



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4090

Introduced 10/15/2025, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-9

from Ch. 38, par. 12-9

725 ILCS 5/110-6.1

from Ch. 38, par. 110-6.1

Amends the Criminal Code of 2012. In the statute creating the offense of threatening a public official or human service provider, includes threatening a teacher, principal, or administrator of a public or private elementary or secondary school. Changes the name of the offense to threatening a public official, a human service provider, or a teacher, principal, or administrator of a public or private elementary or secondary school. Amends the Code of Criminal Procedure of 1963 to make conforming changes.

LRB104 14342 RLC 27475 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 Criminal Code of 2012 is amended by
5 changing Section 12-9 as follows:

6 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

7 Sec. 12-9. Threatening a public official, a ~~officials,~~
8 human service provider, or a teacher, principal, or
9 administrator of a public or private elementary or secondary
10 school providers.

11 (a) A person commits threatening a public official, a ~~or~~
12 human service provider, or a teacher, principal, or
13 administrator of a public or private elementary or secondary
14 school when:

15 (1) that person knowingly delivers or conveys,
16 directly or indirectly, to a public official, a ~~or~~ human
17 service provider, or a teacher, principal, or
18 administrator of a public or private elementary or
19 secondary school, by any means a communication:

20 (i) containing a threat that would place the
21 public official or human service provider or a member
22 of his or her immediate family in reasonable
23 apprehension of immediate or future bodily harm,

1 sexual assault, confinement, or restraint; ~~or~~

2 (ii) containing a threat that would place the
3 public official or human service provider or a member
4 of his or her immediate family in reasonable
5 apprehension that damage will occur to property in the
6 custody, care, or control of the public official or
7 his or her immediate family;

8 (iii) containing a threat that would place the
9 teacher, principal, or administrator of a public or
10 private elementary or secondary school in reasonable
11 apprehension of immediate or future bodily harm,
12 sexual assault, confinement, or restraint; or

13 (iv) containing a threat that would place the
14 teacher, principal, or administrator of a public or
15 private elementary or secondary school in reasonable
16 apprehension that damage will occur to property in the
17 custody, care, or control of the teacher, principal,
18 or administrator of a public or private elementary or
19 secondary school; and

20 (2) the threat was conveyed because of the performance
21 or nonperformance of some public duty or duty as a human
22 service provider, or as a teacher, principal, or
23 administrator of a public or private elementary or
24 secondary school, because of hostility of the person
25 making the threat toward the status or position of the
26 public official, ~~or~~ the human service provider, or the

1 teacher, principal, or administrator of a public or
2 private elementary or secondary school, or because of any
3 other factor related to the official's public existence.

4 (a-5) For purposes of a threat to a sworn law enforcement
5 officer, the threat must contain specific facts indicative of
6 a unique threat to the person, family or property of the
7 officer and not a generalized threat of harm.

8 (a-6) For purposes of a threat to a social worker,
9 caseworker, investigator, or human service provider, the
10 threat must contain specific facts indicative of a unique
11 threat to the person, family or property of the individual and
12 not a generalized threat of harm.

13 (b) For purposes of this Section:

14 (1) "Public official" means a person who is elected to
15 office in accordance with a statute or who is appointed to
16 an office which is established, and the qualifications and
17 duties of which are prescribed, by statute, to discharge a
18 public duty for the State or any of its political
19 subdivisions or in the case of an elective office any
20 person who has filed the required documents for nomination
21 or election to such office. "Public official" includes a
22 duly appointed assistant State's Attorney, assistant
23 Attorney General, or Appellate Prosecutor; a sworn law
24 enforcement or peace officer; a social worker, caseworker,
25 attorney, or investigator employed by the Department of
26 Healthcare and Family Services, the Department of Human

1 Services, the Department of Children and Family Services,
2 or the Guardianship and Advocacy Commission; or an
3 assistant public guardian, attorney, social worker, case
4 manager, or investigator employed by a duly appointed
5 public guardian.

6 (1.5) "Human service provider" means a social worker,
7 case worker, or investigator employed by an agency or
8 organization providing social work, case work, or
9 investigative services under a contract with or a grant
10 from the Department of Human Services, the Department of
11 Children and Family Services, the Department of Healthcare
12 and Family Services, or the Department on Aging.

13 (2) "Immediate family" means a public official's
14 spouse or child or children.

15 (c) Threatening a public official, a ~~or~~ human service
16 provider, or a teacher, principal, or administrator of a
17 public or private elementary or secondary school is a Class 3
18 felony for a first offense and a Class 2 felony for a second or
19 subsequent offense.

