

SB2134



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2134

Introduced 2/7/2025, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

See Index

Restores certain provisions of the Code of Criminal Procedure of 1963 to the form in which they existed before their amendment by Public Act 101-652 by amendment or reenactment. Retains provisions that crime victims shall be given notice by the State's Attorney's office of the preliminary hearing as required in the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under the Protective Orders Article of the Code of Criminal Procedure of 1963. Amends the Statute on Statutes to provide that whenever there is a reference in any Act to the term "pretrial release", "denial of pretrial release", "conditions of pretrial release", or "violations of the conditions of pretrial release", the terms shall be construed to mean "bail", "denial of bail", "conditions of bail", or "forfeiture of bail" respectively. Effective immediately.

LRB104 03908 RLC 13932 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 Statute on Statutes is amended by changing
5 Section 1.43 as follows:

6 (5 ILCS 70/1.43)

7 Sec. 1.43. Reference to "pretrial release", "denial of
8 pretrial release", "conditions of pretrial release", or
9 "violations of the conditions of pretrial release" ~~bail, bail~~
10 ~~bond, or conditions of bail~~. Whenever there is a reference in
11 any Act to "pretrial release", "denial of pretrial release",
12 "conditions of pretrial release", or "violations of the
13 conditions of pretrial release" ~~"bail", "bail bond", or~~
14 ~~"conditions of bail"~~, these terms shall be construed as
15 "bail", "denial of bail", "conditions of bail", or "forfeiture
16 of bail" respectively ~~"pretrial release" or "conditions of~~
17 ~~pretrial release"~~.

18 (Source: P.A. 101-652, eff. 1-1-23.)

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by changing the heading of Article 110 and by changing
21 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
22 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,

1 110-1, 110-2, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
2 110-6.4, 110-10, 110-11, 110-12, 111-2, 112A-23, 113-3.1,
3 114-1, 115-4.1, and 122-6 and by adding Section 110-3.1 as
4 follows:

5 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

6 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the
7 amount of money set by the court which is required to be
8 obligated and secured as provided by law for the release of a
9 person in custody in order that he will appear before the court
10 in which his appearance may be required and that he will comply
11 with such conditions as set forth in the bail bond. ~~"Pretrial~~
12 ~~release" has the meaning ascribed to bail in Section 9 of~~
13 ~~Article I of the Illinois Constitution where the sureties~~
14 ~~provided are nonmonetary in nature.~~

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

16 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

17 Sec. 102-7. ~~Conditions of pretrial release.~~ "Bail bond".
18 "Bail bond" means an undertaking secured by bail entered into
19 by a person in custody by which he binds himself to comply with
20 such conditions as are set forth therein. ~~"Conditions of~~
21 ~~pretrial release" means the requirements imposed upon a~~
22 ~~criminal defendant by the court under Section 110-5.~~

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

1 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

2 Sec. 103-5. Speedy trial.)

3 (a) Every person in custody in this State for an alleged
4 offense shall be tried by the court having jurisdiction within
5 120 days from the date he or she was taken into custody unless
6 delay is occasioned by the defendant, by an examination for
7 fitness ordered pursuant to Section 104-13 of this Act, by a
8 fitness hearing, by an adjudication of unfitness to stand
9 trial, by a continuance allowed pursuant to Section 114-4 of
10 this Act after a court's determination of the defendant's
11 physical incapacity for trial, or by an interlocutory appeal.
12 Delay shall be considered to be agreed to by the defendant
13 unless he or she objects to the delay by making a written
14 demand for trial or an oral demand for trial on the record. The
15 provisions of this subsection (a) do not apply to a person on
16 bail ~~pretrial release~~ or recognizance for an offense but who
17 is in custody for a violation of his or her parole, aftercare
18 release, or mandatory supervised release for another offense.

19 The 120-day term must be one continuous period of
20 incarceration. In computing the 120-day term, separate periods
21 of incarceration may not be combined. If a defendant is taken
22 into custody a second (or subsequent) time for the same
23 offense, the term will begin again at day zero.

24 (b) Every person on bail ~~pretrial release~~ or recognizance
25 shall be tried by the court having jurisdiction within 160
26 days from the date defendant demands trial unless delay is

1 occasioned by the defendant, by an examination for fitness
2 ordered pursuant to Section 104-13 of this Act, by a fitness
3 hearing, by an adjudication of unfitness to stand trial, by a
4 continuance allowed pursuant to Section 114-4 of this Act
5 after a court's determination of the defendant's physical
6 incapacity for trial, or by an interlocutory appeal. The
7 defendant's failure to appear for any court date set by the
8 court operates to waive the defendant's demand for trial made
9 under this subsection.

