 90 days after the date
4 on which the order for detention was entered. If the defendant
5 is not brought to trial within the 90-day period required by
6 the preceding sentence, he shall not be held longer without
7 bail ~~denied pretrial release~~. In computing the 90-day period,
8 the court shall omit any period of delay resulting from a
9 continuance granted at the request of the defendant ~~and any~~
10 ~~period of delay resulting from a continuance granted at the~~
11 ~~request of the State with good cause shown pursuant to Section~~
12 ~~103-5.~~

13 (i-5) At each subsequent appearance of the defendant
14 before the court, the judge must find that continued detention
15 is necessary to avoid a real and present threat to the safety
16 of any person or persons or the community, based on the
17 specific articulable facts of the case, or to prevent the
18 defendant's willful flight from prosecution.

19 (c-7) ~~(j)~~ Rights of the defendant. Any person ~~The~~
20 ~~defendant~~ shall be entitled to appeal any order entered under
21 this Section denying bail to the defendant ~~his or her pretrial~~
22 ~~release~~.

23 (c-8) ~~(k)~~ ~~Appeal~~. The State may appeal any order entered
24 under this Section denying any motion for denial of bail
25 ~~pretrial release~~.

26 (c-9) ~~(l)~~ ~~Presumption of innocence~~. Nothing in this

1 Section shall be construed as modifying or limiting in any way
2 the defendant's presumption of innocence in further criminal
3 proceedings.

4 (c-10) Victim notice. ~~(m) Interest of victims.~~

5 (1) Crime victims shall be given notice by the State's
6 Attorney's office of this hearing as required in paragraph
7 (1) of subsection (b) of Section 4.5 of the Rights of Crime
8 Victims and Witnesses Act and shall be informed of their
9 opportunity at this hearing to obtain an order of
10 protection under Article 112A of this Code ~~a protective~~
11 ~~order.~~

12 (2) If the defendant is denied pretrial release, the
13 court may impose a no contact provision with the victim or
14 other interested party that shall be enforced while the
15 defendant remains in custody.

16 (Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25;
17 revised 10-23-24.)

18 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

19 Sec. 110-6.2. Post-conviction detention.

20 (a) The court may order that a person who has been found
21 guilty of an offense and who is waiting imposition or
22 execution of sentence be held without bond ~~release~~ unless the
23 court finds by clear and convincing evidence that the person
24 is not likely to flee or pose a danger to any other person or
25 the community if released under Sections 110-5 and 110-10 of

1 this Act.

2 (b) The court may order that person who has been found
3 guilty of an offense and sentenced to a term of imprisonment be
4 held without bond ~~release~~ unless the court finds by clear and
5 convincing evidence that:

6 (1) the person is not likely to flee or pose a danger
7 to the safety of any other person or the community if
8 released on bond pending appeal; and

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

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

13 (725 ILCS 5/110-6.4)

14 Sec. 110-6.4. Statewide risk-assessment tool.

15 (a) In the interest of providing a state-specific tool to
16 be utilized in bail hearings, the Administrative Office of the
17 Illinois Courts shall develop a pretrial risk assessment
18 instrument based on research of the local defendant population
19 utilizing a comprehensive and robust source of statewide data
20 with the ability to differentiate as follows: ~~The Supreme~~
21 Court may establish a statewide risk-assessment tool to be
22 used in proceedings to assist the court in establishing
23 conditions of pretrial release for a defendant by assessing
24 the defendant's likelihood of appearing at future court
25 proceedings or determining if the defendant poses a real and

1 ~~present threat to the physical safety of any person or~~
2 ~~persons. The Supreme Court shall consider establishing a~~
3 ~~risk assessment tool that does not discriminate on the basis~~
4 ~~of race, gender, educational level, socio-economic status, or~~
5 ~~neighborhood. If a risk assessment tool is utilized within a~~
6 ~~circuit that does not require a personal interview to be~~
7 ~~completed, the Chief Judge of the circuit or the director of~~
8 ~~the pretrial services agency may exempt the requirement under~~
9 ~~Section 9 and subsection (a) of Section 7 of the Pretrial~~
10 ~~Services Act.~~

11 (1) Risk of failure to appear.

12 (2) Risk of willful failure to appear.

13 (3) Risk of new criminal offense.

14 (4) Risk of new violent criminal offense.

15 (5) Risk of new domestic violence criminal offense.

16 (b) In the interim of developing a statewide risk
17 assessment instrument, counties may continue to utilize their
18 current pretrial risk assessment instrument. Counties that are
19 not currently using a risk assessment instrument shall adopt,
20 in consultation with the Administrative Office of the Illinois
21 Courts, one of the following validated pretrial risk
22 assessment instruments when determining release and detention
23 decisions:

24 (1) Revised Virginia Pretrial Risk Assessment.

25 (2) Public Safety Assessment (PSA).

26 (3) Ohio Pretrial Risk Assessment.

1 (c) The Administrative Office of the Illinois Courts shall
2 develop a process to evaluate and improve the quality,
3 completeness and availability of data needed and collected to
4 develop and validate a statewide pretrial risk assessment
5 instrument.

6 (d) The Administrative Office of the Illinois Courts shall
7 adopt a mission and vision statement for pretrial supervision.

8 (e) For the purpose of this Section, "risk-assessment
9 tool" means an empirically validated, evidence-based screening
10 instrument that demonstrates reduced instances of a
11 defendant's failure to appear for further court proceedings or
12 prevents future criminal activity.

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

15 (725 ILCS 5/110-7.1 new)

16 Sec. 110-7.1. Deposit of bail security.

17 (a) The person for whom bail has been set shall execute the
18 bail bond and deposit with the clerk of the court before which
19 the proceeding is pending a sum of money equal to 10% of the
20 bail, but in no event shall such deposit be less than \$25. The
21 clerk of the court shall provide a space on each form for a
22 person other than the accused who has provided the money for
23 the posting of bail to so indicate and a space signed by an
24 accused who has executed the bail bond indicating whether a
25 person other than the accused has provided the money for the

1 posting of bail. The form shall also include a written notice
2 to such person who has provided the defendant with the money
3 for the posting of bail indicating that the bail may be used to
4 pay costs, attorney's fees, fines, or other purposes
5 authorized by the court and if the defendant fails to comply
6 with the conditions of the bail bond, the court shall enter an
7 order declaring the bail to be forfeited. The written notice
8 must be:

9 (1) distinguishable from the surrounding text;

10 (2) in bold type or underscored; and

11 (3) in a type size at least 2 points larger than the
12 surrounding type.

13 When a person for whom bail has been set is charged with an
14 offense under the Illinois Controlled Substances Act or the
15 Methamphetamine Control and Community Protection Act which is
16 a Class X felony, or making a terrorist threat in violation of
17 Section 29D-20 of the Criminal Code of 1961 or the Criminal
18 Code of 2012 or an attempt to commit the offense of making a
19 terrorist threat, the court may require the defendant to
20 deposit a sum equal to 100% of the bail. Where any person is
21 charged with a forcible felony while free on bail and is the
22 subject of proceedings under Section 109-3 of this Code the
23 judge conducting the preliminary examination may also conduct
24 a hearing upon the application of the State pursuant to the
25 provisions of Section 110-6 of this Code to increase or revoke
26 the bail for that person's prior alleged offense.

1 (b) Upon depositing this sum and any bond fee authorized
2 by law, the person shall be released from custody subject to
3 the conditions of the bail bond.

4 (c) Once bail has been given and a charge is pending or is
5 thereafter filed in or transferred to a court of competent
6 jurisdiction the latter court shall continue the original bail
7 in that court subject to the provisions of Section 110-6 of
8 this Code.

9 (d) After conviction the court may order that the original
10 bail stand as bail pending appeal or deny, increase or reduce
11 bail subject to the provisions of Section 110-6.2.

12 (e) After the entry of an order by the trial court allowing
13 or denying bail pending appeal either party may apply to the
14 reviewing court having jurisdiction or to a justice thereof
15 sitting in vacation for an order increasing or decreasing the
16 amount of bail or allowing or denying bail pending appeal
17 subject to the provisions of Section 110-6.2.

18 (f) (1) This paragraph (1) applies in cases other than the
19 acquittal of the defendant. When the conditions of the bail
20 bond have been performed and the accused has been discharged
21 from all obligations in the cause the clerk of the court shall
22 return to the accused or to the defendant's designee by an
23 assignment executed at the time the bail amount is deposited,
24 unless the court orders otherwise, 90% of the sum which had
25 been deposited and shall retain as bail bond costs 10% of the
26 amount deposited. Bail bond deposited by or on behalf of a

1 defendant in one case may be used, in the court's discretion,
2 to satisfy financial obligations of that same defendant
3 incurred in a different case due to a fine, court costs,
4 restitution or fees of the defendant's attorney of record. In
5 counties with a population of 3,000,000 or more, the court
6 shall not order bail bond deposited by or on behalf of a
7 defendant in one case to be used to satisfy financial
8 obligations of that same defendant in a different case until
9 the bail bond is first used to satisfy court costs and
10 attorney's fees in the case in which the bail bond has been
11 deposited and any other unpaid child support obligations are
12 satisfied. In counties with a population of less than
13 3,000,000, the court shall not order bail bond deposited by or
14 on behalf of a defendant in one case to be used to satisfy
15 financial obligations of that same defendant in a different
16 case until the bail bond is first used to satisfy court costs
17 in the case in which the bail bond has been deposited. At the
18 request of the defendant the court may order such 90% of
19 defendant's bail deposit, or whatever amount is repayable to
20 defendant from such deposit, to be paid to defendant's
21 attorney of record.

22 (2) This paragraph (2) applies in cases of the acquittal
23 of the defendant. If the defendant is acquitted, the court
24 shall order 100% of the defendant's bail deposit returned to
25 the defendant or to the defendant's designee by an
26 assignment executed at the time the bail amount is deposited.

1 (g) If the accused does not comply with the conditions of
2 the bail bond the court having jurisdiction shall enter an
3 order declaring the bail to be forfeited. Notice of such order
4 of forfeiture shall be mailed forthwith to the accused at his
5 last known address. If the accused does not appear and
6 surrender to the court having jurisdiction within 30 days from
7 the date of the forfeiture or within such period satisfy the
8 court that appearance and surrender by the accused is
9 impossible and without his fault the court shall enter
10 judgment for the State if the charge for which the bond was
11 given was a felony or misdemeanor, or if the charge was
12 quasi-criminal or traffic, judgment for the political
13 subdivision of the State which prosecuted the case, against
14 the accused for the amount of the bail and costs of the court
15 proceedings; however, in counties with a population of less
16 than 3,000,000, instead of the court entering a judgment for
17 the full amount of the bond the court may, in its discretion,
18 enter judgment for the cash deposit on the bond, less costs,
19 retain the deposit for further disposition or, if a cash bond
20 was posted for failure to appear in a matter involving
21 enforcement of child support or maintenance, the amount of the
22 cash deposit on the bond, less outstanding costs, may be
23 awarded to the person or entity to whom the child support or
24 maintenance is due. The deposit made in accordance with
25 paragraph (a) shall be applied to the payment of costs. If
26 judgment is entered and any amount of such deposit remains

1 after the payment of costs it shall be applied to payment of
2 the judgment and transferred to the treasury of the municipal
3 corporation wherein the bond was taken if the offense was a
4 violation of any penal ordinance of a political subdivision of
5 this State, or to the treasury of the county wherein the bond
6 was taken if the offense was a violation of any penal statute
7 of this State. The balance of the judgment may be enforced and
8 collected in the same manner as a judgment entered in a civil
9 action.

10 (h) After a judgment for a fine and court costs or either
11 is entered in the prosecution of a cause in which a deposit had
12 been made in accordance with paragraph (a) the balance of such
13 deposit, after deduction of bail bond costs, shall be applied
14 to the payment of the judgment.

15 (i) When a court appearance is required for an alleged
16 violation of the Criminal Code of 1961, the Criminal Code of
17 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
18 and Aquatic Life Code, the Child Passenger Protection Act, or
19 a comparable offense of a unit of local government as
20 specified in Supreme Court Rule 551, and if the accused does
21 not appear in court on the date set for appearance or any date
22 to which the case may be continued and the court issues an
23 arrest warrant for the accused, based upon his or her failure
24 to appear when having so previously been ordered to appear by
25 the court, the accused upon his or her admission to bail shall
26 be assessed by the court a fee of \$75. Payment of the fee shall

1 be a condition of release unless otherwise ordered by the
2 court. The fee shall be in addition to any bail that the
3 accused is required to deposit for the offense for which the
4 accused has been charged and may not be used for the payment of
5 court costs or fines assessed for the offense. The clerk of the
6 court shall remit \$70 of the fee assessed to the arresting
7 agency who brings the offender in on the arrest warrant. If the
8 Illinois State Police is the arresting agency, \$70 of the fee
9 assessed shall be remitted by the clerk of the court to the
10 State Treasurer within one month after receipt for deposit
11 into the State Police Operations Assistance Fund. The clerk of
12 the court shall remit \$5 of the fee assessed to the Circuit
13 Court Clerk Operation and Administrative Fund as provided in
14 Section 27.3d of the Clerks of Courts Act.