20 (Source: P.A. 100-1, eff. 1-1-18.)

21 Section 10. The Code of Criminal Procedure of 1963 is
22 amended by changing Section 110-6.1 as follows:

23 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)
24 Sec. 110-6.1. Denial of pretrial release.

1 (a) Upon verified petition by the State, the court shall
2 hold a hearing and may deny a defendant pretrial release only
3 if:

4 (1) the defendant is charged with a felony offense
5 other than a forcible felony for which, based on the
6 charge or the defendant's criminal history, a sentence of
7 imprisonment, without probation, periodic imprisonment, or
8 conditional discharge, is required by law upon conviction,
9 and it is alleged that the defendant's pretrial release
10 poses a real and present threat to the safety of any person
11 or persons or the community, based on the specific
12 articulable facts of the case;

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

1 threat of or infliction of great bodily harm or permanent
2 disability or disfigurement;

3 (2) the defendant is charged with stalking or
4 aggravated stalking, and it is alleged that the
5 defendant's pre-trial release poses a real and present
6 threat to the safety of a victim of the alleged offense,
7 and denial of release is necessary to prevent fulfillment
8 of the threat upon which the charge is based;

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

19 (4) the defendant is charged with domestic battery or
20 aggravated domestic battery under Section 12-3.2 or 12-3.3
21 of the Criminal Code of 2012 and it is alleged that the
22 defendant's pretrial release poses a real and present
23 threat to the safety of any person or persons or the
24 community, based on the specific articulable facts of the
25 case;

26 (5) the defendant is charged with any offense under

1 Article 11 of the Criminal Code of 2012, except for
2 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
3 11-40, and 11-45 of the Criminal Code of 2012, or similar
4 provisions of the Criminal Code of 1961 and it is alleged
5 that the defendant's pretrial release poses a real and
6 present threat to the safety of any person or persons or
7 the community, based on the specific articulable facts of
8 the case;

9 (6) the defendant is charged with any of the following
10 offenses under the Criminal Code of 2012, and it is
11 alleged that the defendant's pretrial release poses a real
12 and present threat to the safety of any person or persons
13 or the community, based on the specific articulable facts
14 of the case:

15 (A) Section 24-1.2 (aggravated discharge of a
16 firearm);

17 (B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge
18 of a machine gun or a firearm equipped with a device
19 designed or used ~~use~~ for silencing the report of a
20 firearm);

21 (C) Section 24-1.5 (reckless discharge of a
22 firearm);

23 (D) Section 24-1.7 (unlawful possession of a
24 firearm by a repeat felony offender);

25 (E) Section 24-2.2 (manufacture, sale, or transfer
26 of bullets or shells represented to be armor piercing

1 bullets, dragon's breath shotgun shells, bolo shells,
2 or flechette shells);

3 (F) Section 24-3 (unlawful sale or delivery of
4 firearms);

5 (G) Section 24-3.3 (unlawful sale or delivery of
6 firearms on the premises of any school);

7 (H) Section 24-34 (unlawful sale of firearms by
8 liquor license);

9 (I) Section 24-3.5 (unlawful purchase of a
10 firearm);

11 (J) Section 24-3A (gunrunning);

12 (K) Section 24-3B (firearms trafficking);

13 (L) Section 10-9 (b) (involuntary servitude);

14 (M) Section 10-9 (c) (involuntary sexual servitude
15 of a minor);

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

17 (O) Non-probationable violations: (i) unlawful
18 possession of weapons by felons or persons in the
19 Custody of the Department of Corrections facilities
20 (Section 24-1.1), (ii) aggravated unlawful possession
21 of a weapon (Section 24-1.6), or (iii) aggravated
22 possession of a stolen firearm (Section 24-3.9);

23 (P) Section 9-3 (reckless homicide and involuntary
24 manslaughter);

25 (Q) Section 19-3 (residential burglary);

26 (R) Section 10-5 (child abduction);

1 (S) Felony violations of Section 12C-5 (child
2 endangerment);

3 (T) Section 12-7.1 (hate crime);

4 (U) Section 10-3.1 (aggravated unlawful
5 restraint);

6 (V) Section 12-9 (threatening a public official, a
7 human service provider, or a teacher, principal, or
8 administrator of a public or private elementary or
9 secondary school);

10 (W) Subdivision (f)(1) of Section 12-3.05
11 (aggravated battery with a deadly weapon other than by
12 discharge of a firearm);

