



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4126

Introduced 10/15/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-20.6

725 ILCS 5/110-6.1

from Ch. 38, par. 110-6.1

Amends the Criminal Code of 2012. Provides that the offense of abuse of a corpse includes intentionally, in the process of concealing the death of a person, using chemicals, fire, burying, submerging in water, or a combination of those acts. Provides that a violation is a Class X felony. Amends the Code of Criminal Procedure of 1963. Provides that the offense is eligible for pretrial detention if it is alleged that the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.

LRB104 14618 RLC 27760 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 12-20.6 as follows:

6 (720 ILCS 5/12-20.6)

7 Sec. 12-20.6. Abuse of a corpse.

8 (a) In this Section:

9 "Corpse" means the dead body of a human being.

10 "Sexual conduct" has the meaning ascribed to the term in
11 Section 11-0.1 of this Code.

12 (b) A person commits abuse of a corpse if he or she
13 intentionally:

14 (1) engages in sexual conduct with a corpse or
15 involving a corpse; ~~or~~

16 (2) removes or carries away a corpse and is not
17 authorized by law to do so; or

18 (3) in the process of concealing the death of a
19 person, uses chemicals, fire, burying, submerging in
20 water, or a combination of those acts.

21 (c) Sentence.

22 (1) A person convicted of violating paragraph (1) of
23 subsection (b) of this Section is guilty of a Class 2

1 felony.

2 (2) A person convicted of violating paragraph (2) of
3 subsection (b) of this Section is guilty of a Class 4
4 felony.

5 (3) A person convicted of violating paragraph (3) of
6 subsection (b) of this Section is guilty of a Class X
7 felony.

8 (d) Paragraph (2) of subsection (b) of this Section does
9 not apply to:

10 (1) persons employed by a county medical examiner's
11 office or coroner's office acting within the scope of
12 their employment;

13 (2) the acts of a licensed funeral director or
14 embalmer while performing acts authorized by the Funeral
15 Directors and Embalmers Licensing Code;

16 (3) cemeteries and cemetery personnel while performing
17 acts pursuant to a bona fide request from the involved
18 cemetery consumer or his or her heirs, or pursuant to an
19 interment or disinterment permit or a court order, or as
20 authorized under Section 14.5 of the Cemetery Protection
21 Act, or any other actions legally authorized for cemetery
22 employees;

23 (4) the acts of emergency medical personnel or
24 physicians performed in good faith and according to the
25 usual and customary standards of medical practice in an
26 attempt to resuscitate a life;

1 (5) physicians licensed to practice medicine in all of
2 its branches or holding a visiting professor, physician,
3 or resident permit under the Medical Practice Act of 1987,
4 performing acts in accordance with usual and customary
5 standards of medical practice, or a currently enrolled
6 student in an accredited medical school in furtherance of
7 his or her education at the accredited medical school; or

8 (6) removing or carrying away a corpse by the
9 employees, independent contractors, or other persons
10 designated by the federally designated organ procurement
11 agency engaged in the organ and tissue procurement
12 process.

13 (Source: P.A. 97-1072, eff. 8-24-12.)

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

16 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

17 Sec. 110-6.1. Denial of pretrial release.

18 (a) Upon verified petition by the State, the court shall
19 hold a hearing and may deny a defendant pretrial release only
20 if:

21 (1) the defendant is charged with a felony offense
22 other than a forcible felony for which, based on the
23 charge or the defendant's criminal history, a sentence of
24 imprisonment, without probation, periodic imprisonment, or

1 conditional discharge, is required by law upon conviction,
2 and it is alleged that the defendant's pretrial release
3 poses a real and present threat to the safety of any person
4 or persons or the community, based on the specific
5 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 24-1.2-5 ~~24-2.5~~ (aggravated discharge
11 of a 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 (X) Paragraph (3) of subsection (b) of Section
4 12-20.6 (abuse of a corpse by using chemicals, fire,
5 burying, submerging in water, or a combination of
6 those acts);