15 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

16 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

17 (a) Conditions of the bail bond shall be based on the least
18 restrictive means and focus only on requirements directly
19 related to reasonably assuring community safety and a
20 defendant's appearance as required in court. If a person is
21 released prior to conviction, either upon payment of bail
22 security or on his or her own recognizance, the conditions of
23 the bail bond ~~pretrial release~~ shall be that he or she will:

24 (1) Appear to answer the charge in the court having
25 jurisdiction on a day certain and thereafter as ordered by

1 the court until discharged or final order of the court;

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

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

5 ~~(Blank);~~

6 (4) Not violate any criminal statute of any
7 jurisdiction;

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

1 firearms shall be returned to the person upon the charges
2 being dismissed, or if the person is found not guilty,
3 unless the finding of not guilty is by reason of insanity;
4 and

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

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

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

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

15 ~~(0.05) Not depart this State without leave of the~~
16 ~~court;~~

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

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

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

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

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

1 (6) Undergo treatment for drug addiction or
2 alcoholism;

3 (7) Undergo medical or psychiatric treatment;

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

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

8 (10) Support his or her dependents;

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

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

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

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

1 (14.1) The court shall ~~may~~ impose upon a defendant who
2 is charged with any alcohol, cannabis, methamphetamine, or
3 controlled substance violation and is placed under direct
4 supervision of the Pretrial Services Agency, Probation
5 Department or Court Services Department in a pretrial bond
6 home supervision capacity with the use of an approved
7 monitoring device, as a condition of such bail bond
8 ~~pretrial monitoring~~, a fee that represents costs
9 incidental to the electronic monitoring for each day of
10 such bail ~~pretrial~~ supervision ordered by the court,
11 unless after determining the inability of the defendant to
12 pay the fee, the court assesses a lesser fee or no fee as
13 the case may be. The fee shall be collected by the clerk of
14 the circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The clerk of
16 the circuit court shall pay all monies collected from this
17 fee to the county treasurer for deposit in the substance
18 abuse services fund under Section 5-1086.1 of the Counties
19 Code, except as provided in an administrative order of the
20 Chief Judge of the circuit court.

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

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

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

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

1 6-27001 or Section 6-29002 of the Counties Code, as the
2 case may be, except as provided in an administrative order
3 of the Chief Judge of the circuit court.

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

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

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

1 victims, and victim mediation services. The person
2 receiving pretrial services may be ordered to pay all
3 costs incidental to pretrial services in accordance with
4 his or her ability to pay those costs;

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

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

21 (16) (Blank); and

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

24 (b-5) Conditions of bail bond shall not mandate
25 rehabilitative services, such as substance abuse, mental
26 health, or partner abuse intervention programs, unless the

1 court finds them to be a risk factor directly related to
2 further criminal behavior and failure to appear at court
3 hearings. The inability to pay for such court-ordered services
4 shall not affect the defendant's release on bail bond. The
5 conditions of the bail bond shall not include punitive
6 measures of community service or restitution.

7 (b-6) If a defendant is released on bail or his or her own
8 recognizance, pretrial services agencies shall meet with the
9 defendant to review the court-ordered conditions, establish
10 expectations during pretrial supervision, answer questions,
11 and review future court appointments. Pretrial services
12 agencies shall monitor and maintain records of defendants'
13 compliance with conditions of release.

14 (b-7) Office visits to pretrial services agencies shall be
15 purposeful and used only to promote pretrial success. Office
16 visits shall not interfere with defendant protective factors,
17 such as work and school.

18 (b-8) Court ordered conditions of release shall be
19 individualized in accordance with the defendant's identified
20 level of risk to reasonably assure public safety and guard
21 against non-court appearance during the pretrial phase of the
22 case.

23 (b-9) Conditions of bail bond requiring the defendant to
24 be placed on electronic home monitoring or to undergo drug
25 counseling are appropriate when used in accordance with
26 national best practices as detailed in the Pretrial

1 Supervision Standards of the Illinois Supreme Court.

2 (c) When a person is charged with an offense under Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, involving a victim who is a minor under
6 18 years of age living in the same household with the defendant
7 at the time of the offense, in granting bail or releasing the
8 defendant on his own recognizance, the judge shall impose
9 conditions to restrict the defendant's access to the victim
10 which may include, but are not limited to conditions that he
11 will:

12 1. Vacate the household.

13 2. Make payment of temporary support to his
14 dependents.

15 3. Refrain from contact or communication with the
16 child victim, except as ordered by the court.

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

24 (1) refrain from contact or communication with the
25 victim for a minimum period of 72 hours following the
26 defendant's release; ~~and~~

1 (2) refrain from entering or remaining at the victim's
2 residence for a minimum period of 72 hours following the
3 defendant's release; and

4 (3) based upon risk as determined by the court, be
5 placed on electronic home monitoring as provided in
6 Section 5-8A-7 of the Unified Code of Corrections.

7 (e) Local law enforcement agencies shall develop
8 standardized bond ~~pretrial release~~ forms for use in cases
9 involving family or household members as defined in Article
10 112A, including specific conditions of bond ~~pretrial release~~
11 as provided in subsection (d). Failure of any law enforcement
12 department to develop or use those forms shall in no way limit
13 the applicability and enforcement of subsections (d) and (f).

14 (f) If the defendant is admitted to bail ~~released~~ after
15 conviction ~~following appeal or other post-conviction~~
16 ~~proceeding~~, the conditions of the bail bond ~~pretrial release~~
17 shall be that he will, in addition to the conditions set forth
18 in subsections (a) and (b) hereof:

19 (1) Duly prosecute his appeal;

20 (2) Appear at such time and place as the court may
21 direct;

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

23 (4) Comply with such other reasonable conditions as
24 the court may impose; and

25 (5) If the judgment is affirmed or the cause reversed
26 and remanded for a new trial, forthwith surrender to the

1 officer from whose custody he was bailed ~~released~~.

2 (g) Upon a finding of guilty for any felony offense, the
3 defendant shall physically surrender, at a time and place
4 designated by the court, any and all firearms in his or her
5 possession and his or her Firearm Owner's Identification Card
6 as a condition of remaining on bond ~~being released~~ pending
7 sentencing.

8 (h) In the event the defendant is unable to post bond
9 ~~denied pretrial release~~, the court may impose a no contact
10 provision with the victim or other interested party that shall
11 be enforced while the defendant remains in custody.

12 (i) If a defendant is on pretrial release, in order to
13 detain the defendant in response to noncompliance with bail
14 conditions, willful failures to appear or rearrests, the court
15 must find probable cause that a defendant on pretrial release
16 for any jailable offense has committed a new jailable offense
17 or failed to appear for court to avoid prosecution. The Court
18 must find by clear and convincing evidence as shown through
19 relevant facts and circumstances that the defendant poses
20 either a high risk to commit or attempt to commit any new
21 jailable offense against a person or persons or their property
22 or to willfully fail to appear for court to avoid prosecution.
23 The Court must find by clear and convincing evidence that no
24 condition or combination of conditions will suffice to manage
25 the defendant's high level of risk. The State must file a
26 written petition for detention and provide notice to the

1 defendant and the defendant's counsel. The petition shall
2 identify the eligible charged offense or offenses and list all
3 relevant facts and circumstances upon which the prosecution
4 intends to rely in seeking detention. In considering the facts
5 and circumstances to detain persons under this subsection, the
6 court may rely substantially on the assessed risk from an
7 actuarial pretrial risk assessment instrument. The court may
8 not impose a condition of release that results in the pretrial
9 detention of the defendant. However, the defendant's willful
10 refusal to agree to lawful conditions of release may result in
11 the detention of that defendant. The court shall issue a
12 written order detailing the detention or restrictive
13 conditions of release and the factors upon which the court
14 relied to order the detention or restrictive conditions of
15 release. If detention is ordered, the court must further
16 detail the reasons why less restrictive conditions of release
17 would be insufficient to protect the public or ensure that the
18 defendant returns to court. No single offense or aggravating
19 factor should mandate a denial of bail.

20 (j) Each circuit, in consultation with the Administrative
21 Office of the Illinois Courts, shall develop and approve a
22 local process to promptly notify the court of facts concerning
23 compliance or noncompliance that may warrant modification of
24 release conditions and of any arrest of an individual released
25 pending further court appearances.

26 (Source: P.A. 101-138, eff. 1-1-20; 101-652.)

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

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

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

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

9 Sec. 110-12. Notice of change of address. A defendant who
10 has been admitted to bail ~~pretrial release~~ shall file a
11 written notice with the clerk of the court before which the
12 proceeding is pending of any change in his or her address
13 within 24 hours after such change, except that a defendant who
14 has been admitted to bail ~~pretrial release~~ for a forcible
15 felony as defined in Section 2-8 of the Criminal Code of 2012
16 shall file a written notice with the clerk of the court before
17 which the proceeding is pending and the clerk shall
18 immediately deliver a time stamped copy of the written notice
19 to the prosecutor charged with the prosecution within 24 hours
20 prior to such change. The address of a defendant who has been
21 admitted to bail ~~pretrial release~~ shall at all times remain a
22 matter of record with the clerk of the court.

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

1 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

2 Sec. 111-2. Commencement of prosecutions.

3 (a) All prosecutions of felonies shall be by information
4 or by indictment. No prosecution may be pursued by information
5 unless a preliminary hearing has been held or waived in
6 accordance with Section 109-3 and at that hearing probable
7 cause to believe the defendant committed an offense was found,
8 and the provisions of Section 109-3.1 of this Code have been
9 complied with.

10 (b) All other prosecutions may be by indictment,
11 information or complaint.

12 (c) Upon the filing of an information or indictment in
13 open court charging the defendant with the commission of a sex
14 offense defined in any Section of Article 11 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, and a minor as
16 defined in Section 1-3 of the Juvenile Court Act of 1987 is
17 alleged to be the victim of the commission of the acts of the
18 defendant in the commission of such offense, the court may
19 appoint a guardian ad litem for the minor as provided in
20 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
21 1987.

22 (d) Upon the filing of an information or indictment in
23 open court, the court shall immediately issue a warrant for
24 the arrest of each person charged with an offense directed to a
25 peace officer or some other person specifically named
26 commanding him to arrest such person.

1 (e) When the offense is bailable ~~eligible for pretrial~~
2 ~~release~~, the judge shall endorse on the warrant the amount of
3 bail ~~conditions of pretrial release~~ required by the order of
4 the court, and if the court orders the process returnable
5 forthwith, the warrant shall require that the accused be
6 arrested and brought immediately into court.

7 (f) Where the prosecution of a felony is by information or
8 complaint after preliminary hearing, or after a waiver of
9 preliminary hearing in accordance with paragraph (a) of this
10 Section, such prosecution may be for all offenses, arising
11 from the same transaction or conduct of a defendant even
12 though the complaint or complaints filed at the preliminary
13 hearing charged only one or some of the offenses arising from
14 that transaction or conduct.

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

16 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

17 Sec. 112A-23. Enforcement of protective orders.

18 (a) When violation is crime. A violation of any protective
19 order, whether issued in a civil, quasi-criminal proceeding or
20 by a military judge, shall be enforced by a criminal court
21 when:

22 (1) The respondent commits the crime of violation of a
23 domestic violence order of protection pursuant to Section
24 12-3.4 or 12-30 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, by having knowingly violated:

1 (i) remedies described in paragraph (1), (2), (3),
2 (14), or (14.5) of subsection (b) of Section 112A-14
3 of this Code,

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraph (1), (2), (3),
6 (14), or (14.5) of subsection (b) of Section 214 of the
7 Illinois Domestic Violence Act of 1986, in a valid
8 order of protection, which is authorized under the
9 laws of another state, tribe, or United States
10 territory, or

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

14 Prosecution for a violation of a domestic violence
15 order of protection shall not bar concurrent prosecution
16 for any other crime, including any crime that may have
17 been committed at the time of the violation of the
18 domestic violence order of protection; or

19 (2) The respondent commits the crime of child
20 abduction pursuant to Section 10-5 of the Criminal Code of
21 1961 or the Criminal Code of 2012, by having knowingly
22 violated:

23 (i) remedies described in paragraph (5), (6), or
24 (8) of subsection (b) of Section 112A-14 of this Code,
25 or

26 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraph (1), (5), (6),
2 or (8) of subsection (b) of Section 214 of the Illinois
3 Domestic Violence Act of 1986, in a valid domestic
4 violence order of protection, which is authorized
5 under the laws of another state, tribe, or United
6 States territory.

7 (3) The respondent commits the crime of violation of a
8 civil no contact order when the respondent violates
9 Section 12-3.8 of the Criminal Code of 2012. Prosecution
10 for a violation of a civil no contact order shall not bar
11 concurrent prosecution for any other crime, including any
12 crime that may have been committed at the time of the
13 violation of the civil no contact order.

14 (4) The respondent commits the crime of violation of a
15 stalking no contact order when the respondent violates
16 Section 12-3.9 of the Criminal Code of 2012. Prosecution
17 for a violation of a stalking no contact order shall not
18 bar concurrent prosecution for any other crime, including
19 any crime that may have been committed at the time of the
20 violation of the stalking no contact order.