10 For purposes of computing the 160 day period under this
11 subsection (b), every person who was in custody for an alleged
12 offense and demanded trial and is subsequently released on
13 bail ~~pretrial release~~ or recognizance and demands trial, shall
14 be given credit for time spent in custody following the making
15 of the demand while in custody. Any demand for trial made under
16 this subsection (b) shall be in writing; and in the case of a
17 defendant not in custody, the demand for trial shall include
18 the date of any prior demand made under this provision while
19 the defendant was in custody.

20 (c) If the court determines that the State has exercised
21 without success due diligence to obtain evidence material to
22 the case and that there are reasonable grounds to believe that
23 such evidence may be obtained at a later day the court may
24 continue the cause on application of the State for not more
25 than an additional 60 days. If the court determines that the
26 State has exercised without success due diligence to obtain

1 results of DNA testing that is material to the case and that
2 there are reasonable grounds to believe that such results may
3 be obtained at a later day, the court may continue the cause on
4 application of the State for not more than an additional 120
5 days.

6 (d) Every person not tried in accordance with subsections
7 (a), (b) and (c) of this Section shall be discharged from
8 custody or released from the obligations of the person's bail
9 ~~his pretrial release~~ or recognizance.

10 (e) If a person is simultaneously in custody upon more
11 than one charge pending against him in the same county, or
12 simultaneously demands trial upon more than one charge pending
13 against him in the same county, he shall be tried, or adjudged
14 guilty after waiver of trial, upon at least one such charge
15 before expiration relative to any of such pending charges of
16 the period prescribed by subsections (a) and (b) of this
17 Section. Such person shall be tried upon all of the remaining
18 charges thus pending within 160 days from the date on which
19 judgment relative to the first charge thus prosecuted is
20 rendered pursuant to the Unified Code of Corrections or, if
21 such trial upon such first charge is terminated without
22 judgment and there is no subsequent trial of, or adjudication
23 of guilt after waiver of trial of, such first charge within a
24 reasonable time, the person shall be tried upon all of the
25 remaining charges thus pending within 160 days from the date
26 on which such trial is terminated; if either such period of 160

1 days expires without the commencement of trial of, or
2 adjudication of guilt after waiver of trial of, any of such
3 remaining charges thus pending, such charge or charges shall
4 be dismissed and barred for want of prosecution unless delay
5 is occasioned by the defendant, by an examination for fitness
6 ordered pursuant to Section 104-13 of this Act, by a fitness
7 hearing, by an adjudication of unfitness for trial, by a
8 continuance allowed pursuant to Section 114-4 of this Act
9 after a court's determination of the defendant's physical
10 incapacity for trial, or by an interlocutory appeal; provided,
11 however, that if the court determines that the State has
12 exercised without success due diligence to obtain evidence
13 material to the case and that there are reasonable grounds to
14 believe that such evidence may be obtained at a later day the
15 court may continue the cause on application of the State for
16 not more than an additional 60 days.

17 (f) Delay occasioned by the defendant shall temporarily
18 suspend for the time of the delay the period within which a
19 person shall be tried as prescribed by subsections (a), (b),
20 or (e) of this Section and on the day of expiration of the
21 delay the said period shall continue at the point at which it
22 was suspended. Where such delay occurs within 21 days of the
23 end of the period within which a person shall be tried as
24 prescribed by subsections (a), (b), or (e) of this Section,
25 the court may continue the cause on application of the State
26 for not more than an additional 21 days beyond the period

1 prescribed by subsections (a), (b), or (e). This subsection
2 (f) shall become effective on, and apply to persons charged
3 with alleged offenses committed on or after, March 1, 1977.
4 (Source: P.A. 101-652, eff. 1-1-23.)

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

6 Sec. 103-7. Posting notice of rights. Every sheriff, chief
7 of police or other person who is in charge of any jail, police
8 station or other building where persons under arrest are held
9 in custody pending investigation, bail ~~pretrial release~~ or
10 other criminal proceedings, shall post in every room, other
11 than cells, of such buildings where persons are held in
12 custody, in conspicuous places where it may be seen and read by
13 persons in custody and others, a poster, printed in large
14 type, containing a verbatim copy in the English language of
15 the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
16 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and
17 113-3 of this Code. Each person who is in charge of any
18 courthouse or other building in which any trial of an offense
19 is conducted shall post in each room primarily used for such
20 trials and in each room in which defendants are confined or
21 wait, pending trial, in conspicuous places where it may be
22 seen and read by persons in custody and others, a poster,
23 printed in large type, containing a verbatim copy in the
24 English language of the provisions of Sections 103-6, 113-1,
25 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of

1 this Code.

2 (Source: P.A. 101-652, eff. 1-1-23.)

3 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

4 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
5 may seize or transport unwillingly any person found in this
6 State who is allegedly in violation of a bail bond posted in
7 some other state ~~or conditions of pretrial release~~. The return
8 of any such person to another state may be accomplished only as
9 provided by the laws of this State. Any bail bondsman who
10 violates this Section is fully subject to the criminal and
11 civil penalties provided by the laws of this State for his
12 actions.