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

12 (A) Felony violations of Sections 3.01, 3.02, or
13 3.03 of the Humane Care for Animals Act (cruel
14 treatment, aggravated cruelty, and animal torture);

15 (B) Subdivision (d) (1) (B) of Section 11-501 of the
16 Illinois Vehicle Code (aggravated driving under the
17 influence while operating a school bus with
18 passengers);

19 (C) Subdivision (d) (1) (C) of Section 11-501 of the
20 Illinois Vehicle Code (aggravated driving under the
21 influence causing great bodily harm);

22 (D) Subdivision (d) (1) (D) of Section 11-501 of the
23 Illinois Vehicle Code (aggravated driving under the
24 influence after a previous reckless homicide
25 conviction);

26 (E) Subdivision (d) (1) (F) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence leading to death); or

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

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

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

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

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

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

1 (c) Timing of petition.

2 (1) A petition may be filed without prior notice to
3 the defendant at the first appearance before a judge, or
4 within the 21 calendar days, except as provided in Section
5 110-6, after arrest and release of the defendant upon
6 reasonable notice to defendant; provided that while such
7 petition is pending before the court, the defendant if
8 previously released shall not be detained.

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

21 (d) Contents of petition.

22 (1) The petition shall be verified by the State and
23 shall state the grounds upon which it contends the
24 defendant should be denied pretrial release, including the
25 real and present threat to the safety of any person or
26 persons or the community, based on the specific

1 articulable facts or flight risk, as appropriate.

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

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

10 (1) the proof is evident or the presumption great that
11 the defendant has committed an offense listed in
12 subsection (a), and

13 (2) for offenses listed in paragraphs (1) through (7)
14 of subsection (a), the defendant poses a real and present
15 threat to the safety of any person or persons or the
16 community, based on the specific articulable facts of the
17 case, by conduct which may include, but is not limited to,
18 a forcible felony, the obstruction of justice,
19 intimidation, injury, or abuse as defined by paragraph (1)
20 of Section 103 of the Illinois Domestic Violence Act of
21 1986, and

22 (3) no condition or combination of conditions set
23 forth in subsection (b) of Section 110-10 of this Article
24 can mitigate (i) the real and present threat to the safety
25 of any person or persons or the community, based on the
26 specific articulable facts of the case, for offenses

1 listed in paragraphs (1) through (7) of subsection (a), or
2 (ii) the defendant's willful flight for offenses listed in
3 paragraph (8) of subsection (a), and

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

13 (f) Conduct of the hearings.

14 (1) Prior to the hearing, the State shall tender to
15 the defendant copies of the defendant's criminal history
16 available, any written or recorded statements, and the
17 substance of any oral statements made by any person, if
18 relied upon by the State in its petition, and any police
19 reports in the prosecutor's possession at the time of the
20 hearing.

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

23 (3) The defendant has the right to be represented by
24 counsel, and if he or she is indigent, to have counsel
25 appointed for him or her. The defendant shall have the
26 opportunity to testify, to present witnesses on his or her

1 own behalf, and to cross-examine any witnesses that are
2 called by the State. Defense counsel shall be given
3 adequate opportunity to confer with the defendant before
4 any hearing at which conditions of release or the
5 detention of the defendant are to be considered, with an
6 accommodation for a physical condition made to facilitate
7 attorney/client consultation. If defense counsel needs to
8 confer or consult with the defendant during any hearing
9 conducted via a 2-way ~~two-way~~ audio-visual communication
10 system, such consultation shall not be recorded and shall
11 be undertaken consistent with constitutional protections.