21 (b) When violation is contempt of court. A violation of
22 any valid protective order, whether issued in a civil or
23 criminal proceeding or by a military judge, may be enforced
24 through civil or criminal contempt procedures, as appropriate,
25 by any court with jurisdiction, regardless where the act or
26 acts which violated the protective order were committed, to

1 the extent consistent with the venue provisions of this
2 Article. Nothing in this Article shall preclude any Illinois
3 court from enforcing any valid protective order issued in
4 another state. Illinois courts may enforce protective orders
5 through both criminal prosecution and contempt proceedings,
6 unless the action which is second in time is barred by
7 collateral estoppel or the constitutional prohibition against
8 double jeopardy.

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

18 (2) A petition for a rule to show cause for violation
19 of a protective order shall be treated as an expedited
20 proceeding.

21 (c) Violation of custody, allocation of parental
22 responsibility, or support orders. A violation of remedies
23 described in paragraph (5), (6), (8), or (9) of subsection (b)
24 of Section 112A-14 of this Code may be enforced by any remedy
25 provided by Section 607.5 of the Illinois Marriage and
26 Dissolution of Marriage Act. The court may enforce any order

1 for support issued under paragraph (12) of subsection (b) of
2 Section 112A-14 of this Code in the manner provided for under
3 Parts V and VII of the Illinois Marriage and Dissolution of
4 Marriage Act.

5 (d) Actual knowledge. A protective order may be enforced
6 pursuant to this Section if the respondent violates the order
7 after the respondent has actual knowledge of its contents as
8 shown through one of the following means:

9 (1) (Blank).

10 (2) (Blank).

11 (3) By service of a protective order under subsection
12 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

13 (4) By other means demonstrating actual knowledge of
14 the contents of the order.

15 (e) The enforcement of a protective order in civil or
16 criminal court shall not be affected by either of the
17 following:

18 (1) The existence of a separate, correlative order
19 entered under Section 112A-15 of this Code.

20 (2) Any finding or order entered in a conjoined
21 criminal proceeding.

22 (e-5) If a civil no contact order entered under subsection
23 (6) of Section 112A-20 of the Code of Criminal Procedure of
24 1963 conflicts with an order issued pursuant to the Juvenile
25 Court Act of 1987 or the Illinois Marriage and Dissolution of
26 Marriage Act, the conflicting order issued under subsection

1 (6) of Section 112A-20 of the Code of Criminal Procedure of
2 1963 shall be void.

3 (f) Circumstances. The court, when determining whether or
4 not a violation of a protective order has occurred, shall not
5 require physical manifestations of abuse on the person of the
6 victim.

7 (g) Penalties.

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

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

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 protective order over any penalty previously
24 imposed by any court for respondent's violation of any
25 protective order or penal statute involving petitioner
26 as victim and respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 protective order; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of a protective order

7 unless the court explicitly finds that an increased
8 penalty or that period of imprisonment would be manifestly
9 unjust.

10 (4) In addition to any other penalties imposed for a
11 violation of a protective order, a criminal court may
12 consider evidence of any violations of a protective order:

13 (i) to increase, revoke, or modify the bail bond
14 ~~conditions of pretrial release~~ on an underlying
15 criminal charge pursuant to Section 110-6 of this
16 Code;

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

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

23 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
24 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
25 7-28-23.)

1 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

2 Sec. 114-1. Motion to dismiss charge.

3 (a) Upon the written motion of the defendant made prior to
4 trial before or after a plea has been entered the court may
5 dismiss the indictment, information or complaint upon any of
6 the following grounds:

7 (1) The defendant has not been placed on trial in
8 compliance with Section 103-5 of this Code.

9 (2) The prosecution of the offense is barred by
10 Sections 3-3 through 3-8 of the Criminal Code of 2012.

11 (3) The defendant has received immunity from
12 prosecution for the offense charged.

13 (4) The indictment was returned by a Grand Jury which
14 was improperly selected and which results in substantial
15 injustice to the defendant.

16 (5) The indictment was returned by a Grand Jury which
17 acted contrary to Article 112 of this Code and which
18 results in substantial injustice to the defendant.

19 (6) The court in which the charge has been filed does
20 not have jurisdiction.

21 (7) The county is an improper place of trial.

22 (8) The charge does not state an offense.

23 (9) The indictment is based solely upon the testimony
24 of an incompetent witness.

25 (10) The defendant is misnamed in the charge and the
26 misnomer results in substantial injustice to the

1 defendant.

2 (11) The requirements of Section 109-3.1 have not been
3 complied with.

4 (b) The court shall require any motion to dismiss to be
5 filed within a reasonable time after the defendant has been
6 arraigned. Any motion not filed within such time or an
7 extension thereof shall not be considered by the court and the
8 grounds therefor, except as to subsections (a)(6) and (a)(8)
9 of this Section, are waived.

10 (c) If the motion presents only an issue of law the court
11 shall determine it without the necessity of further pleadings.
12 If the motion alleges facts not of record in the case the State
13 shall file an answer admitting or denying each of the factual
14 allegations of the motion.

15 (d) When an issue of fact is presented by a motion to
16 dismiss and the answer of the State the court shall conduct a
17 hearing and determine the issues.

18 (d-5) When a defendant seeks dismissal of the charge upon
19 the ground set forth in subsection (a)(7) of this Section, the
20 defendant shall make a prima facie showing that the county is
21 an improper place of trial. Upon such showing, the State shall
22 have the burden of proving, by a preponderance of the
23 evidence, that the county is the proper place of trial.

24 (d-6) When a defendant seeks dismissal of the charge upon
25 the grounds set forth in subsection (a)(2) of this Section,
26 the prosecution shall have the burden of proving, by a

1 preponderance of the evidence, that the prosecution of the
2 offense is not barred by Sections 3-3 through 3-8 of the
3 Criminal Code of 2012.

4 (e) Dismissal of the charge upon the grounds set forth in
5 subsections (a)(4) through (a)(11) of this Section shall not
6 prevent the return of a new indictment or the filing of a new
7 charge, and upon such dismissal the court may order that the
8 defendant be held in custody or, if the defendant had been
9 previously released on bail ~~pretrial release~~, that the bail
10 ~~pretrial release~~ be continued for a specified time pending the
11 return of a new indictment or the filing of a new charge.

12 (f) If the court determines that the motion to dismiss
13 based upon the grounds set forth in subsections (a)(6) and
14 (a)(7) is well founded it may, instead of dismissal, order the
15 cause transferred to a court of competent jurisdiction or to a
16 proper place of trial.

17 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

18 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

19 Sec. 115-4.1. Absence of defendant.

20 (a) When a defendant after arrest and an initial court
21 appearance for a non-capital felony or a misdemeanor, fails to
22 appear for trial, at the request of the State and after the
23 State has affirmatively proven through substantial evidence
24 that the defendant is willfully avoiding trial, the court may
25 commence trial in the absence of the defendant. Absence of a

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

1 case for a trial which may be conducted under this Section
2 despite the failure of the defendant to appear at the hearing
3 at which the trial date is set. When such trial date is set the
4 clerk shall send to the defendant, by certified mail at his
5 last known address indicated on his bond slip, notice of the
6 new date which has been set for trial. Such notification shall
7 be required when the defendant was not personally present in
8 open court at the time when the case was set for trial.

9 (b) The absence of a defendant from a trial conducted
10 pursuant to this Section does not operate as a bar to
11 concluding the trial, to a judgment of conviction resulting
12 therefrom, or to a final disposition of the trial in favor of
13 the defendant.

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

21 (d) A defendant who is absent for part of the proceedings
22 of trial, post-trial motions, or sentencing, does not thereby
23 forfeit his right to be present at all remaining proceedings.

24 (e) When a defendant who in his absence has been either
25 convicted or sentenced or both convicted and sentenced appears
26 before the court, he must be granted a new trial or new

1 sentencing hearing if the defendant can establish that his
2 failure to appear in court was both without his fault and due
3 to circumstances beyond his control. A hearing with notice to
4 the State's Attorney on the defendant's request for a new
5 trial or a new sentencing hearing must be held before any such
6 request may be granted. At any such hearing both the defendant
7 and the State may present evidence.

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

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

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

23 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

24 Sec. 122-6. Disposition in trial court. The court may
25 receive proof by affidavits, depositions, oral testimony, or

1 other evidence. In its discretion the court may order the
2 petitioner brought before the court for the hearing. If the
3 court finds in favor of the petitioner, it shall enter an
4 appropriate order with respect to the judgment or sentence in
5 the former proceedings and such supplementary orders as to
6 rearraignment, retrial, custody, bail, ~~conditions of pretrial~~
7 ~~release~~ or discharge as may be necessary and proper.

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

9 (725 ILCS 5/110-1.5 rep.)

10 Section 15. The Code of Criminal Procedure of 1963 is
11 amended by repealing Section 110-1.5.

12 Section 20. The Code of Criminal Procedure of 1963 is
13 amended by changing Sections 103-2 and 108-8 and by adding
14 Section 103-3.1 as follows:

15 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

16 Sec. 103-2. Treatment while in custody.

17 (a) On being taken into custody every person shall have
18 the right to remain silent.

19 (b) No unlawful means of any kind shall be used to obtain a
20 statement, admission or confession from any person in custody.

21 (c) Persons in custody shall be treated humanely and
22 provided with proper food, shelter and, if required, medical
23 treatment ~~without unreasonable delay if the need for the~~

1 ~~treatment is apparent.~~

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

3 (725 ILCS 5/103-3.1 new)

4 Sec. 103-3.1. Right to communicate with attorney and
5 family; transfers.

6 (a) Persons who are arrested shall have the right to
7 communicate with an attorney of their choice and a member of
8 their family by making a reasonable number of telephone calls
9 or in any other reasonable manner. Such communication shall be
10 permitted within a reasonable time after arrival at the first
11 place of custody.

12 (b) In the event the accused is transferred to a new place
13 of custody his or her right to communicate with an attorney and
14 a member of his or her family is renewed.

15 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

16 Sec. 108-8. Use of force in execution of search warrant.

17 (a) All necessary and reasonable force may be used to
18 effect an entry into any building or property or part thereof
19 to execute a search warrant.

20 (b) The court issuing a warrant may authorize the officer
21 executing the warrant to make entry without first knocking and
22 announcing his or her office if it finds, based upon a showing
23 of specific facts, the existence of the following exigent
24 circumstances:

1 (1) That the officer reasonably believes that if
2 notice were given a weapon would be used:

3 (i) against the officer executing the search
4 warrant; or

5 (ii) against another person.

6 (2) That if notice were given there is an imminent
7 "danger" that evidence will be destroyed.

8 (c) (Blank). ~~Prior to the issuing of a warrant under~~
9 ~~subsection (b), the officer must attest that:~~

10 ~~(1) prior to entering the location described in the~~
11 ~~search warrant, a supervising officer will ensure that~~
12 ~~each participating member is assigned a body worn camera~~
13 ~~and is following policies and procedures in accordance~~
14 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
15 ~~Body Camera Act; provided that the law enforcement agency~~
16 ~~has implemented body worn camera in accordance with~~
17 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
18 ~~Camera Act. If a law enforcement agency or each~~
19 ~~participating member of a multi jurisdictional team has~~
20 ~~not implemented a body camera in accordance with Section~~
21 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~
22 ~~the officer must attest that the interaction authorized by~~
23 ~~the warrant is otherwise recorded;~~

24 ~~(2) The supervising officer verified the subject~~
25 ~~address listed on the warrant for accuracy and planned for~~
26 ~~children or other vulnerable people on site; and~~

1 ~~(3) if an officer becomes aware the search warrant was~~
2 ~~executed at an address, unit, or apartment different from~~
3 ~~the location listed on the search warrant, that member~~
4 ~~will immediately notify a supervisor who will ensure an~~
5 ~~internal investigation or formal inquiry ensues.~~

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

7 Section 25. The Code of Criminal Procedure of 1963 is
8 amended by changing 110-14 and by reenacting Sections 110-6.3,
9 110-7, 110-8, 110-9, 110-13, 110-15, 110-16, 110-17, and
10 110-18 as follows:

11 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

12 Sec. 110-6.3. Denial of bail in stalking and aggravated
13 stalking offenses.

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

22 (1) A petition may be filed without prior notice to
23 the defendant at the first appearance before a judge, or
24 within 21 calendar days, except as provided in Section

1 110-6, after arrest and release of the defendant upon
2 reasonable notice to defendant; provided that while the
3 petition is pending before the court, the defendant if
4 previously released shall not be detained.

5 (2) The hearing shall be held immediately upon the
6 defendant's appearance before the court, unless for good
7 cause shown the defendant or the State seeks a
8 continuance. A continuance on motion of the defendant may
9 not exceed 5 calendar days, and the defendant may be held
10 in custody during the continuance. A continuance on the
11 motion of the State may not exceed 3 calendar days;
12 however, the defendant may be held in custody during the
13 continuance under this provision if the defendant has been
14 previously found to have violated an order of protection
15 or has been previously convicted of, or granted court
16 supervision for, any of the offenses set forth in Sections
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
18 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
19 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, against the same
21 person as the alleged victim of the stalking or aggravated
22 stalking offense.

23 (b) The court may deny bail to the defendant when, after
24 the hearing, it is determined that:

25 (1) the proof is evident or the presumption great that
26 the defendant has committed the offense of stalking or

1 aggravated stalking; and

2 (2) the defendant poses a real and present threat to
3 the physical safety of the alleged victim of the offense;
4 and

5 (3) the denial of release on bail or personal
6 recognizance is necessary to prevent fulfillment of the
7 threat upon which the charge is based; and

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

14 (c) Conduct of the hearings.