13 (Source: P.A. 101-652, eff. 1-1-23.)

14 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

15 Sec. 104-13. Fitness examination.

16 (a) When the issue of fitness involves the defendant's
17 mental condition, the court shall order an examination of the
18 defendant by one or more licensed physicians, clinical
19 psychologists, or psychiatrists chosen by the court. No
20 physician, clinical psychologist or psychiatrist employed by
21 the Department of Human Services shall be ordered to perform,
22 in his official capacity, an examination under this Section.

23 (b) If the issue of fitness involves the defendant's
24 physical condition, the court shall appoint one or more

1 physicians and in addition, such other experts as it may deem
2 appropriate to examine the defendant and to report to the
3 court regarding the defendant's condition.

4 (c) An examination ordered under this Section shall be
5 given at the place designated by the person who will conduct
6 the examination, except that if the defendant is being held in
7 custody, the examination shall take place at such location as
8 the court directs. No examinations under this Section shall be
9 ordered to take place at mental health or developmental
10 disabilities facilities operated by the Department of Human
11 Services. If the defendant fails to keep appointments without
12 reasonable cause or if the person conducting the examination
13 reports to the court that diagnosis requires hospitalization
14 or extended observation, the court may order the defendant
15 admitted to an appropriate facility for an examination, other
16 than a screening examination, for not more than 7 days. The
17 court may, upon a showing of good cause, grant an additional 7
18 days to complete the examination.

19 (d) Release on bail ~~pretrial release~~ or on recognizance
20 shall not be revoked and an application therefor shall not be
21 denied on the grounds that an examination has been ordered.

22 (e) Upon request by the defense and if the defendant is
23 indigent, the court may appoint, in addition to the expert or
24 experts chosen pursuant to subsection (a) of this Section, a
25 qualified expert selected by the defendant to examine him and
26 to make a report as provided in Section 104-15. Upon the filing

1 with the court of a verified statement of services rendered,
2 the court shall enter an order on the county board to pay such
3 expert a reasonable fee stated in the order.

4 (Source: P.A. 101-652, eff. 1-1-23.)

5 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

6 Sec. 104-17. Commitment for treatment; treatment plan.

7 (a) If the defendant is eligible to be or has been released
8 on bail ~~pretrial release~~ or on his own recognizance, the court
9 shall select the least physically restrictive form of
10 treatment therapeutically appropriate and consistent with the
11 treatment plan. The placement may be ordered either on an
12 inpatient or an outpatient basis.

13 (b) If the defendant's disability is mental, the court may
14 order him placed for secure treatment in the custody of the
15 Department of Human Services, or the court may order him
16 placed in the custody of any other appropriate public or
17 private mental health facility or treatment program which has
18 agreed to provide treatment to the defendant. If the most
19 serious charge faced by the defendant is a misdemeanor, the
20 court shall order outpatient treatment, unless the court finds
21 good cause on the record to order inpatient treatment. If the
22 court orders the defendant to inpatient treatment in the
23 custody of the Department of Human Services, the Department
24 shall evaluate the defendant to determine the most appropriate
25 secure facility to receive the defendant and, within 20 days

1 of the transmittal by the clerk of the circuit court of the
2 court's placement order, notify the court of the designated
3 facility to receive the defendant. The Department shall admit
4 the defendant to a secure facility within 60 days of the
5 transmittal of the court's placement order, unless the
6 Department can demonstrate good faith efforts at placement and
7 a lack of bed and placement availability. If placement cannot
8 be made within 60 days of the transmittal of the court's
9 placement order and the Department has demonstrated good faith
10 efforts at placement and a lack of bed and placement
11 availability, the Department shall provide an update to the
12 ordering court every 30 days until the defendant is placed.
13 Once bed and placement availability is determined, the
14 Department shall notify the sheriff who shall promptly
15 transport the defendant to the designated facility. If the
16 defendant is placed in the custody of the Department of Human
17 Services, the defendant shall be placed in a secure setting.
18 During the period of time required to determine bed and
19 placement availability at the designated facility, the
20 defendant shall remain in jail. If during the course of
21 evaluating the defendant for placement, the Department of
22 Human Services determines that the defendant is currently fit
23 to stand trial, it shall immediately notify the court and
24 shall submit a written report within 7 days. In that
25 circumstance the placement shall be held pending a court
26 hearing on the Department's report. Otherwise, upon completion

1 of the placement process, including identifying bed and
2 placement availability, the sheriff shall be notified and
3 shall transport the defendant to the designated facility. If,
4 within 60 days of the transmittal by the clerk of the circuit
5 court of the court's placement order, the Department fails to
6 provide the sheriff with notice of bed and placement
7 availability at the designated facility, the sheriff shall
8 contact the Department to inquire about when a placement will
9 become available at the designated facility as well as bed and
10 placement availability at other secure facilities. The
11 Department shall respond to the sheriff within 2 business days
12 of the notice and inquiry by the sheriff seeking the transfer
13 and the Department shall provide the sheriff with the status
14 of the evaluation, information on bed and placement
15 availability, and an estimated date of admission for the
16 defendant and any changes to that estimated date of admission.
17 If the Department notifies the sheriff during the 2 business
18 day period of a facility operated by the Department with
19 placement availability, the sheriff shall promptly transport
20 the defendant to that facility. The placement may be ordered
21 either on an inpatient or an outpatient basis.

