



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1479

Introduced 1/28/2025, by Rep. Patrick Windhorst and Tony M. McCombie

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-6

from Ch. 38, par. 110-6

Amends the Code of Criminal Procedure of 1963. Provides that, upon petition of the State's Attorney of the county prosecuting a defendant on pretrial release or upon motion of the court, the court may revoke or impose sanctions on a defendant who is released on pretrial release if the defendant has violated any of the conditions of pretrial release.

LRB104 03491 RLC 13514 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-6 as follows:

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

7 Sec. 110-6. Revocation of pretrial release, modification
8 of conditions of pretrial release, and sanctions for
9 violations of conditions of pretrial release.

10 (a) Except as otherwise provided in subsection (k), when
11 ~~when~~ a defendant has previously been granted pretrial release
12 under this Section for a felony or Class A misdemeanor, that
13 pretrial release may be revoked only if the defendant is
14 charged with a felony or Class A misdemeanor that is alleged to
15 have occurred during the defendant's pretrial release after a
16 hearing on the court's own motion or upon the filing of a
17 verified petition by the State.

18 When a defendant released pretrial is charged with a
19 violation of a protective order or was previously convicted of
20 a violation of a protective order and the subject of the
21 protective order is the same person as the victim in the
22 current underlying matter, the State shall file a verified
23 petition seeking revocation of pretrial release.

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

11 A hearing at which pretrial release may be revoked must be
12 conducted in person (and not by way of two-way audio-visual
13 communication) unless the accused waives the right to be
14 present physically in court, the court determines that the
15 physical health and safety of any person necessary to the
16 proceedings would be endangered by appearing in court, or the
17 chief judge of the circuit orders use of that system due to
18 operational challenges in conducting the hearing in person.
19 Such operational challenges must be documented and approved by
20 the chief judge of the circuit, and a plan to address the
21 challenges through reasonable efforts must be presented and
22 approved by the Administrative Office of the Illinois Courts
23 every 6 months.

24 The court before which the previous felony matter or Class
25 A misdemeanor is pending may revoke the defendant's pretrial
26 release after a hearing. During the hearing for revocation,

1 the defendant shall be represented by counsel and have an
2 opportunity to be heard regarding the violation and evidence
3 in mitigation. The court shall consider all relevant
4 circumstances, including, but not limited to, the nature and
5 seriousness of the violation or criminal act alleged. The
6 State shall bear the burden of proving, by clear and
7 convincing evidence, that no condition or combination of
8 conditions of release would reasonably ensure the appearance
9 of the defendant for later hearings or prevent the defendant
10 from being charged with a subsequent felony or Class A
11 misdemeanor.

12 In lieu of revocation, the court may release the defendant
13 pre-trial, with or without modification of conditions of
14 pretrial release.

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

23 Both the State and the defendant may appeal an order
24 revoking pretrial release or denying a petition for revocation
25 of release.

26 (b) If a defendant previously has been granted pretrial

1 release under this Section for a Class B or Class C misdemeanor
2 offense, a petty or business offense, or an ordinance
3 violation and if the defendant is subsequently charged with a
4 felony that is alleged to have occurred during the defendant's
5 pretrial release or a Class A misdemeanor offense that is
6 alleged to have occurred during the defendant's pretrial
7 release, such pretrial release may not be revoked, but the
8 court may impose sanctions under subsection (c).

9 (c) The court shall follow the procedures set forth in
10 Section 110-3 to ensure the defendant's appearance in court if
11 the defendant:

12 (1) fails to appear in court as required by the
13 defendant's conditions of release;

14 (2) is charged with a felony or Class A misdemeanor
15 offense that is alleged to have occurred during the
16 defendant's pretrial release after having been previously
17 granted pretrial release for a Class B or Class C
18 misdemeanor, a petty or business offense, or an ordinance
19 violation that is alleged to have occurred during the
20 defendant's pretrial release;

21 (3) is charged with a Class B or C misdemeanor
22 offense, petty or business offense, or ordinance violation
23 that is alleged to have occurred during the defendant's
24 pretrial release; or

25 (4) violates any other condition of pretrial release
26 set by the court.

1 In response to a violation described in this subsection,
2 the court may issue a warrant specifying that the defendant
3 must appear before the court for a hearing for sanctions and
4 may not be released by law enforcement before that appearance.

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

11 (e) During the hearing for sanctions, the defendant shall
12 be represented by counsel and have an opportunity to be heard
13 regarding the violation and evidence in mitigation. The State
14 shall bear the burden of proving by clear and convincing
15 evidence that:

16 (1) the defendant committed an act that violated a
17 term of the defendant's pretrial release;

18 (2) the defendant had actual knowledge that the
19 defendant's action would violate a court order;

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

21 (4) the violation was not caused by a lack of access to
22 financial monetary resources.

23 (f) Sanctions for violations of pretrial release may
24 include:

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

26 (2) imprisonment in the county jail for a period not

1 exceeding 30 days;

2 (3) (Blank); or

3 (4) a modification of the defendant's pretrial
4 conditions.

5 (g) The court may, at any time, after motion by either
6 party or on its own motion, remove previously set conditions
7 of pretrial release, subject to the provisions in this
8 subsection. The court may only add or increase conditions of
9 pretrial release at a hearing under this Section.

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

19 (h) Crime victims shall be given notice by the State's
20 Attorney's office of all hearings under this Section as
21 required in paragraph (1) of subsection (b) of Section 4.5 of
22 the Rights of Crime Victims and Witnesses Act and shall be
23 informed of their opportunity at these hearings to obtain a
24 protective order.

25 (i) Nothing in this Section shall be construed to limit
26 the State's ability to file a verified petition seeking denial

1 of pretrial release under subsection (a) of Section 110-6.1 or
2 subdivision (d) (2) of Section 110-6.1.

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

9 (k) Upon petition of the State's Attorney of a county
10 prosecuting a defendant on pretrial release or upon motion of
11 the court, the court may revoke or impose sanctions on a
12 defendant who is released on pretrial release if the defendant
13 has violated any of the conditions of pretrial release.

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