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

18 (A) Information used by the court in its findings
19 or stated in or offered at the hearing may be by way of
20 proffer based upon reliable information offered by the
21 State or by defendant. Defendant has the right to be
22 represented by counsel, and if he is indigent, to have
23 counsel appointed for him. Defendant shall have the
24 opportunity to testify, to present witnesses in his
25 own behalf, and to cross-examine witnesses if any are
26 called by the State. The defendant has the right to

1 present witnesses in his favor. When the ends of
2 justice so require, the court may exercise its
3 discretion and compel the appearance of a complaining
4 witness. The court shall state on the record reasons
5 for granting a defense request to compel the presence
6 of a complaining witness. Cross-examination of a
7 complaining witness at the pretrial detention hearing
8 for the purpose of impeaching the witness' credibility
9 is insufficient reason to compel the presence of the
10 witness. In deciding whether to compel the appearance
11 of a complaining witness, the court shall be
12 considerate of the emotional and physical well-being
13 of the witness. The pretrial detention hearing is not
14 to be used for the purposes of discovery, and the post
15 arraignment rules of discovery do not apply. The State
16 shall tender to the defendant, prior to the hearing,
17 copies of defendant's criminal history, if any, if
18 available, and any written or recorded statements and
19 the substance of any oral statements made by any
20 person, if relied upon by the State. The rules
21 concerning the admissibility of evidence in criminal
22 trials do not apply to the presentation and
23 consideration of information at the hearing. At the
24 trial concerning the offense for which the hearing was
25 conducted neither the finding of the court nor any
26 transcript or other record of the hearing shall be

1 admissible in the State's case in chief, but shall be
2 admissible for impeachment, or as provided in Section
3 115-10.1 of this Code, or in a perjury proceeding.

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

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

12 (A) the defendant poses a real and present threat
13 to the physical safety of the alleged victim of the
14 offense; and

15 (B) the denial of release on bail or personal
16 recognizance is necessary to prevent fulfillment of
17 the threat upon which the charge is based;

18 shall be supported by clear and convincing evidence
19 presented by the State.

20 (d) Factors to be considered in making a determination of
21 the threat to the alleged victim of the offense. The court may,
22 in determining whether the defendant poses, at the time of the
23 hearing, a real and present threat to the physical safety of
24 the alleged victim of the offense, consider but shall not be
25 limited to evidence or testimony concerning:

26 (1) The nature and circumstances of the offense

1 charged;

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

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

10 (B) Any evidence of the defendant's psychological,
11 psychiatric or other similar social history that tends
12 to indicate a violent, abusive, or assaultive nature,
13 or lack of any such history.

14 (3) The nature of the threat which is the basis of the
15 charge against the defendant;

16 (4) Any statements made by, or attributed to the
17 defendant, together with the circumstances surrounding
18 them;

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

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

23 (7) Whether, at the time of the current offense or any
24 other offense or arrest, the defendant was on probation,
25 parole, aftercare release, mandatory supervised release or
26 other release from custody pending trial, sentencing,

1 appeal or completion of sentence for an offense under
2 federal or state law;

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

8 (e) The court shall, in any order denying bail to a person
9 charged with stalking or aggravated stalking:

10 (1) briefly summarize the evidence of the defendant's
11 culpability and its reasons for concluding that the
12 defendant should be held without bail;

13 (2) direct that the defendant be committed to the
14 custody of the sheriff for confinement in the county jail
15 pending trial;

16 (3) direct that the defendant be given a reasonable
17 opportunity for private consultation with counsel, and for
18 communication with others of his choice by visitation,
19 mail and telephone; and

20 (4) direct that the sheriff deliver the defendant as
21 required for appearances in connection with court
22 proceedings.

23 (f) If the court enters an order for the detention of the
24 defendant under subsection (e) of this Section, the defendant
25 shall be brought to trial on the offense for which he is
26 detained within 90 days after the date on which the order for

1 detention was entered. If the defendant is not brought to
2 trial within the 90 day period required by this subsection
3 (f), he shall not be held longer without bail. In computing the
4 90 day period, the court shall omit any period of delay
5 resulting from a continuance granted at the request of the
6 defendant. The court shall immediately notify the alleged
7 victim of the offense that the defendant has been admitted to
8 bail under this subsection.

9 (g) Any person shall be entitled to appeal any order
10 entered under this Section denying bail to the defendant.

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

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

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

18 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

19 Sec. 110-7. Deposit of bail security.

20 (a) The person for whom bail has been set shall execute the
21 bail bond and deposit with the clerk of the court before which
22 the proceeding is pending a sum of money equal to 10% of the
23 bail, but in no event shall such deposit be less than \$25. The
24 clerk of the court shall provide a space on each form for a
25 person other than the accused who has provided the money for

1 the posting of bail to so indicate and a space signed by an
2 accused who has executed the bail bond indicating whether a
3 person other than the accused has provided the money for the
4 posting of bail. The form shall also include a written notice
5 to such person who has provided the defendant with the money
6 for the posting of bail indicating that the bail may be used to
7 pay costs, attorney's fees, fines, or other purposes
8 authorized by the court and if the defendant fails to comply
9 with the conditions of the bail bond, the court shall enter an
10 order declaring the bail to be forfeited. The written notice
11 must be: (1) distinguishable from the surrounding text; (2) in
12 bold type or underscored; and (3) in a type size at least 2
13 points larger than the surrounding type. When a person for
14 whom bail has been set is charged with an offense under the
15 Illinois Controlled Substances Act or the Methamphetamine
16 Control and Community Protection Act which is a Class X
17 felony, or making a terrorist threat in violation of Section
18 29D-20 of the Criminal Code of 1961 or the Criminal Code of
19 2012 or an attempt to commit the offense of making a terrorist
20 threat, the court may require the defendant to deposit a sum
21 equal to 100% of the bail. Where any person is charged with a
22 forcible felony while free on bail and is the subject of
23 proceedings under Section 109-3 of this Code the judge
24 conducting the preliminary examination may also conduct a
25 hearing upon the application of the State pursuant to the
26 provisions of Section 110-6 of this Code to increase or revoke

1 the bail for that person's prior alleged offense.

2 (b) Upon depositing this sum and any bond fee authorized
3 by law, the person shall be released from custody subject to
4 the conditions of the bail bond.

5 (c) Once bail has been given and a charge is pending or is
6 thereafter filed in or transferred to a court of competent
7 jurisdiction the latter court shall continue the original bail
8 in that court subject to the provisions of Section 110-6 of
9 this Code.

10 (d) After conviction the court may order that the original
11 bail stand as bail pending appeal or deny, increase or reduce
12 bail subject to the provisions of Section 110-6.2.

13 (e) After the entry of an order by the trial court allowing
14 or denying bail pending appeal either party may apply to the
15 reviewing court having jurisdiction or to a justice thereof
16 sitting in vacation for an order increasing or decreasing the
17 amount of bail or allowing or denying bail pending appeal
18 subject to the provisions of Section 110-6.2.

19 (f) When the conditions of the bail bond have been
20 performed and the accused has been discharged from all
21 obligations in the cause the clerk of the court shall return to
22 the accused or to the defendant's designee by an assignment
23 executed at the time the bail amount is deposited, unless the
24 court orders otherwise, 90% of the sum which had been
25 deposited and shall retain as bail bond costs 10% of the amount
26 deposited. However, in no event shall the amount retained by

1 the clerk as bail bond costs be less than \$5. Notwithstanding
2 the foregoing, in counties with a population of 3,000,000 or
3 more, in no event shall the amount retained by the clerk as
4 bail bond costs exceed \$100. Bail bond deposited by or on
5 behalf of a defendant in one case may be used, in the court's
6 discretion, to satisfy financial obligations of that same
7 defendant incurred in a different case due to a fine, court
8 costs, restitution or fees of the defendant's attorney of
9 record. In counties with a population of 3,000,000 or more,
10 the court shall not order bail bond deposited by or on behalf
11 of a defendant in one case to be used to satisfy financial
12 obligations of that same defendant in a different case until
13 the bail bond is first used to satisfy court costs and
14 attorney's fees in the case in which the bail bond has been
15 deposited and any other unpaid child support obligations are
16 satisfied. In counties with a population of less than
17 3,000,000, the court shall not order bail bond deposited by or
18 on behalf of a defendant in one case to be used to satisfy
19 financial obligations of that same defendant in a different
20 case until the bail bond is first used to satisfy court costs
21 in the case in which the bail bond has been deposited.

22 At the request of the defendant the court may order such
23 90% of defendant's bail deposit, or whatever amount is
24 repayable to defendant from such deposit, to be paid to
25 defendant's attorney of record.

26 (g) If the accused does not comply with the conditions of

1 the bail bond the court having jurisdiction shall enter an
2 order declaring the bail to be forfeited. Notice of such order
3 of forfeiture shall be mailed forthwith to the accused at his
4 last known address. If the accused does not appear and
5 surrender to the court having jurisdiction within 30 days from
6 the date of the forfeiture or within such period satisfy the
7 court that appearance and surrender by the accused is
8 impossible and without his fault the court shall enter
9 judgment for the State if the charge for which the bond was
10 given was a felony or misdemeanor, or if the charge was
11 quasi-criminal or traffic, judgment for the political
12 subdivision of the State which prosecuted the case, against
13 the accused for the amount of the bail and costs of the court
14 proceedings; however, in counties with a population of less
15 than 3,000,000, instead of the court entering a judgment for
16 the full amount of the bond the court may, in its discretion,
17 enter judgment for the cash deposit on the bond, less costs,
18 retain the deposit for further disposition or, if a cash bond
19 was posted for failure to appear in a matter involving
20 enforcement of child support or maintenance, the amount of the
21 cash deposit on the bond, less outstanding costs, may be
22 awarded to the person or entity to whom the child support or
23 maintenance is due. The deposit made in accordance with
24 paragraph (a) shall be applied to the payment of costs. If
25 judgment is entered and any amount of such deposit remains
26 after the payment of costs it shall be applied to payment of

1 the judgment and transferred to the treasury of the municipal
2 corporation wherein the bond was taken if the offense was a
3 violation of any penal ordinance of a political subdivision of
4 this State, or to the treasury of the county wherein the bond
5 was taken if the offense was a violation of any penal statute
6 of this State. The balance of the judgment may be enforced and
7 collected in the same manner as a judgment entered in a civil
8 action.

9 (h) After a judgment for a fine and court costs or either
10 is entered in the prosecution of a cause in which a deposit had
11 been made in accordance with paragraph (a) the balance of such
12 deposit, after deduction of bail bond costs, shall be applied
13 to the payment of the judgment.

14 (i) When a court appearance is required for an alleged
15 violation of the Criminal Code of 1961, the Criminal Code of
16 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
17 and Aquatic Life Code, the Child Passenger Protection Act, or
18 a comparable offense of a unit of local government as
19 specified in Supreme Court Rule 551, and if the accused does
20 not appear in court on the date set for appearance or any date
21 to which the case may be continued and the court issues an
22 arrest warrant for the accused, based upon his or her failure
23 to appear when having so previously been ordered to appear by
24 the court, the accused upon his or her admission to bail shall
25 be assessed by the court a fee of \$75. Payment of the fee shall
26 be a condition of release unless otherwise ordered by the

1 court. The fee shall be in addition to any bail that the
2 accused is required to deposit for the offense for which the
3 accused has been charged and may not be used for the payment of
4 court costs or fines assessed for the offense. The clerk of the
5 court shall remit \$70 of the fee assessed to the arresting
6 agency who brings the offender in on the arrest warrant. If the
7 Department of State Police is the arresting agency, \$70 of the
8 fee assessed shall be remitted by the clerk of the court to the
9 State Treasurer within one month after receipt for deposit
10 into the State Police Operations Assistance Fund. The clerk of
11 the court shall remit \$5 of the fee assessed to the Circuit
12 Court Clerk Operation and Administrative Fund as provided in
13 Section 27.3d of the Clerks of Courts Act.

14 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

15 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

16 Sec. 110-8. Cash, stocks, bonds and real estate as
17 security for bail.

18 (a) In lieu of the bail deposit provided for in Section
19 110-7 of this Code any person for whom bail has been set may
20 execute the bail bond with or without sureties which bond may
21 be secured:

22 (1) By a deposit, with the clerk of the court, of an amount
23 equal to the required bail, of cash, or stocks and bonds in
24 which trustees are authorized to invest trust funds under the
25 laws of this State; or

1 (2) By real estate situated in this State with
2 unencumbered equity not exempt owned by the accused or
3 sureties worth double the amount of bail set in the bond.

4 (b) If the bail bond is secured by stocks and bonds the
5 accused or sureties shall file with the bond a sworn schedule
6 which shall be approved by the court and shall contain:

7 (1) A list of the stocks and bonds deposited
8 describing each in sufficient detail that it may be
9 identified;

10 (2) The market value of each stock and bond;

11 (3) The total market value of the stocks and bonds
12 listed;

13 (4) A statement that the affiant is the sole owner of
14 the stocks and bonds listed and they are not exempt from
15 the enforcement of a judgment thereon;

16 (5) A statement that such stocks and bonds have not
17 previously been used or accepted as bail in this State
18 during the 12 months preceding the date of the bail bond;
19 and

20 (6) A statement that such stocks and bonds are
21 security for the appearance of the accused in accordance
22 with the conditions of the bail bond.

