



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5251

Introduced 2/10/2026, by Rep. Jed Davis

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/103-6 from Ch. 38, par. 103-6  
725 ILCS 5/103-6.1 new  
725 ILCS 5/103-6.2 new

Amends the Code of Criminal Procedure of 1963. Provides that a person accused of an offense does not have the right to a trial by jury if the offense is a petty offense with no penalty of imprisonment or mandatory driver's license suspension under the Illinois Vehicle Code or a local traffic ordinance if a court appearance is not required and the defendant waives his or her right to a jury trial by mail or electronic submission of a waiver request through an online system approved by either the Illinois Supreme Court or the local circuit court clerk. Provides that every person accused of an offense pursuant to the provision and entering a plea of not guilty may waive the right to a trial by jury and request a bench trial by submitting a jury waiver request in writing or such other form prescribed by the Illinois Supreme Court or a local circuit court by mail to the clerk of the circuit court in the county where the charge is pending or by electronic submission, through an online system approved by the Illinois Supreme Court or the local circuit court clerk. Provides that the jury trial waiver request under the provision shall include the name, mailing address, driver's license number, citation or complaint number, date of birth, and signature of the defendant. Provides that upon the receipt of a valid waiver request, the clerk of the court before which such request was made shall schedule the matter for a bench trial, enter the waiver into the court record, and the court may proceed with a bench trial without requiring the defendant to personally appear to execute the waiver. Provides that the waiver shall be deemed sufficient to satisfy the waiver requirements of the Code. Provides that the trial court may require the defendant to appear in court if necessary to confirm the validity of the waiver or for a show of good cause. Provides that nothing in the provision shall preclude the Illinois Supreme Court from adopting rules forms and procedures for the implementation of the provision. Makes other changes. Effective January 1, 2027.

LRB104 18038 RLC 31477 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 103-6 and by adding Sections  
6 103-6.1 and 103-6.2 as follows:

7 (725 ILCS 5/103-6) (from Ch. 38, par. 103-6)

8 Sec. 103-6. Waiver of jury trial. Every person accused of  
9 an offense shall have the right to a trial by jury unless (i)  
10 understandingly waived by defendant in open court; ~~or~~ (ii) the  
11 offense is an ordinance violation punishable by fine only and  
12 the defendant either fails to file a demand for a trial by jury  
13 at the time of entering his or her plea of not guilty or fails  
14 to pay to the clerk of the circuit court at the time of  
15 entering his or her plea of not guilty any jury fee required to  
16 be paid to the clerk; or (iii) the offense is a petty offense  
17 with no penalty of imprisonment or mandatory driver's license  
18 suspension under the Illinois Vehicle Code or a local traffic  
19 ordinance if a court appearance is not required and the  
20 defendant waives his or her right to a jury trial by mail or  
21 electronic submission of a waiver request through an online  
22 system approved by either the Illinois Supreme Court or the  
23 local circuit court clerk.

1 (Source: P.A. 86-1386.)

2 (725 ILCS 5/103-6.1 new)

3 Sec. 103-6.1. Waiver of right to trial by jury.

4 (a) Every person accused of an offense pursuant to clause  
5 (iii) of Section 103-6 and entering a plea of not guilty may  
6 waive the right to a trial by jury and request a bench trial by  
7 submitting a jury waiver request in writing or such other form  
8 prescribed by the Illinois Supreme Court or a local circuit  
9 court by mail to the clerk of the circuit court in the county  
10 where the charge is pending or by electronic submission,  
11 through an online system approved by the Illinois Supreme  
12 Court or the local circuit court clerk. The jury trial waiver  
13 request under this Section shall include the name, mailing  
14 address, driver's license number, citation or complaint  
15 number, date of birth, and signature of the defendant.

16 (b) Upon the receipt of a valid waiver request under this  
17 Section, the clerk of the court before which such request was  
18 made shall schedule the matter for a bench trial, enter the  
19 waiver into the court record, and the court may proceed with a  
20 bench trial without requiring the defendant to personally  
21 appear to execute the waiver. The waiver under this Section  
22 shall be deemed sufficient to satisfy the requirements of  
23 Section 103-6.

24 (c) Notwithstanding the provisions of subsection (b), the  
25 trial court may require the defendant to appear in court if

1 necessary to confirm the validity of the waiver or for a show  
2 of good cause.

3 (d) Nothing in this Section shall preclude the Illinois  
4 Supreme Court from adopting rules, forms, and procedures for  
5 the implementation of this Section.

6 (e) The request for waiver of a jury trial under clause  
7 (iii) of Section 103-6 and this Section shall be in the form  
8 prescribed as follows: "I (name), am pleading not guilty to  
9 the offense charge. I knowingly and voluntarily waive my right  
10 to a trial by jury and request that my case be set for a bench  
11 trial before a judge. I understand that I am giving up my  
12 constitutional right to a jury trial".

13 (725 ILCS 5/103-6.2 new)

14 Sec. 103-6.2. Case disposition in case management system.

15 (a) The clerk of a circuit court may enter a case  
16 disposition in the case management system, mark a case  
17 satisfied, or cancel the next court appearance of a case upon  
18 the receipt of the full payment of all court-ordered fines,  
19 fees, and costs for a traffic infraction, violation of an  
20 ordinance or misdemeanor offenses without the requirement of a  
21 court order, if:

22 (1) the defendant has appeared in court and entered a  
23 plea of guilty;

24 (2) the court has assessed a fine or statutory penalty  
25 and granted time to pay; and

1           (3) the court's written order includes the language  
2           "Defendant Need Not Appear if Paid in Full" or such other  
3           similar language. Nothing in this Section shall limit the  
4           authority of the circuit court to require the appearance  
5           of the defendant at any stage of the proceeding or to  
6           withhold the authority of the clerk under the  
7           circumstances the court deems necessary.

8           (b) This Section does not apply to cases involving:

9                 (1) unpaid balances;

10                (2) restitution, community service, or court-ordered  
11                programs not yet satisfied;

12                (3) conditions expressly reserving jurisdiction to the  
13                court; and

14                (4) charges involving mandatory court appearances  
15                under Illinois law.

16           (c) Nothing in this Section shall preclude the Illinois  
17           Supreme Court from adopting rules, forms, and procedures for  
18           the implementation of this Section.

19           Section 99. Effective date. This Act takes effect January  
20           1, 2027.