12 (3.5) A hearing at which pretrial release may be
13 denied must be conducted in person (and not by way of 2-way
14 ~~two-way~~ audio visual communication) unless the accused
15 waives the right to be present physically in court, the
16 court determines that the physical health and safety of
17 any person necessary to the proceedings would be
18 endangered by appearing in court, or the chief judge of
19 the circuit orders use of that system due to operational
20 challenges in conducting the hearing in person. Such
21 operational challenges must be documented and approved by
22 the chief judge of the circuit, and a plan to address the
23 challenges through reasonable efforts must be presented
24 and approved by the Administrative Office of the Illinois
25 Courts every 6 months.

26 (4) If the defense seeks to compel the complaining

1 witness to testify as a witness in its favor, it shall
2 petition the court for permission. When the ends of
3 justice so require, the court may exercise its discretion
4 and compel the appearance of a complaining witness. The
5 court shall state on the record reasons for granting a
6 defense request to compel the presence of a complaining
7 witness only on the issue of the defendant's pretrial
8 detention. In making a determination under this Section,
9 the court shall state on the record the reason for
10 granting a defense request to compel the presence of a
11 complaining witness, and only grant the request if the
12 court finds by clear and convincing evidence that the
13 defendant will be materially prejudiced if the complaining
14 witness does not appear. Cross-examination of a
15 complaining witness at the pretrial detention hearing for
16 the purpose of impeaching the witness' credibility is
17 insufficient reason to compel the presence of the witness.
18 In deciding whether to compel the appearance of a
19 complaining witness, the court shall be considerate of the
20 emotional and physical well-being of the witness. The
21 pre-trial detention hearing is not to be used for purposes
22 of discovery, and the post arraignment rules of discovery
23 do not apply. The State shall tender to the defendant,
24 prior to the hearing, copies, if any, of the defendant's
25 criminal history, if available, and any written or
26 recorded statements and the substance of any oral

1 statements made by any person, if in the State's
2 Attorney's possession at the time of the hearing.

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

12 (6) The defendant may not move to suppress evidence or
13 a confession, however, evidence that proof of the charged
14 crime may have been the result of an unlawful search or
15 seizure, or both, or through improper interrogation, is
16 relevant in assessing the weight of the evidence against
17 the defendant.

18 (7) Decisions regarding release, conditions of
19 release, and detention prior to trial must be
20 individualized, and no single factor or standard may be
21 used exclusively to order detention. Risk assessment tools
22 may not be used as the sole basis to deny pretrial release.

23 (g) Factors to be considered in making a determination of
24 dangerousness. The court may, in determining whether the
25 defendant poses a real and present threat to the safety of any
26 person or persons or the community, based on the specific

1 articulable facts of the case, consider, but shall not be
2 limited to, evidence or testimony concerning:

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

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

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

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

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

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

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

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

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

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

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

14 (h) Detention order. The court shall, in any order for
15 detention:

16 (1) make a written finding summarizing the court's
17 reasons for concluding that the defendant should be denied
18 pretrial release, including why less restrictive
19 conditions would not avoid a real and present threat to
20 the safety of any person or persons or the community,
21 based on the specific articulable facts of the case, or
22 prevent the defendant's willful flight from prosecution;

23 (2) direct that the defendant be committed to the
24 custody of the sheriff for confinement in the county jail
25 pending trial;

26 (3) direct that the defendant be given a reasonable

1 opportunity for private consultation with counsel, and for
2 communication with others of his or her choice by
3 visitation, mail and telephone; and

4 (4) direct that the sheriff deliver the defendant as
5 required for appearances in connection with court
6 proceedings.

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

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

25 (j) Rights of the defendant. The defendant shall be
26 entitled to appeal any order entered under this Section

1 denying his or her pretrial release.

2 (k) Appeal. The State may appeal any order entered under
3 this Section denying any motion for denial of pretrial
4 release.

5 (l) Presumption of innocence. Nothing in this Section
6 shall be construed as modifying or limiting in any way the
7 defendant's presumption of innocence in further criminal
8 proceedings.

9 (m) Interest of victims.

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

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

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