23 (c) If the bail bond is secured by real estate the accused
24 or sureties shall file with the bond a sworn schedule which
25 shall contain:

26 (1) A legal description of the real estate;

1 (2) A description of any and all encumbrances on the
2 real estate including the amount of each and the holder
3 thereof;

4 (3) The market value of the unencumbered equity owned
5 by the affiant;

6 (4) A statement that the affiant is the sole owner of
7 such unencumbered equity and that it is not exempt from
8 the enforcement of a judgment thereon;

9 (5) A statement that the real estate has not
10 previously been used or accepted as bail in this State
11 during the 12 months preceding the date of the bail bond;
12 and

13 (6) A statement that the real estate is security for
14 the appearance of the accused in accordance with the
15 conditions of the bail bond.

16 (d) The sworn schedule shall constitute a material part of
17 the bail bond. The affiant commits perjury if in the sworn
18 schedule he makes a false statement which he does not believe
19 to be true. He shall be prosecuted and punished accordingly,
20 or, he may be punished for contempt.

21 (e) A certified copy of the bail bond and schedule of real
22 estate shall be filed immediately in the office of the
23 registrar of titles or recorder of the county in which the real
24 estate is situated and the State shall have a lien on such real
25 estate from the time such copies are filed in the office of the
26 registrar of titles or recorder. The registrar of titles or

1 recorder shall enter, index and record (or register as the
2 case may be) such bail bonds and schedules without requiring
3 any advance fee, which fee shall be taxed as costs in the
4 proceeding and paid out of such costs when collected.

5 (f) When the conditions of the bail bond have been
6 performed and the accused has been discharged from his
7 obligations in the cause, the clerk of the court shall return
8 to him or his sureties the deposit of any cash, stocks or
9 bonds. If the bail bond has been secured by real estate the
10 clerk of the court shall forthwith notify in writing the
11 registrar of titles or recorder and the lien of the bail bond
12 on the real estate shall be discharged.

13 (g) If the accused does not comply with the conditions of
14 the bail bond the court having jurisdiction shall enter an
15 order declaring the bail to be forfeited. Notice of such order
16 of forfeiture shall be mailed forthwith by the clerk of the
17 court to the accused and his sureties at their last known
18 address. If the accused does not appear and surrender to the
19 court having jurisdiction within 30 days from the date of the
20 forfeiture or within such period satisfy the court that
21 appearance and surrender by the accused is impossible and
22 without his fault the court shall enter judgment for the State
23 against the accused and his sureties for the amount of the bail
24 and costs of the proceedings; however, in counties with a
25 population of less than 3,000,000, if the defendant has posted
26 a cash bond, instead of the court entering a judgment for the

1 full amount of the bond the court may, in its discretion, enter
2 judgment for the cash deposit on the bond, less costs, retain
3 the deposit for further disposition or, if a cash bond was
4 posted for failure to appear in a matter involving enforcement
5 of child support or maintenance, the amount of the cash
6 deposit on the bond, less outstanding costs, may be awarded to
7 the person or entity to whom the child support or maintenance
8 is due.

9 (h) When judgment is entered in favor of the State on any
10 bail bond given for a felony or misdemeanor, or judgement for a
11 political subdivision of the state on any bail bond given for a
12 quasi-criminal or traffic offense, the State's Attorney or
13 political subdivision's attorney shall forthwith obtain a
14 certified copy of the judgment and deliver same to the sheriff
15 to be enforced by levy on the stocks or bonds deposited with
16 the clerk of the court and the real estate described in the
17 bail bond schedule. Any cash forfeited under subsection (g) of
18 this Section shall be used to satisfy the judgment and costs
19 and, without necessity of levy, ordered paid into the treasury
20 of the municipal corporation wherein the bail bond was taken
21 if the offense was a violation of any penal ordinance of a
22 political subdivision of this State, or into the treasury of
23 the county wherein the bail bond was taken if the offense was a
24 violation of any penal statute of this State, or to the person
25 or entity to whom child support or maintenance is owed if the
26 bond was taken for failure to appear in a matter involving

1 child support or maintenance. The stocks, bonds and real
2 estate shall be sold in the same manner as in sales for the
3 enforcement of a judgment in civil actions and the proceeds of
4 such sale shall be used to satisfy all court costs, prior
5 encumbrances, if any, and from the balance a sufficient amount
6 to satisfy the judgment shall be paid into the treasury of the
7 municipal corporation wherein the bail bond was taken if the
8 offense was a violation of any penal ordinance of a political
9 subdivision of this State, or into the treasury of the county
10 wherein the bail bond was taken if the offense was a violation
11 of any penal statute of this State. The balance shall be
12 returned to the owner. The real estate so sold may be redeemed
13 in the same manner as real estate may be redeemed after
14 judicial sales or sales for the enforcement of judgments in
15 civil actions.

16 (i) No stocks, bonds or real estate may be used or accepted
17 as bail bond security in this State more than once in any 12
18 month period.

19 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

20 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

21 Sec. 110-9. Taking of bail by peace officer. When bail has
22 been set by a judicial officer for a particular offense or
23 offender any sheriff or other peace officer may take bail in
24 accordance with the provisions of Section 110-7 or 110-8 of
25 this Code and release the offender to appear in accordance

1 with the conditions of the bail bond, the Notice to Appear or
2 the Summons. The officer shall give a receipt to the offender
3 for the bail so taken and within a reasonable time deposit such
4 bail with the clerk of the court having jurisdiction of the
5 offense. A sheriff or other peace officer taking bail in
6 accordance with the provisions of Section 110-7 or 110-8 of
7 this Code shall accept payments made in the form of currency,
8 and may accept other forms of payment as the sheriff shall by
9 rule authorize. For purposes of this Section, "currency" has
10 the meaning provided in subsection (a) of Section 3 of the
11 Currency Reporting Act.

12 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

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

14 Sec. 110-13. Persons prohibited from furnishing bail
15 security. No attorney at law practicing in this State and no
16 official authorized to admit another to bail or to accept bail
17 shall furnish any part of any security for bail in any criminal
18 action or any proceeding nor shall any such person act as
19 surety for any accused admitted to bail.

20 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

22 Sec. 110-14. Credit for incarceration on bailable offense;
23 credit against monetary bail for certain offenses ~~toward fines~~
24 ~~for pretrial incarceration.~~

1 (a) Any person incarcerated on a bailable offense who does
2 not supply bail and against whom a fine is levied on conviction
3 of the offense shall be allowed a credit of \$30 for each day so
4 incarcerated upon application of the defendant. However, in no
5 case shall the amount so allowed or credited exceed the amount
6 of the fine ~~Any person denied pretrial release and against~~
7 ~~whom a fine is levied on conviction of the offense shall be~~
8 ~~automatically credited \$30 for each day so incarcerated upon~~
9 ~~application of the defendant. However, in no case shall the~~
10 ~~amount so credited exceed the amount of the fine.~~

11 (b) Subsection (a) does not apply to a person incarcerated
12 for sexual assault as defined in paragraph (1) of subsection
13 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

14 (c) A person subject to bail on a Category B offense~~7~~
15 ~~before January 1, 2023,~~ shall have \$30 deducted from his or her
16 10% cash bond amount every day the person is incarcerated. The
17 sheriff shall calculate and apply this \$30 per day reduction
18 and send notice to the circuit clerk if a defendant's 10% cash
19 bond amount is reduced to \$0, at which point the defendant
20 shall be released upon his or her own recognizance.

21 (d) The court may deny the incarceration credit in
22 subsection (c) of this Section if the person has failed to
23 appear as required before the court and is incarcerated based
24 on a warrant for failure to appear on the same original
25 criminal offense.

26 (e) (Blank).

1 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
2 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
3 12-17-21. P.A. 102-1104, eff. 12-6-22.)

4 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

5 Sec. 110-15. Applicability of provisions for giving and
6 taking bail. The provisions of Sections 110-7 and 110-8 of
7 this Code are exclusive of other provisions of law for the
8 giving, taking, or enforcement of bail. In all cases where a
9 person is admitted to bail the provisions of Sections 110-7
10 and 110-8 of this Code shall be applicable.

11 However, the Supreme Court may, by rule or order,
12 prescribe a uniform schedule of amounts of bail in all but
13 felony offenses. The uniform schedule shall not require a
14 person cited for violating the Illinois Vehicle Code or a
15 similar provision of a local ordinance for which a violation
16 is a petty offense as defined by Section 5-1-17 of the Unified
17 Code of Corrections, excluding business offenses as defined by
18 Section 5-1-2 of the Unified Code of Corrections or a
19 violation of Section 15-111 or subsection (d) of Section 3-401
20 of the Illinois Vehicle Code, to post bond to secure bail for
21 his or her release. Such uniform schedule may provide that the
22 cash deposit provisions of Section 110-7 shall not apply to
23 bail amounts established for alleged violations punishable by
24 fine alone, and the schedule may further provide that in
25 specified traffic cases a valid Illinois chauffeur's or

1 operator's license must be deposited, in addition to 10% of
2 the amount of the bail specified in the schedule.

3 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
4 101-652, eff. 7-1-21.)

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

6 Sec. 110-16. Bail bond-forfeiture in same case or absents
7 self during trial-not bailable. If a person admitted to bail
8 on a felony charge forfeits his bond and fails to appear in
9 court during the 30 days immediately after such forfeiture, on
10 being taken into custody thereafter he shall not be bailable
11 in the case in question, unless the court finds that his
12 absence was not for the purpose of obstructing justice or
13 avoiding prosecution.

14 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

15 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

16 Sec. 110-17. Unclaimed bail deposits. Any sum of money
17 deposited by any person to secure his or her release from
18 custody which remains unclaimed by the person entitled to its
19 return for 3 years after the conditions of the bail bond have
20 been performed and the accused has been discharged from all
21 obligations in the cause shall be presumed to be abandoned and
22 subject to disposition under the Revised Uniform Unclaimed
23 Property Act.

24 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;

1 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

2 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

3 Sec. 110-18. Reimbursement. The sheriff of each county
4 shall certify to the treasurer of each county the number of
5 days that persons had been detained in the custody of the
6 sheriff without a bond being set as a result of an order
7 entered pursuant to Section 110-6.1 of this Code. The county
8 treasurer shall, no later than January 1, annually certify to
9 the Supreme Court the number of days that persons had been
10 detained without bond during the twelve-month period ending
11 November 30. The Supreme Court shall reimburse, from funds
12 appropriated to it by the General Assembly for such purposes,
13 the treasurer of each county an amount of money for deposit in
14 the county general revenue fund at a rate of \$50 per day for
15 each day that persons were detained in custody without bail as
16 a result of an order entered pursuant to Section 110-6.1 of
17 this Code.

18 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

19 Section 30. The Rights of Crime Victims and Witnesses Act
20 is amended by changing Section 4.5 as follows:

21 (725 ILCS 120/4.5)

22 Sec. 4.5. Procedures to implement the rights of crime
23 victims. To afford crime victims their rights, law

1 enforcement, prosecutors, judges, and corrections will provide
2 information, as appropriate, of the following procedures:

3 (a) At the request of the crime victim, law enforcement
4 authorities investigating the case shall provide notice of the
5 status of the investigation, except where the State's Attorney
6 determines that disclosure of such information would
7 unreasonably interfere with the investigation, until such time
8 as the alleged assailant is apprehended or the investigation
9 is closed.

10 (a-5) When law enforcement authorities reopen a closed
11 case to resume investigating, they shall provide notice of the
12 reopening of the case, except where the State's Attorney
13 determines that disclosure of such information would
14 unreasonably interfere with the investigation.