22 (c) If the defendant's disability is physical, the court
23 may order him placed under the supervision of the Department
24 of Human Services which shall place and maintain the defendant
25 in a suitable treatment facility or program, or the court may
26 order him placed in an appropriate public or private facility

1 or treatment program which has agreed to provide treatment to
2 the defendant. The placement may be ordered either on an
3 inpatient or an outpatient basis.

4 (d) The clerk of the circuit court shall within 5 days of
5 the entry of the order transmit to the Department, agency or
6 institution, if any, to which the defendant is remanded for
7 treatment, the following:

8 (1) a certified copy of the order to undergo
9 treatment. Accompanying the certified copy of the order to
10 undergo treatment shall be the complete copy of any report
11 prepared under Section 104-15 of this Code or other report
12 prepared by a forensic examiner for the court;

13 (2) the county and municipality in which the offense
14 was committed;

15 (3) the county and municipality in which the arrest
16 took place;

17 (4) a copy of the arrest report, criminal charges,
18 arrest record; and

19 (5) all additional matters which the Court directs the
20 clerk to transmit.

21 (e) Within 30 days of admission to the designated
22 facility, the person supervising the defendant's treatment
23 shall file with the court, the State, and the defense a report
24 assessing the facility's or program's capacity to provide
25 appropriate treatment for the defendant and indicating his
26 opinion as to the probability of the defendant's attaining

1 fitness within a period of time from the date of the finding of
2 unfitness. For a defendant charged with a felony, the period
3 of time shall be one year. For a defendant charged with a
4 misdemeanor, the period of time shall be no longer than the
5 sentence if convicted of the most serious offense. If the
6 report indicates that there is a substantial probability that
7 the defendant will attain fitness within the time period, the
8 treatment supervisor shall also file a treatment plan which
9 shall include:

10 (1) A diagnosis of the defendant's disability;

11 (2) A description of treatment goals with respect to
12 rendering the defendant fit, a specification of the
13 proposed treatment modalities, and an estimated timetable
14 for attainment of the goals;

15 (3) An identification of the person in charge of
16 supervising the defendant's treatment.

17 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

18 (725 ILCS 5/106D-1)

19 Sec. 106D-1. Defendant's appearance by closed circuit
20 television and video conference ~~two way audio visual~~
21 ~~communication system~~.

22 (a) Whenever the appearance in person in court, in either
23 a civil or criminal proceeding, is required of anyone held in a
24 place of custody or confinement operated by the State or any of
25 its political subdivisions, including counties and

1 municipalities, the chief judge of the circuit by rule may
2 permit the personal appearance to be made by means of a two-way
3 audio-visual communication ~~system~~, including closed circuit
4 television and computerized video conference, in the following
5 proceedings:

6 (1) the initial appearance before a judge on a
7 criminal complaint, at which bail will be set ~~as provided~~
8 ~~in subsection (f) of Section 109-1;~~

9 (2) the waiver of a preliminary hearing;

10 (3) the arraignment on an information or indictment at
11 which a plea of not guilty will be entered;

12 (4) the presentation of a jury waiver;

13 (5) any status hearing;

14 (6) any hearing conducted under the Sexually Violent
15 Persons Commitment Act at which no witness testimony will
16 be taken; and

17 (7) at any hearing at which no witness testimony will
18 be taken conducted under the following:

19 (A) Section 104-20 of this Code (90-day hearings);

20 (B) Section 104-22 of this Code (trial with
21 special provisions and assistance);

22 (C) Section 104-25 of this Code (discharge
23 hearing); or

24 (D) Section 5-2-4 of the Unified Code of
25 Corrections (proceedings after acquittal by reason of
26 insanity).

1 (b) The two-way audio-visual communication facilities must
2 provide two-way audio-visual communication between the court
3 and the place of custody or confinement, and must include a
4 secure line over which the person in custody and his or her
5 counsel, if any, may communicate.