13 (6.5) the defendant is charged with any of the
14 following offenses, and it is alleged that the defendant's
15 pretrial release poses a real and present threat to the
16 safety of any person or persons or the community, based on
17 the specific articulable facts of the case:

18 (A) Felony violations of Sections 3.01, 3.02, or
19 3.03 of the Humane Care for Animals Act (cruel
20 treatment, aggravated cruelty, and animal torture);

21 (B) Subdivision (d)(1)(B) of Section 11-501 of the
22 Illinois Vehicle Code (aggravated driving under the
23 influence while operating a school bus with
24 passengers);

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

1 influence causing great bodily harm);

2 (D) Subdivision (d) (1) (D) of Section 11-501 of the
3 Illinois Vehicle Code (aggravated driving under the
4 influence after a previous reckless homicide
5 conviction);

6 (E) Subdivision (d) (1) (F) of Section 11-501 of the
7 Illinois Vehicle Code (aggravated driving under the
8 influence leading to death); or

9 (F) Subdivision (d) (1) (J) of Section 11-501 of the
10 Illinois Vehicle Code (aggravated driving under the
11 influence that resulted in bodily harm to a child
12 under the age of 16);

13 (7) the defendant is charged with an attempt to commit
14 any charge listed in paragraphs (1) through (6.5), and it
15 is alleged that the defendant's pretrial release poses a
16 real and present threat to the safety of any person or
17 persons or the community, based on the specific
18 articulable facts of the case; or

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

21 (A) Any felony described in subdivisions (a) (1)
22 through (a) (7) of this Section; or

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

24 (b) If the charged offense is a felony, as part of the
25 detention hearing, the court shall determine whether there is
26 probable cause the defendant has committed an offense, unless

1 a hearing pursuant to Section 109-3 of this Code has already
2 been held or a grand jury has returned a true bill of
3 indictment against the defendant. If there is a finding of no
4 probable cause, the defendant shall be released. No such
5 finding is necessary if the defendant is charged with a
6 misdemeanor.

7 (c) Timing of petition.

8 (1) A petition may be filed without prior notice to
9 the defendant at the first appearance before a judge, or
10 within the 21 calendar days, except as provided in Section
11 110-6, after arrest and release of the defendant upon
12 reasonable notice to defendant; provided that while such
13 petition is pending before the court, the defendant if
14 previously released shall not be detained.

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

1 (d) Contents of petition.

2 (1) The petition shall be verified by the State and
3 shall state the grounds upon which it contends the
4 defendant should be denied pretrial release, including the
5 real and present threat to the safety of any person or
6 persons or the community, based on the specific
7 articulable facts or flight risk, as appropriate.

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

13 (e) Eligibility: All defendants shall be presumed eligible
14 for pretrial release, and the State shall bear the burden of
15 proving by clear and convincing evidence that:

16 (1) the proof is evident or the presumption great that
17 the defendant has committed an offense listed in
18 subsection (a), and

19 (2) for offenses listed in paragraphs (1) through (7)
20 of subsection (a), the defendant poses a real and present
21 threat to the safety of any person or persons or the
22 community, based on the specific articulable facts of the
23 case, by conduct which may include, but is not limited to,
24 a forcible felony, the obstruction of justice,
25 intimidation, injury, or abuse as defined by paragraph (1)
26 of Section 103 of the Illinois Domestic Violence Act of

1 1986, and

2 (3) no condition or combination of conditions set
3 forth in subsection (b) of Section 110-10 of this Article
4 can mitigate (i) the real and present threat to the safety
5 of any person or persons or the community, based on the
6 specific articulable facts of the case, for offenses
7 listed in paragraphs (1) through (7) of subsection (a), or
8 (ii) the defendant's willful flight for offenses listed in
9 paragraph (8) of subsection (a), and

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

19 (f) Conduct of the hearings.

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

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

3 (3) The defendant has the right to be represented by
4 counsel, and if he or she is indigent, to have counsel
5 appointed for him or her. The defendant shall have the
6 opportunity to testify, to present witnesses on his or her
7 own behalf, and to cross-examine any witnesses that are
8 called by the State. Defense counsel shall be given
9 adequate opportunity to confer with the defendant before
10 any hearing at which conditions of release or the
11 detention of the defendant are to be considered, with an
12 accommodation for a physical condition made to facilitate
13 attorney/client consultation. If defense counsel needs to
14 confer or consult with the defendant during any hearing
15 conducted via a 2-way ~~two-way~~ audio-visual communication
16 system, such consultation shall not be recorded and shall
17 be undertaken consistent with constitutional protections.