15 (b) The office of the State's Attorney:

16 (1) shall provide notice of the filing of an
17 information, the return of an indictment, or the filing of
18 a petition to adjudicate a minor as a delinquent for a
19 violent crime;

20 (2) shall provide timely notice of the date, time, and
21 place of court proceedings; of any change in the date,
22 time, and place of court proceedings; and of any
23 cancellation of court proceedings. Notice shall be
24 provided in sufficient time, wherever possible, for the
25 victim to make arrangements to attend or to prevent an
26 unnecessary appearance at court proceedings;

1 (2.5) shall provide to the victim at pretrial stages
2 of the proceedings notification of all pretrial hearings,
3 all bail decisions, conditions of release related to the
4 victim's safety, the defendant's release from custody, and
5 instructions on seeking enforcement of release conditions;

6 (3) or victim advocate personnel shall provide
7 information of social services and financial assistance
8 available for victims of crime, including information of
9 how to apply for these services and assistance;

10 (3.5) or victim advocate personnel shall provide
11 information about available victim services, including
12 referrals to programs, counselors, and agencies that
13 assist a victim to deal with trauma, loss, and grief;

14 (4) shall assist in having any stolen or other
15 personal property held by law enforcement authorities for
16 evidentiary or other purposes returned as expeditiously as
17 possible, pursuant to the procedures set out in Section
18 115-9 of the Code of Criminal Procedure of 1963;

19 (5) or victim advocate personnel shall provide
20 appropriate employer intercession services to ensure that
21 employers of victims will cooperate with the criminal
22 justice system in order to minimize an employee's loss of
23 pay and other benefits resulting from court appearances;

24 (6) shall provide, whenever possible, a secure waiting
25 area during court proceedings that does not require
26 victims to be in close proximity to defendants or

1 juveniles accused of a violent crime, and their families
2 and friends;

3 (7) shall provide notice to the crime victim of the
4 right to have a translator present at all court
5 proceedings and, in compliance with the federal Americans
6 with Disabilities Act of 1990, the right to communications
7 access through a sign language interpreter or by other
8 means;

9 (8) (blank);

10 (8.5) shall inform the victim of the right to be
11 present at all court proceedings, unless the victim is to
12 testify and the court determines that the victim's
13 testimony would be materially affected if the victim hears
14 other testimony at trial;

15 (9) shall inform the victim of the right to have
16 present at all court proceedings, subject to the rules of
17 evidence and confidentiality, an advocate and other
18 support person of the victim's choice;

19 (9.3) shall inform the victim of the right to retain
20 an attorney, at the victim's own expense, who, upon
21 written notice filed with the clerk of the court and
22 State's Attorney, is to receive copies of all notices,
23 motions, and court orders filed thereafter in the case, in
24 the same manner as if the victim were a named party in the
25 case;

26 (9.5) shall inform the victim of (A) the victim's

1 right under Section 6 of this Act to make a statement at
2 the sentencing hearing; (B) the right of the victim's
3 spouse, guardian, parent, grandparent, and other immediate
4 family and household members under Section 6 of this Act
5 to present a statement at sentencing; and (C) if a
6 presentence report is to be prepared, the right of the
7 victim's spouse, guardian, parent, grandparent, and other
8 immediate family and household members to submit
9 information to the preparer of the presentence report
10 about the effect the offense has had on the victim and the
11 person;

12 (10) at the sentencing shall make a good faith attempt
13 to explain the minimum amount of time during which the
14 defendant may actually be physically imprisoned. The
15 Office of the State's Attorney shall further notify the
16 crime victim of the right to request from the Prisoner
17 Review Board or Department of Juvenile Justice information
18 concerning the release of the defendant;

19 (11) shall request restitution at sentencing and as
20 part of a plea agreement if the victim requests
21 restitution;

22 (12) shall, upon the court entering a verdict of not
23 guilty by reason of insanity, inform the victim of the
24 notification services available from the Department of
25 Human Services, including the statewide telephone number,
26 under subparagraph (d) (2) of this Section;

1 (13) shall provide notice within a reasonable time
2 after receipt of notice from the custodian, of the release
3 of the defendant on pretrial release or personal
4 recognizance or the release from detention of a minor who
5 has been detained;

6 (14) shall explain in nontechnical language the
7 details of any plea or verdict of a defendant, or any
8 adjudication of a juvenile as a delinquent;

9 (15) shall make all reasonable efforts to consult with
10 the crime victim before the Office of the State's Attorney
11 makes an offer of a plea bargain to the defendant or enters
12 into negotiations with the defendant concerning a possible
13 plea agreement, and shall consider the written statement,
14 if prepared prior to entering into a plea agreement. The
15 right to consult with the prosecutor does not include the
16 right to veto a plea agreement or to insist the case go to
17 trial. If the State's Attorney has not consulted with the
18 victim prior to making an offer or entering into plea
19 negotiations with the defendant, the Office of the State's
20 Attorney shall notify the victim of the offer or the
21 negotiations within 2 business days and confer with the
22 victim;

23 (16) shall provide notice of the ultimate disposition
24 of the cases arising from an indictment or an information,
25 or a petition to have a juvenile adjudicated as a
26 delinquent for a violent crime;

1 (17) shall provide notice of any appeal taken by the
2 defendant and information on how to contact the
3 appropriate agency handling the appeal, and how to request
4 notice of any hearing, oral argument, or decision of an
5 appellate court;

6 (18) shall provide timely notice of any request for
7 post-conviction review filed by the defendant under
8 Article 122 of the Code of Criminal Procedure of 1963, and
9 of the date, time and place of any hearing concerning the
10 petition. Whenever possible, notice of the hearing shall
11 be given within 48 hours of the court's scheduling of the
12 hearing;

13 (19) shall forward a copy of any statement presented
14 under Section 6 to the Prisoner Review Board or Department
15 of Juvenile Justice to be considered in making a
16 determination under Section 3-2.5-85 or subsection (b) of
17 Section 3-3-8 of the Unified Code of Corrections;

18 (20) shall, within a reasonable time, offer to meet
19 with the crime victim regarding the decision of the
20 State's Attorney not to charge an offense, and shall meet
21 with the victim, if the victim agrees. The victim has a
22 right to have an attorney, advocate, and other support
23 person of the victim's choice attend this meeting with the
24 victim; and

25 (21) shall give the crime victim timely notice of any
26 decision not to pursue charges and consider the safety of

1 the victim when deciding how to give such notice.

2 (c) The court shall ensure that the rights of the victim
3 are afforded.

4 (c-5) The following procedures shall be followed to afford
5 victims the rights guaranteed by Article I, Section 8.1 of the
6 Illinois Constitution:

7 (1) Written notice. A victim may complete a written
8 notice of intent to assert rights on a form prepared by the
9 Office of the Attorney General and provided to the victim
10 by the State's Attorney. The victim may at any time
11 provide a revised written notice to the State's Attorney.
12 The State's Attorney shall file the written notice with
13 the court. At the beginning of any court proceeding in
14 which the right of a victim may be at issue, the court and
15 prosecutor shall review the written notice to determine
16 whether the victim has asserted the right that may be at
17 issue.

18 (2) Victim's retained attorney. A victim's attorney
19 shall file an entry of appearance limited to assertion of
20 the victim's rights. Upon the filing of the entry of
21 appearance and service on the State's Attorney and the
22 defendant, the attorney is to receive copies of all
23 notices, motions and court orders filed thereafter in the
24 case.

25 (3) Standing. The victim has standing to assert the
26 rights enumerated in subsection (a) of Article I, Section

1 8.1 of the Illinois Constitution and the statutory rights
2 under Section 4 of this Act in any court exercising
3 jurisdiction over the criminal case. The prosecuting
4 attorney, a victim, or the victim's retained attorney may
5 assert the victim's rights. The defendant in the criminal
6 case has no standing to assert a right of the victim in any
7 court proceeding, including on appeal.

8 (4) Assertion of and enforcement of rights.

9 (A) The prosecuting attorney shall assert a
10 victim's right or request enforcement of a right by
11 filing a motion or by orally asserting the right or
12 requesting enforcement in open court in the criminal
13 case outside the presence of the jury. The prosecuting
14 attorney shall consult with the victim and the
15 victim's attorney regarding the assertion or
16 enforcement of a right. If the prosecuting attorney
17 decides not to assert or enforce a victim's right, the
18 prosecuting attorney shall notify the victim or the
19 victim's attorney in sufficient time to allow the
20 victim or the victim's attorney to assert the right or
21 to seek enforcement of a right.

22 (B) If the prosecuting attorney elects not to
23 assert a victim's right or to seek enforcement of a
24 right, the victim or the victim's attorney may assert
25 the victim's right or request enforcement of a right
26 by filing a motion or by orally asserting the right or

1 requesting enforcement in open court in the criminal
2 case outside the presence of the jury.

3 (C) If the prosecuting attorney asserts a victim's
4 right or seeks enforcement of a right, unless the
5 prosecuting attorney objects or the trial court does
6 not allow it, the victim or the victim's attorney may
7 be heard regarding the prosecuting attorney's motion
8 or may file a simultaneous motion to assert or request
9 enforcement of the victim's right. If the victim or
10 the victim's attorney was not allowed to be heard at
11 the hearing regarding the prosecuting attorney's
12 motion, and the court denies the prosecuting
13 attorney's assertion of the right or denies the
14 request for enforcement of a right, the victim or
15 victim's attorney may file a motion to assert the
16 victim's right or to request enforcement of the right
17 within 10 days of the court's ruling. The motion need
18 not demonstrate the grounds for a motion for
19 reconsideration. The court shall rule on the merits of
20 the motion.

21 (D) The court shall take up and decide any motion
22 or request asserting or seeking enforcement of a
23 victim's right without delay, unless a specific time
24 period is specified by law or court rule. The reasons
25 for any decision denying the motion or request shall
26 be clearly stated on the record.

1 (E) No later than January 1, 2023, the Office of
2 the Attorney General shall:

3 (i) designate an administrative authority
4 within the Office of the Attorney General to
5 receive and investigate complaints relating to the
6 provision or violation of the rights of a crime
7 victim as described in Article I, Section 8.1 of
8 the Illinois Constitution and in this Act;

9 (ii) create and administer a course of
10 training for employees and offices of the State of
11 Illinois that fail to comply with provisions of
12 Illinois law pertaining to the treatment of crime
13 victims as described in Article I, Section 8.1 of
14 the Illinois Constitution and in this Act as
15 required by the court under Section 5 of this Act;
16 and

17 (iii) have the authority to make
18 recommendations to employees and offices of the
19 State of Illinois to respond more effectively to
20 the needs of crime victims, including regarding
21 the violation of the rights of a crime victim.

22 (F) Crime victims' rights may also be asserted by
23 filing a complaint for mandamus, injunctive, or
24 declaratory relief in the jurisdiction in which the
25 victim's right is being violated or where the crime is
26 being prosecuted. For complaints or motions filed by

1 or on behalf of the victim, the clerk of court shall
2 waive filing fees that would otherwise be owed by the
3 victim for any court filing with the purpose of
4 enforcing crime victims' rights. If the court denies
5 the relief sought by the victim, the reasons for the
6 denial shall be clearly stated on the record in the
7 transcript of the proceedings, in a written opinion,
8 or in the docket entry, and the victim may appeal the
9 circuit court's decision to the appellate court. The
10 court shall issue prompt rulings regarding victims'
11 rights. Proceedings seeking to enforce victims' rights
12 shall not be stayed or subject to unreasonable delay
13 via continuances.

14 (5) Violation of rights and remedies.

15 (A) If the court determines that a victim's right
16 has been violated, the court shall determine the
17 appropriate remedy for the violation of the victim's
18 right by hearing from the victim and the parties,
19 considering all factors relevant to the issue, and
20 then awarding appropriate relief to the victim.

21 (A-5) Consideration of an issue of a substantive
22 nature or an issue that implicates the constitutional
23 or statutory right of a victim at a court proceeding
24 labeled as a status hearing shall constitute a per se
25 violation of a victim's right.

26 (B) The appropriate remedy shall include only

1 actions necessary to provide the victim the right to
2 which the victim was entitled. Remedies may include,
3 but are not limited to: injunctive relief requiring
4 the victim's right to be afforded; declaratory
5 judgment recognizing or clarifying the victim's
6 rights; a writ of mandamus; and may include reopening
7 previously held proceedings; however, in no event
8 shall the court vacate a conviction. Any remedy shall
9 be tailored to provide the victim an appropriate
10 remedy without violating any constitutional right of
11 the defendant. In no event shall the appropriate
12 remedy to the victim be a new trial or damages.

13 The court shall impose a mandatory training course
14 provided by the Attorney General for the employee under
15 item (ii) of subparagraph (E) of paragraph (4), which must
16 be successfully completed within 6 months of the entry of
17 the court order.

18 This paragraph (5) takes effect January 2, 2023.

19 (6) Right to be heard. Whenever a victim has the right
20 to be heard, the court shall allow the victim to exercise
21 the right in any reasonable manner the victim chooses.

22 (7) Right to attend trial. A party must file a written
23 motion to exclude a victim from trial at least 60 days
24 prior to the date set for trial. The motion must state with
25 specificity the reason exclusion is necessary to protect a
26 constitutional right of the party, and must contain an

1 offer of proof. The court shall rule on the motion within
2 30 days. If the motion is granted, the court shall set
3 forth on the record the facts that support its finding
4 that the victim's testimony will be materially affected if
5 the victim hears other testimony at trial.

6 (8) Right to have advocate and support person present
7 at court proceedings.

8 (A) A party who intends to call an advocate as a
9 witness at trial must seek permission of the court
10 before the subpoena is issued. The party must file a
11 written motion at least 90 days before trial that sets
12 forth specifically the issues on which the advocate's
13 testimony is sought and an offer of proof regarding
14 (i) the content of the anticipated testimony of the
15 advocate; and (ii) the relevance, admissibility, and
16 materiality of the anticipated testimony. The court
17 shall consider the motion and make findings within 30
18 days of the filing of the motion. If the court finds by
19 a preponderance of the evidence that: (i) the
20 anticipated testimony is not protected by an absolute
21 privilege; and (ii) the anticipated testimony contains
22 relevant, admissible, and material evidence that is
23 not available through other witnesses or evidence, the
24 court shall issue a subpoena requiring the advocate to
25 appear to testify at an in camera hearing. The
26 prosecuting attorney and the victim shall have 15 days

1 to seek appellate review before the advocate is
2 required to testify at an ex parte in camera
3 proceeding.

4 The prosecuting attorney, the victim, and the
5 advocate's attorney shall be allowed to be present at
6 the ex parte in camera proceeding. If, after
7 conducting the ex parte in camera hearing, the court
8 determines that due process requires any testimony
9 regarding confidential or privileged information or
10 communications, the court shall provide to the
11 prosecuting attorney, the victim, and the advocate's
12 attorney a written memorandum on the substance of the
13 advocate's testimony. The prosecuting attorney, the
14 victim, and the advocate's attorney shall have 15 days
15 to seek appellate review before a subpoena may be
16 issued for the advocate to testify at trial. The
17 presence of the prosecuting attorney at the ex parte
18 in camera proceeding does not make the substance of
19 the advocate's testimony that the court has ruled
20 inadmissible subject to discovery.