6 (c) Nothing in this Section shall be construed to prohibit
7 other court appearances through the use of a two-way
8 audio-visual communication, upon waiver of any right the
9 person in custody or confinement may have to be present
10 physically. ~~system if the person in custody or confinement~~
11 ~~waives the right to be present physically in court, the court~~
12 ~~determines that the physical health and safety of any person~~
13 ~~necessary to the proceedings would be endangered by appearing~~
14 ~~in court, or the chief judge of the circuit orders use of that~~
15 ~~system due to operational challenges in conducting the hearing~~
16 ~~in person. Such operational challenges must be documented and~~
17 ~~approved by the chief judge of the circuit, and a plan to~~
18 ~~address the challenges through reasonable efforts must be~~
19 ~~presented and approved by the Administrative Office of the~~
20 ~~Illinois Courts every 6 months.~~

21 (d) Nothing in this Section shall be construed to
22 establish a right of any person held in custody or confinement
23 to appear in court through a two-way audio-visual
24 communication ~~system~~ or to require that any governmental
25 entity, or place of custody or confinement, provide a two-way
26 audio-visual communication ~~system~~.

1 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
2 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

3 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
4 Sec. 107-4. Arrest by peace officer from other
5 jurisdiction.

6 (a) As used in this Section:

7 (1) "State" means any State of the United States and
8 the District of Columbia.

9 (2) "Peace Officer" means any peace officer or member
10 of any duly organized State, County, or Municipal peace
11 unit, any police force of another State, the United States
12 Department of Defense, or any police force whose members,
13 by statute, are granted and authorized to exercise powers
14 similar to those conferred upon any peace officer employed
15 by a law enforcement agency of this State.

16 (3) "Fresh pursuit" means the immediate pursuit of a
17 person who is endeavoring to avoid arrest.

18 (4) "Law enforcement agency" means a municipal police
19 department or county sheriff's office of this State.

20 (a-3) Any peace officer employed by a law enforcement
21 agency of this State may conduct temporary questioning
22 pursuant to Section 107-14 of this Code and may make arrests in
23 any jurisdiction within this State: (1) if the officer is
24 engaged in the investigation of criminal activity that
25 occurred in the officer's primary jurisdiction and the

1 temporary questioning or arrest relates to, arises from, or is
2 conducted pursuant to that investigation; or (2) if the
3 officer, while on duty as a peace officer, becomes personally
4 aware of the immediate commission of a felony or misdemeanor
5 violation of the laws of this State; or (3) if the officer,
6 while on duty as a peace officer, is requested by an
7 appropriate State or local law enforcement official to render
8 aid or assistance to the requesting law enforcement agency
9 that is outside the officer's primary jurisdiction; or (4) in
10 accordance with Section 2605-580 of the Illinois State Police
11 Law of the Civil Administrative Code of Illinois. While acting
12 pursuant to this subsection, an officer has the same authority
13 as within his or her own jurisdiction.

14 (a-7) The law enforcement agency of the county or
15 municipality in which any arrest is made under this Section
16 shall be immediately notified of the arrest.

17 (b) Any peace officer of another State who enters this
18 State in fresh pursuit and continues within this State in
19 fresh pursuit of a person in order to arrest him on the ground
20 that he has committed an offense in the other State has the
21 same authority to arrest and hold the person in custody as
22 peace officers of this State have to arrest and hold a person
23 in custody on the ground that he has committed an offense in
24 this State.

25 (c) If an arrest is made in this State by a peace officer
26 of another State in accordance with the provisions of this

1 Section he shall without unnecessary delay take the person
2 arrested before the circuit court of the county in which the
3 arrest was made. Such court shall conduct a hearing for the
4 purpose of determining the lawfulness of the arrest. If the
5 court determines that the arrest was lawful it shall commit
6 the person arrested, to await for a reasonable time the
7 issuance of an extradition warrant by the Governor of this
8 State, or admit him to bail ~~pretrial release~~ for such purpose.
9 If the court determines that the arrest was unlawful it shall
10 discharge the person arrested.

11 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
12 102-813, eff. 5-13-22.)

13 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

14 Sec. 107-9. Issuance of arrest warrant upon complaint.

15 (a) When a complaint is presented to a court charging that
16 an offense has been committed, it shall examine upon oath or
17 affirmation the complainant or any witnesses.

18 (b) The complaint shall be in writing and shall:

19 (1) State the name of the accused if known, and if not
20 known the accused may be designated by any name or
21 description by which he can be identified with reasonable
22 certainty;

23 (2) State the offense with which the accused is
24 charged;

25 (3) State the time and place of the offense as

1 definitely as can be done by the complainant; and

2 (4) Be subscribed and sworn to by the complainant.

3 (b-5) If an arrest warrant ~~or summons~~ is sought and the
4 request is made by electronic means that has a simultaneous
5 video and audio transmission between the requester and a
6 judge, the judge may issue an arrest warrant ~~or summons~~ based
7 upon a sworn complaint or sworn testimony communicated in the
8 transmission.

9 (c) A warrant shall ~~or summons may~~ be issued by the court
10 for the arrest ~~or appearance~~ of the person complained against
11 if it appears from the contents of the complaint and the
12 examination of the complainant or other witnesses, if any,
13 that the person against whom the complaint was made has
14 committed an offense.