18 (3.5) A hearing at which pretrial release may be
19 denied must be conducted in person (and not by way of 2-way
20 ~~two-way~~ audio visual communication) unless the accused
21 waives the right to be present physically in court, the
22 court determines that the physical health and safety of
23 any person necessary to the proceedings would be
24 endangered by appearing in court, or the chief judge of
25 the circuit orders use of that system due to operational
26 challenges in conducting the hearing in person. Such

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

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

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

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

18 (6) The defendant may not move to suppress evidence or
19 a confession, however, evidence that proof of the charged
20 crime may have been the result of an unlawful search or
21 seizure, or both, or through improper interrogation, is
22 relevant in assessing the weight of the evidence against
23 the defendant.

24 (7) Decisions regarding release, conditions of
25 release, and detention prior to trial must be
26 individualized, and no single factor or standard may be

1 used exclusively to order detention. Risk assessment tools
2 may not be used as the sole basis to deny pretrial release.

3 (g) Factors to be considered in making a determination of
4 dangerousness. The court may, in determining whether the
5 defendant poses a real and present threat to the safety of any
6 person or persons or the community, based on the specific
7 articulable facts of the case, consider, but shall not be
8 limited to, evidence or testimony concerning:

9 (1) The nature and circumstances of any offense
10 charged, including whether the offense is a crime of
11 violence, involving a weapon, or a sex offense.

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

14 (A) Any evidence of the defendant's prior criminal
15 history indicative of violent, abusive, or assaultive
16 behavior, or lack of such behavior. Such evidence may
17 include testimony or documents received in juvenile
18 proceedings, criminal, quasi-criminal, civil
19 commitment, domestic relations, or other proceedings.

20 (B) Any evidence of the defendant's psychological,
21 psychiatric or other similar social history which
22 tends to indicate a violent, abusive, or assaultive
23 nature, or lack of any such history.

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

1 (4) Any statements made by, or attributed to the
2 defendant, together with the circumstances surrounding
3 them.

4 (5) The age and physical condition of the defendant.

5 (6) The age and physical condition of any victim or
6 complaining witness.

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

9 (8) Whether, at the time of the current offense or any
10 other offense or arrest, the defendant was on probation,
11 parole, aftercare release, mandatory supervised release,
12 or other release from custody pending trial, sentencing,
13 appeal, or completion of sentence for an offense under
14 federal or State ~~state~~ law.

15 (9) Any other factors, including those listed in
16 Section 110-5 of this Article deemed by the court to have a
17 reasonable bearing upon the defendant's propensity or
18 reputation for violent, abusive, or assaultive behavior,
19 or lack of such behavior.

20 (h) Detention order. The court shall, in any order for
21 detention:

22 (1) make a written finding summarizing the court's
23 reasons for concluding that the defendant should be denied
24 pretrial release, including why less restrictive
25 conditions would not avoid a real and present threat to
26 the safety of any person or persons or the community,

1 based on the specific articulable facts of the case, or
2 prevent the defendant's willful flight from prosecution;

3 (2) direct that the defendant be committed to the
4 custody of the sheriff for confinement in the county jail
5 pending trial;

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

10 (4) direct that the sheriff deliver the defendant as
11 required for appearances in connection with court
12 proceedings.

13 (i) Detention. If the court enters an order for the
14 detention of the defendant pursuant to subsection (e) of this
15 Section, the defendant shall be brought to trial on the
16 offense for which he is detained within 90 days after the date
17 on which the order for detention was entered. If the defendant
18 is not brought to trial within the 90-day period required by
19 the preceding sentence, he shall not be denied pretrial
20 release. In computing the 90-day period, the court shall omit
21 any period of delay resulting from a continuance granted at
22 the request of the defendant and any period of delay resulting
23 from a continuance granted at the request of the State with
24 good cause shown pursuant to Section 103-5.

25 (i-5) At each subsequent appearance of the defendant
26 before the court, the judge must find that continued detention

1 is necessary to avoid a real and present threat to the safety
2 of any person or persons or the community, based on the
3 specific articulable facts of the case, or to prevent the
4 defendant's willful flight from prosecution.

5 (j) Rights of the defendant. The defendant shall be
6 entitled to appeal any order entered under this Section
7 denying his or her pretrial release.

8 (k) Appeal. The State may appeal any order entered under
9 this Section denying any motion for denial of pretrial
10 release.

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

15 (m) Interest of victims.

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

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

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