21 (B) If a victim has asserted the right to have a
22 support person present at the court proceedings, the
23 victim shall provide the name of the person the victim
24 has chosen to be the victim's support person to the
25 prosecuting attorney, within 60 days of trial. The
26 prosecuting attorney shall provide the name to the

1 defendant. If the defendant intends to call the
2 support person as a witness at trial, the defendant
3 must seek permission of the court before a subpoena is
4 issued. The defendant must file a written motion at
5 least 45 days prior to trial that sets forth
6 specifically the issues on which the support person
7 will testify and an offer of proof regarding: (i) the
8 content of the anticipated testimony of the support
9 person; and (ii) the relevance, admissibility, and
10 materiality of the anticipated testimony.

11 If the prosecuting attorney intends to call the
12 support person as a witness during the State's
13 case-in-chief, the prosecuting attorney shall inform
14 the court of this intent in the response to the
15 defendant's written motion. The victim may choose a
16 different person to be the victim's support person.
17 The court may allow the defendant to inquire about
18 matters outside the scope of the direct examination
19 during cross-examination. If the court allows the
20 defendant to do so, the support person shall be
21 allowed to remain in the courtroom after the support
22 person has testified. A defendant who fails to
23 question the support person about matters outside the
24 scope of direct examination during the State's
25 case-in-chief waives the right to challenge the
26 presence of the support person on appeal. The court

1 shall allow the support person to testify if called as
2 a witness in the defendant's case-in-chief or the
3 State's rebuttal.

4 If the court does not allow the defendant to
5 inquire about matters outside the scope of the direct
6 examination, the support person shall be allowed to
7 remain in the courtroom after the support person has
8 been called by the defendant or the defendant has
9 rested. The court shall allow the support person to
10 testify in the State's rebuttal.

11 If the prosecuting attorney does not intend to
12 call the support person in the State's case-in-chief,
13 the court shall verify with the support person whether
14 the support person, if called as a witness, would
15 testify as set forth in the offer of proof. If the
16 court finds that the support person would testify as
17 set forth in the offer of proof, the court shall rule
18 on the relevance, materiality, and admissibility of
19 the anticipated testimony. If the court rules the
20 anticipated testimony is admissible, the court shall
21 issue the subpoena. The support person may remain in
22 the courtroom after the support person testifies and
23 shall be allowed to testify in rebuttal.

24 If the court excludes the victim's support person
25 during the State's case-in-chief, the victim shall be
26 allowed to choose another support person to be present

1 in court.

2 If the victim fails to designate a support person
3 within 60 days of trial and the defendant has
4 subpoenaed the support person to testify at trial, the
5 court may exclude the support person from the trial
6 until the support person testifies. If the court
7 excludes the support person the victim may choose
8 another person as a support person.

9 (9) Right to notice and hearing before disclosure of
10 confidential or privileged information or records.

11 (A) A defendant who seeks to subpoena testimony or
12 records of or concerning the victim that are
13 confidential or privileged by law must seek permission
14 of the court before the subpoena is issued. The
15 defendant must file a written motion and an offer of
16 proof regarding the relevance, admissibility and
17 materiality of the testimony or records. If the court
18 finds by a preponderance of the evidence that:

19 (i) the testimony or records are not protected
20 by an absolute privilege and

21 (ii) the testimony or records contain
22 relevant, admissible, and material evidence that
23 is not available through other witnesses or
24 evidence, the court shall issue a subpoena
25 requiring the witness to appear in camera or a
26 sealed copy of the records be delivered to the

1 court to be reviewed in camera. If, after
2 conducting an in camera review of the witness
3 statement or records, the court determines that
4 due process requires disclosure of any potential
5 testimony or any portion of the records, the court
6 shall provide copies of the records that it
7 intends to disclose to the prosecuting attorney
8 and the victim. The prosecuting attorney and the
9 victim shall have 30 days to seek appellate review
10 before the records are disclosed to the defendant,
11 used in any court proceeding, or disclosed to
12 anyone or in any way that would subject the
13 testimony or records to public review. The
14 disclosure of copies of any portion of the
15 testimony or records to the prosecuting attorney
16 under this Section does not make the records
17 subject to discovery or required to be provided to
18 the defendant.

19 (B) A prosecuting attorney who seeks to subpoena
20 information or records concerning the victim that are
21 confidential or privileged by law must first request
22 the written consent of the crime victim. If the victim
23 does not provide such written consent, including where
24 necessary the appropriate signed document required for
25 waiving privilege, the prosecuting attorney must serve
26 the subpoena at least 21 days prior to the date a

1 response or appearance is required to allow the
2 subject of the subpoena time to file a motion to quash
3 or request a hearing. The prosecuting attorney must
4 also send a written notice to the victim at least 21
5 days prior to the response date to allow the victim to
6 file a motion or request a hearing. The notice to the
7 victim shall inform the victim (i) that a subpoena has
8 been issued for confidential information or records
9 concerning the victim, (ii) that the victim has the
10 right to request a hearing prior to the response date
11 of the subpoena, and (iii) how to request the hearing.
12 The notice to the victim shall also include a copy of
13 the subpoena. If requested, a hearing regarding the
14 subpoena shall occur before information or records are
15 provided to the prosecuting attorney.

16 (10) Right to notice of court proceedings. If the
17 victim is not present at a court proceeding in which a
18 right of the victim is at issue, the court shall ask the
19 prosecuting attorney whether the victim was notified of
20 the time, place, and purpose of the court proceeding and
21 that the victim had a right to be heard at the court
22 proceeding. If the court determines that timely notice was
23 not given or that the victim was not adequately informed
24 of the nature of the court proceeding, the court shall not
25 rule on any substantive issues, accept a plea, or impose a
26 sentence and shall continue the hearing for the time

1 necessary to notify the victim of the time, place and
2 nature of the court proceeding. The time between court
3 proceedings shall not be attributable to the State under
4 Section 103-5 of the Code of Criminal Procedure of 1963.

5 (11) Right to timely disposition of the case. A victim
6 has the right to timely disposition of the case so as to
7 minimize the stress, cost, and inconvenience resulting
8 from the victim's involvement in the case. Before ruling
9 on a motion to continue trial or other court proceeding,
10 the court shall inquire into the circumstances for the
11 request for the delay and, if the victim has provided
12 written notice of the assertion of the right to a timely
13 disposition, and whether the victim objects to the delay.
14 If the victim objects, the prosecutor shall inform the
15 court of the victim's objections. If the prosecutor has
16 not conferred with the victim about the continuance, the
17 prosecutor shall inform the court of the attempts to
18 confer. If the court finds the attempts of the prosecutor
19 to confer with the victim were inadequate to protect the
20 victim's right to be heard, the court shall give the
21 prosecutor at least 3 but not more than 5 business days to
22 confer with the victim. In ruling on a motion to continue,
23 the court shall consider the reasons for the requested
24 continuance, the number and length of continuances that
25 have been granted, the victim's objections and procedures
26 to avoid further delays. If a continuance is granted over

1 the victim's objection, the court shall specify on the
2 record the reasons for the continuance and the procedures
3 that have been or will be taken to avoid further delays.

4 (12) Right to Restitution.

5 (A) If the victim has asserted the right to
6 restitution and the amount of restitution is known at
7 the time of sentencing, the court shall enter the
8 judgment of restitution at the time of sentencing.

9 (B) If the victim has asserted the right to
10 restitution and the amount of restitution is not known
11 at the time of sentencing, the prosecutor shall,
12 within 5 days after sentencing, notify the victim what
13 information and documentation related to restitution
14 is needed and that the information and documentation
15 must be provided to the prosecutor within 45 days
16 after sentencing. Failure to timely provide
17 information and documentation related to restitution
18 shall be deemed a waiver of the right to restitution.
19 The prosecutor shall file and serve within 60 days
20 after sentencing a proposed judgment for restitution
21 and a notice that includes information concerning the
22 identity of any victims or other persons seeking
23 restitution, whether any victim or other person
24 expressly declines restitution, the nature and amount
25 of any damages together with any supporting
26 documentation, a restitution amount recommendation,

1 and the names of any co-defendants and their case
2 numbers. Within 30 days after receipt of the proposed
3 judgment for restitution, the defendant shall file any
4 objection to the proposed judgment, a statement of
5 grounds for the objection, and a financial statement.
6 If the defendant does not file an objection, the court
7 may enter the judgment for restitution without further
8 proceedings. If the defendant files an objection and
9 either party requests a hearing, the court shall
10 schedule a hearing.

11 (13) Access to presentence reports.

12 (A) The victim may request a copy of the
13 presentence report prepared under the Unified Code of
14 Corrections from the State's Attorney. The State's
15 Attorney shall redact the following information before
16 providing a copy of the report:

17 (i) the defendant's mental history and
18 condition;

19 (ii) any evaluation prepared under subsection
20 (b) or (b-5) of Section 5-3-2; and

21 (iii) the name, address, phone number, and
22 other personal information about any other victim.

23 (B) The State's Attorney or the defendant may
24 request the court redact other information in the
25 report that may endanger the safety of any person.

26 (C) The State's Attorney may orally disclose to

1 the victim any of the information that has been
2 redacted if there is a reasonable likelihood that the
3 information will be stated in court at the sentencing.

4 (D) The State's Attorney must advise the victim
5 that the victim must maintain the confidentiality of
6 the report and other information. Any dissemination of
7 the report or information that was not stated at a
8 court proceeding constitutes indirect criminal
9 contempt of court.

10 (14) Appellate relief. If the trial court denies the
11 relief requested, the victim, the victim's attorney, or
12 the prosecuting attorney may file an appeal within 30 days
13 of the trial court's ruling. The trial or appellate court
14 may stay the court proceedings if the court finds that a
15 stay would not violate a constitutional right of the
16 defendant. If the appellate court denies the relief
17 sought, the reasons for the denial shall be clearly stated
18 in a written opinion. In any appeal in a criminal case, the
19 State may assert as error the court's denial of any crime
20 victim's right in the proceeding to which the appeal
21 relates.

22 (15) Limitation on appellate relief. In no case shall
23 an appellate court provide a new trial to remedy the
24 violation of a victim's right.

25 (16) The right to be reasonably protected from the
26 accused throughout the criminal justice process and the

1 right to have the safety of the victim and the victim's
2 family considered in determining whether to release the
3 defendant, and setting conditions of release after arrest
4 and conviction. A victim of domestic violence, a sexual
5 offense, or stalking may request the entry of a protective
6 order under Article 112A of the Code of Criminal Procedure
7 of 1963.

8 (d) Procedures after the imposition of sentence.

9 (1) The Prisoner Review Board shall inform a victim or
10 any other concerned citizen, upon written request, of the
11 prisoner's release on parole, mandatory supervised
12 release, electronic detention, work release, international
13 transfer or exchange, or by the custodian, other than the
14 Department of Juvenile Justice, of the discharge of any
15 individual who was adjudicated a delinquent for a crime
16 from State custody and by the sheriff of the appropriate
17 county of any such person's final discharge from county
18 custody. The Prisoner Review Board, upon written request,
19 shall provide to a victim or any other concerned citizen a
20 recent photograph of any person convicted of a felony,
21 upon his or her release from custody. The Prisoner Review
22 Board, upon written request, shall inform a victim or any
23 other concerned citizen when feasible at least 7 days
24 prior to the prisoner's release on furlough of the times
25 and dates of such furlough. Upon written request by the
26 victim or any other concerned citizen, the State's

1 Attorney shall notify the person once of the times and
2 dates of release of a prisoner sentenced to periodic
3 imprisonment. Notification shall be based on the most
4 recent information as to the victim's or other concerned
5 citizen's residence or other location available to the
6 notifying authority.

7 (2) When the defendant has been committed to the
8 Department of Human Services pursuant to Section 5-2-4 or
9 any other provision of the Unified Code of Corrections,
10 the victim may request to be notified by the releasing
11 authority of the approval by the court of an on-grounds
12 pass, a supervised off-grounds pass, an unsupervised
13 off-grounds pass, or conditional release; the release on
14 an off-grounds pass; the return from an off-grounds pass;
15 transfer to another facility; conditional release; escape;
16 death; or final discharge from State custody. The
17 Department of Human Services shall establish and maintain
18 a statewide telephone number to be used by victims to make
19 notification requests under these provisions and shall
20 publicize this telephone number on its website and to the
21 State's Attorney of each county.

22 (3) In the event of an escape from State custody, the
23 Department of Corrections or the Department of Juvenile
24 Justice immediately shall notify the Prisoner Review Board
25 of the escape and the Prisoner Review Board shall notify
26 the victim. The notification shall be based upon the most

1 recent information as to the victim's residence or other
2 location available to the Board. When no such information
3 is available, the Board shall make all reasonable efforts
4 to obtain the information and make the notification. When
5 the escapee is apprehended, the Department of Corrections
6 or the Department of Juvenile Justice immediately shall
7 notify the Prisoner Review Board and the Board shall
8 notify the victim.