15 (d) The warrant of arrest ~~or summons~~ shall:

16 (1) Be in writing;

17 (2) Specify the name, sex and birth date of the person
18 to be arrested ~~or summoned~~ or, if his name, sex or birth
19 date is unknown, shall designate such person by any name
20 or description by which the person can be identified with
21 reasonable certainty;

22 (3) Set forth the nature of the offense;

23 (4) State the date when issued and the municipality or
24 county where issued;

25 (5) Be signed by the judge of the court with the title
26 of the judge's office; ~~and~~

1 (6) Command that the person against whom the complaint
2 was made ~~to~~ be arrested and brought before the court
3 issuing the warrant or if he is absent or unable to act
4 before the nearest or most accessible court in the same
5 county ~~issuing the warrant or the nearest or most~~
6 ~~accessible court in the same county, or appear before the~~
7 ~~court at a certain time and place;~~

8 (7) Specify the amount of bail ~~conditions of pretrial~~
9 ~~release, if any; and~~

10 (8) Specify any geographical limitation placed on the
11 execution of the warrant, ~~if any,~~ but such limitation
12 shall not be expressed in mileage.

13 ~~(c) The summons may be served in the same manner as the~~
14 ~~summons in a civil action, except that a police officer may~~
15 ~~serve a summons for a violation of an ordinance occurring~~
16 ~~within the municipality of the police officer.~~

17 ~~(f) If the person summoned fails to appear by the date~~
18 ~~required or cannot be located to serve the summons, a warrant~~
19 ~~may be issued by the court for the arrest of the person~~
20 ~~complained against.~~

21 ~~(g) A warrant of arrest issued under this Section shall~~
22 ~~incorporate the information included in the summons, and shall~~
23 ~~comply with the following:~~

24 ~~(1) The arrest warrant shall specify any geographic~~
25 ~~limitation placed on the execution of the warrant, but~~
26 ~~such limitation shall not be expressed in mileage.~~

1 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace
2 officers in the State. It shall be executed by the peace
3 officer, or by a private person specially named therein, at
4 any location within the geographic limitation for execution
5 placed on the warrant. If no geographic limitation is placed
6 on the warrant, then it may be executed anywhere in the State.

7 (f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued
8 electronically or electromagnetically by use of electronic
9 mail or a facsimile transmission machine and any ~~such~~ arrest
10 warrant ~~or summons~~ shall have the same validity as a written
11 ~~arrest~~ warrant ~~or summons~~.

12 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;
13 102-1104, eff. 1-1-23.)

14 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

15 Sec. 107-11. When summons may be issued.

16 (a) When authorized to issue a warrant of arrest, a court
17 may instead issue a summons.

18 (b) The summons shall:

19 (1) Be in writing;

20 (2) State the name of the person summoned and his or
21 her address, if known;

22 (3) Set forth the nature of the offense;

23 (4) State the date when issued and the municipality or
24 county where issued;

25 (5) Be signed by the judge of the court with the title

1 of his or her office; and

2 (6) Command the person to appear before a court at a
3 certain time and place.

4 (c) The summons may be served in the same manner as the
5 summons in a civil action ~~or by certified or regular mail,~~
6 except that police officers may serve summons for violations
7 of ordinances occurring within their municipalities.

8 (Source: P.A. 102-1104, eff. 12-6-22.)

9 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

10 Sec. 109-1. Person arrested; ~~release from law enforcement~~
11 ~~custody and court appearance; geographic constraints prevent~~
12 ~~in-person appearances.~~

13 (a) A person arrested with or without a warrant ~~for an~~
14 ~~offense for which pretrial release may be denied under~~
15 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
16 without unnecessary delay before the nearest and most
17 accessible judge in that county, except when such county is a
18 participant in a regional jail authority, in which event such
19 person may be taken to the nearest and most accessible judge,
20 irrespective of the county where such judge presides, ~~within~~
21 ~~48 hours,~~ and a charge shall be filed. Whenever a person
22 arrested either with or without a warrant is required to be
23 taken before a judge, a charge may be filed against such person
24 by way of a two-way closed circuit television system
25 ~~audio visual communication system,~~ except that a hearing to

1 deny ~~pretrial release~~ bail to the defendant may not be
2 conducted by way of closed circuit television ~~two-way~~
3 ~~audio-visual communication system unless the accused waives~~
4 ~~the right to be present physically in court, the court~~
5 ~~determines that the physical health and safety of any person~~
6 ~~necessary to the proceedings would be endangered by appearing~~
7 ~~in court, or the chief judge of the circuit orders use of that~~
8 ~~system due to operational challenges in conducting the hearing~~
9 ~~in person. Such operational challenges must be documented and~~
10 ~~approved by the chief judge of the circuit, and a plan to~~
11 ~~address the challenges through reasonable efforts must be~~
12 ~~presented and approved by the Administrative Office of the~~
13 ~~Illinois Courts every 6 months..~~

