

HB4904



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4904

by Rep. Dennis Tipsword

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-3

from Ch. 38, par. 110-3

Amends the Code of Criminal Procedure of 1963. Provides that upon failure to comply with any condition of pretrial release or upon the filing of a verified petition (rather than upon failure to comply with any condition of pretrial release), the court having jurisdiction at the time of such failure may, on its own motion or upon motion from the State, issue a summons or a warrant for the arrest of the person at liberty on pretrial release.

LRB104 17019 RLC 30434 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-3 as follows:

6 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

7 Sec. 110-3. Options for warrant alternatives.

8 (a) Upon failure to comply with any condition of pretrial
9 release or upon the filing of a verified petition as provided
10 in Section 110-6 or Section 110-6.1, the court having
11 jurisdiction at the time of such failure may, on its own motion
12 or upon motion from the State, issue a summons or a warrant for
13 the arrest of the person at liberty on pretrial release. This
14 Section shall be construed to effectuate the goal of relying
15 upon summonses rather than warrants to ensure the appearance
16 of the defendant in court whenever possible. The contents of
17 such a summons or warrant shall be the same as required for
18 those issued upon complaint under Section 107-9.

19 (b) A defendant who appears in court on the date assigned
20 or within 48 hours of service, whichever is later, in response
21 to a summons issued for failure to appear in court, shall not
22 be recorded in the official docket as having failed to appear
23 on the initial missed court date. If a person fails to appear

1 in court on the date listed on the summons, the court may issue
2 a warrant for the person's arrest.

3 (c) For the purpose of any risk assessment or future
4 evaluation of risk of willful flight or risk of failure to
5 appear, a nonappearance in court cured by an appearance in
6 response to a summons shall not be considered as evidence of
7 future likelihood of appearance in court.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
9 102-1104, eff. 1-1-23.)