9 (4) The victim of the crime for which the prisoner has
10 been sentenced has the right to register with the Prisoner
11 Review Board's victim registry. Victims registered with
12 the Board shall receive reasonable written notice not less
13 than 30 days prior to the parole hearing or target
14 aftercare release date. The victim has the right to submit
15 a victim statement for consideration by the Prisoner
16 Review Board or the Department of Juvenile Justice in
17 writing, on film, videotape, or other electronic means, or
18 in the form of a recording prior to the parole hearing or
19 target aftercare release date, or in person at the parole
20 hearing or aftercare release protest hearing, or by
21 calling the toll-free number established in subsection (f)
22 of this Section. The victim shall be notified within 7
23 days after the prisoner has been granted parole or
24 aftercare release and shall be informed of the right to
25 inspect the registry of parole decisions, established
26 under subsection (g) of Section 3-3-5 of the Unified Code

1 of Corrections. The provisions of this paragraph (4) are
2 subject to the Open Parole Hearings Act. Victim statements
3 provided to the Board shall be confidential and
4 privileged, including any statements received prior to
5 January 1, 2020 (the effective date of Public Act
6 101-288), except if the statement was an oral statement
7 made by the victim at a hearing open to the public.

8 (4-1) The crime victim has the right to submit a
9 victim statement for consideration by the Prisoner Review
10 Board or the Department of Juvenile Justice prior to or at
11 a hearing to determine the conditions of mandatory
12 supervised release of a person sentenced to a determinate
13 sentence or at a hearing on revocation of mandatory
14 supervised release of a person sentenced to a determinate
15 sentence. A victim statement may be submitted in writing,
16 on film, videotape, or other electronic means, or in the
17 form of a recording, or orally at a hearing, or by calling
18 the toll-free number established in subsection (f) of this
19 Section. Victim statements provided to the Board shall be
20 confidential and privileged, including any statements
21 received prior to January 1, 2020 (the effective date of
22 Public Act 101-288), except if the statement was an oral
23 statement made by the victim at a hearing open to the
24 public.

25 (4-2) The crime victim has the right to submit a
26 victim statement to the Prisoner Review Board for

1 consideration at an executive clemency hearing as provided
2 in Section 3-3-13 of the Unified Code of Corrections. A
3 victim statement may be submitted in writing, on film,
4 videotape, or other electronic means, or in the form of a
5 recording prior to a hearing, or orally at a hearing, or by
6 calling the toll-free number established in subsection (f)
7 of this Section. Victim statements provided to the Board
8 shall be confidential and privileged, including any
9 statements received prior to January 1, 2020 (the
10 effective date of Public Act 101-288), except if the
11 statement was an oral statement made by the victim at a
12 hearing open to the public.

13 (5) If a statement is presented under Section 6, the
14 Prisoner Review Board or Department of Juvenile Justice
15 shall inform the victim of any order of discharge pursuant
16 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
17 Corrections.

18 (6) At the written or oral request of the victim of the
19 crime for which the prisoner was sentenced or the State's
20 Attorney of the county where the person seeking parole or
21 aftercare release was prosecuted, the Prisoner Review
22 Board or Department of Juvenile Justice shall notify the
23 victim and the State's Attorney of the county where the
24 person seeking parole or aftercare release was prosecuted
25 of the death of the prisoner if the prisoner died while on
26 parole or aftercare release or mandatory supervised

1 release.

2 (7) When a defendant who has been committed to the
3 Department of Corrections, the Department of Juvenile
4 Justice, or the Department of Human Services is released
5 or discharged and subsequently committed to the Department
6 of Human Services as a sexually violent person and the
7 victim had requested to be notified by the releasing
8 authority of the defendant's discharge, conditional
9 release, death, or escape from State custody, the
10 releasing authority shall provide to the Department of
11 Human Services such information that would allow the
12 Department of Human Services to contact the victim.

13 (8) When a defendant has been convicted of a sex
14 offense as defined in Section 2 of the Sex Offender
15 Registration Act and has been sentenced to the Department
16 of Corrections or the Department of Juvenile Justice, the
17 Prisoner Review Board or the Department of Juvenile
18 Justice shall notify the victim of the sex offense of the
19 prisoner's eligibility for release on parole, aftercare
20 release, mandatory supervised release, electronic
21 detention, work release, international transfer or
22 exchange, or by the custodian of the discharge of any
23 individual who was adjudicated a delinquent for a sex
24 offense from State custody and by the sheriff of the
25 appropriate county of any such person's final discharge
26 from county custody. The notification shall be made to the

1 victim at least 30 days, whenever possible, before release
2 of the sex offender.

3 (e) The officials named in this Section may satisfy some
4 or all of their obligations to provide notices and other
5 information through participation in a statewide victim and
6 witness notification system established by the Attorney
7 General under Section 8.5 of this Act.

8 (f) The Prisoner Review Board shall establish a toll-free
9 number that may be accessed by the crime victim to present a
10 victim statement to the Board in accordance with paragraphs
11 (4), (4-1), and (4-2) of subsection (d).

12 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
13 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
14 8-20-21; 102-813, eff. 5-13-22.)

15 Section 35. The Pretrial Services Act is amended by adding
16 Sections 8.1 and 8.2 as follows:

17 (725 ILCS 185/8.1 new)

18 Sec. 8.1. Additional duties of pretrial services agencies.

19 (a) Pretrial services agencies shall perform such duties
20 as prescribed to them by the Code of Criminal Procedure of
21 1963.

22 (b) Pretrial services agencies shall implement a system of
23 court date reminders, including location, date, and time of
24 the court appearance. Reminders shall be provided one to 3

1 days prior to each scheduled court appearance.

2 (c) Electronic monitoring is available for pretrial
3 detention. "Electronic monitoring" has the meaning ascribed to
4 it in Section 5-8A-2 of the Unified Code of Corrections.

5 (725 ILCS 185/8.2 new)

6 Sec. 8.2. Administrative Office of the Illinois Courts;
7 data; additional duties; criminal justice coordinating
8 councils.

9 (a) The Administrative Office of the Illinois Courts
10 shall:

11 (1) develop a process to evaluate and improve the
12 quality, completeness and availability of data needed and
13 collected to evaluate the use of electronic monitoring and
14 its impact on pretrial success;

15 (2) establish and adopt performance measurements to
16 analyze the criminal justice system's effectiveness in
17 administering pretrial justice;

18 (3) adopt the following goals of performance
19 measurements in identifying data metrics:

20 (A) highlight opportunities for pretrial system
21 improvements;

22 (B) obtain a view of the landscape of pretrial in
23 this State;

24 (C) allow for county comparisons;

25 (D) highlight data collection issues and quality;

1 and

2 (E) identify model and high functioning county
3 systems;

4 (4) establish a Pretrial Division to assist and
5 support statewide implementation of pretrial
6 recommendations. The pretrial services component shall
7 have a clearly defined, pretrial service-related function
8 as its purpose. Pretrial staff shall be assigned only to
9 pretrial-related work with pretrial defendants. Pretrial
10 component management can make independent decisions on
11 budget, staffing, and policy;

12 (5) allow for agreements with external research
13 entities such as the Illinois Criminal Justice Information
14 Authority or universities to use the data to further study
15 pretrial practices, risk assessment instrument development
16 and validation. Training shall include the utility of risk
17 assessment instruments, offered not only for those who
18 will implement the instruments, but those receiving the
19 results, including judges, prosecutors, and defense
20 counsel;

21 (6) encourage collaborative training with judges,
22 probation, and pretrial service agencies through the
23 Illinois Judicial College;

24 (7) partner with other stakeholder organizations to
25 provide joint training regarding legal and evidence-based
26 pretrial practices;

1 (8) create and maintain a central repository on the
2 Illinois Courts website, available to all criminal justice
3 stakeholders, the public and media, to easily access
4 information regarding pretrial reform; and

5 (9) create a traveling press team to visit editorial
6 boards at the State's major media outlets and provide
7 education, training, and outcome data of pretrial decision
8 making.

9 (b) Each of the 24 judicial circuits shall create a
10 criminal justice coordinating council, to interface with other
11 criminal justice stakeholders. The Chief Judge of each circuit
12 shall chair the criminal justice coordinating council in his
13 or her circuit.

14 Section 40. The Unified Code of Corrections is amended by
15 changing Sections 5-8A-3 and 5-8A-7 and by adding Section
16 5-8A-10 as follows:

17 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

18 Sec. 5-8A-3. Application.

19 (a) Except as provided in subsection (d), a person charged
20 with or convicted of an excluded offense may not be placed in
21 an electronic monitoring or home detention program, except for
22 bond pending trial or appeal or while on parole, aftercare
23 release, or mandatory supervised release.

24 (b) A person serving a sentence for a conviction of a Class

1 1 felony, other than an excluded offense, may be placed in an
2 electronic monitoring or home detention program for a period
3 not to exceed the last 90 days of incarceration.

4 (c) A person serving a sentence for a conviction of a Class
5 X felony, other than an excluded offense, may be placed in an
6 electronic monitoring or home detention program for a period
7 not to exceed the last 90 days of incarceration, provided that
8 the person was sentenced on or after August 11, 1993 (the
9 effective date of Public Act 88-311) and provided that the
10 court has not prohibited the program for the person in the
11 sentencing order.

12 (d) A person serving a sentence for conviction of an
13 offense other than for predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 assault, aggravated criminal sexual abuse, or felony criminal
16 sexual abuse, may be placed in an electronic monitoring or
17 home detention program for a period not to exceed the last 12
18 months of incarceration, provided that (i) the person is 55
19 years of age or older; (ii) the person is serving a determinate
20 sentence; (iii) the person has served at least 25% of the
21 sentenced prison term; and (iv) placement in an electronic
22 monitoring or home detention program is approved by the
23 Prisoner Review Board or the Department of Juvenile Justice.

24 (e) A person serving a sentence for conviction of a Class
25 2, 3, or 4 felony offense which is not an excluded offense may
26 be placed in an electronic monitoring or home detention

1 program pursuant to Department administrative directives.
2 These directives shall encourage inmates to apply for
3 electronic detention to incentivize positive behavior and
4 program participation prior to and following their return to
5 the community, consistent with Section 5-8A-4.2 of this Code.
6 These directives shall not prohibit application solely for
7 prior mandatory supervised release violation history,
8 outstanding municipal warrants, current security
9 classification, and prior criminal history, though these
10 factors may be considered when reviewing individual
11 applications in conjunction with additional factors, such as
12 the applicant's institution behavior, program participation,
13 and reentry plan.

14 (f) Applications for electronic monitoring or home
15 detention may include the following:

- 16 (1) ~~pre-trial or~~ pre-adjudicatory detention;
- 17 (2) probation;
- 18 (3) conditional discharge;
- 19 (4) periodic imprisonment;
- 20 (5) parole, aftercare release, or mandatory supervised
21 release;
- 22 (6) work release;
- 23 (7) furlough; or
- 24 (8) post-trial incarceration.

25 (g) A person convicted of an offense described in clause
26 (4) or (5) of subsection (d) of Section 5-8-1 of this Code

1 shall be placed in an electronic monitoring or home detention
2 program for at least the first 2 years of the person's
3 mandatory supervised release term.

4 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
5 100-201, eff. 8-18-17; 100-431, eff. 8-25-17; 100-575, eff.
6 1-8-18.)

7 (730 ILCS 5/5-8A-7)

8 Sec. 5-8A-7. Domestic violence surveillance program. If
9 the Prisoner Review Board, Department of Corrections,
10 Department of Juvenile Justice, or court (the supervising
11 authority) orders electronic surveillance as a condition of
12 parole, aftercare release, mandatory supervised release, early
13 release, probation, or conditional discharge for a violation
14 of an order of protection or as a condition of pretrial release
15 for a person charged with a violation of one or more felony
16 statutes of any jurisdiction which would be a forcible felony
17 in Illinois or a Class 2 or greater offense under the Illinois
18 Controlled Substances Act, the Cannabis Control Act, or the
19 Methamphetamine Control and Community Protection Act and the
20 defendant is on bail for the alleged commission of a felony, or
21 where the defendant is on bail for a felony domestic battery
22 (enhanced pursuant to subsection (b) of Section 12-3.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012),
24 aggravated domestic battery, aggravated battery, unlawful
25 restraint, aggravated unlawful restraint or domestic battery

1 in violation of item (1) of subsection (a) of Section 12-3.2 of
2 the Criminal Code of 1961 or the Criminal Code of 2012 against
3 a family or household member as defined in Section 112A-3 of
4 this Code and the violation is an offense of domestic battery
5 against the same victim or a violation of an order of
6 protection, the supervising authority shall use the best
7 available global positioning technology to track domestic
8 violence offenders, if available and reliable in the
9 supervising authority's jurisdiction. Best available
10 technology must have real-time and interactive capabilities
11 that facilitate the following objectives: (1) immediate
12 notification to the supervising authority of a breach of a
13 court ordered exclusion zone; (2) notification of the breach
14 to the offender; and (3) communication between the supervising
15 authority, law enforcement, and the victim, regarding the
16 breach. The supervising authority may also require that the
17 electronic surveillance ordered under this Section monitor the
18 consumption of alcohol or drugs.

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

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- 7 730 ILCS 5/5-8A-3 from Ch. 38, par. 1005-8A-3
- 8 730 ILCS 5/5-8A-7