14 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
15 ~~eustodial arrest, upon proper identification, for those~~
16 ~~accused of any offense that is not a felony or Class A~~
17 ~~misdemeanor unless (i) a law enforcement officer reasonably~~
18 ~~believes the accused poses a threat to the community or any~~
19 ~~person, (ii) a custodial arrest is necessary because the~~
20 ~~criminal activity persists after the issuance of a citation,~~
21 ~~or (iii) the accused has an obvious medical or mental health~~
22 ~~issue that poses a risk to the accused's own safety. Nothing in~~
23 ~~this Section requires arrest in the case of Class A~~
24 ~~misdemeanor and felony offenses, or otherwise limits existing~~
25 ~~law enforcement discretion to decline to effect a custodial~~
26 ~~arrest.~~

1 ~~(a-3) A person arrested with or without a warrant for an~~
2 ~~offense for which pretrial release may not be denied may,~~
3 ~~except as otherwise provided in this Code, be released by a law~~
4 ~~enforcement officer without appearing before a judge. A~~
5 ~~presumption in favor of pretrial release shall be applied by~~
6 ~~an arresting officer in the exercise of his or her discretion~~
7 ~~under this Section.~~

8 (a-5) A person charged with an offense shall be allowed
9 counsel at the hearing at which ~~pretrial release~~ bail is
10 determined under Article 110 of this Code. If the defendant
11 desires counsel for his or her initial appearance but is
12 unable to obtain counsel, the court shall appoint a public
13 defender or licensed attorney at law of this State to
14 represent him or her for purposes of that hearing.

15 (b) ~~Upon initial appearance of a person before the court,~~
16 ~~the~~ The judge shall:

17 (1) inform the defendant of the charge against him and
18 shall provide him with a copy of the charge;

19 (2) advise the defendant of his right to counsel and
20 if indigent shall appoint a public defender or licensed
21 attorney at law of this State to represent him in
22 accordance with the provisions of Section 113-3 of this
23 Code;

24 (3) schedule a preliminary hearing in appropriate
25 cases;

26 (4) admit the defendant to ~~pretrial release~~ bail in

1 accordance with the provisions of Article ~~110/5~~ 110 of
2 this Code, ~~or upon verified petition of the State, proceed~~
3 ~~with the setting of a detention hearing as provided in~~
4 ~~Section 110-6.1; and~~

5 (5) order ~~Order~~ the confiscation of the person's
6 passport or impose travel restrictions on a defendant
7 arrested for first degree murder or other violent crime as
8 defined in Section 3 of the Rights of Crime Victims and
9 Witnesses Act, if the judge determines, based on the
10 factors in Section 110-5 of this Code, that this will
11 reasonably ensure the appearance of the defendant and
12 compliance by the defendant with all conditions of
13 release.

14 (c) The court may issue an order of protection in
15 accordance with the provisions of Article 112A of this Code.
16 ~~Crime victims shall be given notice by the State's Attorney's~~
17 ~~office of this hearing as required in paragraph (2) of~~
18 ~~subsection (b) of the Rights of Crime Victims and Witnesses~~
19 ~~Act and shall be informed of their opportunity at this hearing~~
20 ~~to obtain an order of protection under Article 112A of this~~
21 ~~Code.~~

22 (d) At the initial appearance of a defendant in any
23 criminal proceeding, the court must advise the defendant in
24 open court that any foreign national who is arrested or
25 detained has the right to have notice of the arrest or
26 detention given to his or her country's consular

1 representatives and the right to communicate with those
2 consular representatives if the notice has not already been
3 provided. The court must make a written record of so advising
4 the defendant.

5 (e) If consular notification is not provided to a
6 defendant before his or her first appearance in court, the
7 court shall grant any reasonable request for a continuance of
8 the proceedings to allow contact with the defendant's
9 consulate. Any delay caused by the granting of the request by a
10 defendant shall temporarily suspend for the time of the delay
11 the period within which a person shall be tried as prescribed
12 by subsections (a), (b), or (e) of Section 103-5 of this Code
13 and on the day of the expiration of delay the period shall
14 continue at the point at which it was suspended.

15 ~~(f) At the hearing at which conditions of pretrial release~~
16 ~~are determined, the person charged shall be present in person~~
17 ~~rather than by two way audio video communication system unless~~
18 ~~the accused waives the right to be present physically in~~
19 ~~court, the court determines that the physical health and~~
20 ~~safety of any person necessary to the proceedings would be~~
21 ~~endangered by appearing in court, or the chief judge of the~~
22 ~~circuit orders use of that system due to operational~~
23 ~~challenges in conducting the hearing in person. Such~~
24 ~~operational challenges must be documented and approved by the~~
25 ~~chief judge of the circuit, and a plan to address the~~
26 ~~challenges through reasonable efforts must be presented and~~

1 ~~approved by the Administrative Office of the Illinois Courts~~
2 ~~every 6 months.~~

3 ~~(g) Defense counsel shall be given adequate opportunity to~~
4 ~~confer with the defendant prior to any hearing in which~~
5 ~~conditions of release or the detention of the defendant is to~~
6 ~~be considered, with a physical accommodation made to~~
7 ~~facilitate attorney/client consultation. If defense counsel~~
8 ~~needs to confer or consult with the defendant during any~~
9 ~~hearing conducted via a two way audio visual communication~~
10 ~~system, such consultation shall not be recorded and shall be~~
11 ~~undertaken consistent with constitutional protections.~~

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

14 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

15 Sec. 109-2. Person arrested in another county.

16 (a) Any person arrested in a county other than the one in
17 which a warrant for his arrest was issued shall be taken
18 without unnecessary delay before the nearest and most
19 accessible judge in the county where the arrest was made or, if
20 no additional delay is created, before the nearest and most
21 accessible judge in the county from which the warrant was
22 issued. He shall be admitted to bail in the amount specified in
23 the warrant or, for offenses other than felonies, in an amount
24 as set by the judge, and such bail shall be conditioned on his
25 appearing in the court issuing the warrant on a certain date.

1 The judge may hold a hearing to determine if the defendant is
2 the same person as named in the warrant.

3 (b) Notwithstanding the provisions of subsection (a), any
4 person arrested in a county other than the one in which a
5 warrant for his arrest was issued, may waive the right to be
6 taken before a judge in the county where the arrest was made.
7 If a person so arrested waives such right, the arresting
8 agency shall surrender such person to a law enforcement agency
9 of the county that issued the warrant without unnecessary
10 delay. The provisions of Section 109-1 shall then apply to the
11 person so arrested.

12 ~~(c) If a person is taken before a judge in any county and a~~
13 ~~warrant for arrest issued by another Illinois county exists~~
14 ~~for that person, the court in the arresting county shall hold~~
15 ~~for that person a detention hearing under Section 110-6.1, or~~
16 ~~other hearing under Section 110-5 or Section 110-6.~~

17 ~~(d) After the court in the arresting county has determined~~
18 ~~whether the person shall be released or detained on the~~
19 ~~arresting offense, the court shall then order the sheriff to~~
20 ~~immediately contact the sheriff in any county where any~~
21 ~~warrant is outstanding and notify them of the arrest of the~~
22 ~~individual.~~

23 ~~(e) If a person has a warrant in another county for an~~
24 ~~offense, then, no later than 5 calendar days after the end of~~
25 ~~any detention issued on the charge in the arresting county,~~
26 ~~the county where the warrant is outstanding shall do one of the~~

1 following:

2 ~~(1) transport the person to the county where the~~
3 ~~warrant was issued for a hearing under Section 110-6 or~~
4 ~~110-6.1 in the matter for which the warrant was issued; or~~

5 ~~(2) quash the warrant and order the person released on~~
6 ~~the case for which the warrant was issued only when the~~
7 ~~county that issued the warrant fails to transport the~~
8 ~~defendant in the timeline as proscribed.~~

9 ~~(f) If the issuing county fails to take any action under~~
10 ~~subsection (e) within 5 calendar days, the defendant shall be~~
11 ~~released from custody on the warrant, and the circuit judge or~~
12 ~~associate circuit judge in the county of arrest shall set~~
13 ~~conditions of release under Section 110-5 and shall admit the~~
14 ~~defendant to pretrial release for his or her appearance before~~
15 ~~the court named in the warrant. Upon releasing the defendant,~~
16 ~~the circuit judge or associate circuit judge shall certify~~
17 ~~such a fact on the warrant and deliver the warrant and the~~
18 ~~acknowledgment by the defendant of his or her receiving the~~
19 ~~conditions of pretrial release to the officer having charge of~~
20 ~~the defendant from arrest and without delay deliver such~~
21 ~~warrant and such acknowledgment by the defendant of his or her~~
22 ~~receiving the conditions to the court before which the~~
23 ~~defendant is required to appear.~~

24 ~~(g) If a person has a warrant in another county, in lieu of~~
25 ~~transporting the person to the issuing county as outlined in~~
26 ~~subsection (e), the issuing county may hold the hearing by way~~

1 ~~of a two-way audio-visual communication system if the accused~~
2 ~~waives the right to be physically present in court, the court~~
3 ~~determines that the physical health and safety of any person~~
4 ~~necessary to the proceedings would be endangered by appearing~~
5 ~~in court, or the chief judge of the circuit orders use of that~~
6 ~~system due to operational challenges in conducting the hearing~~
7 ~~in person. Such operational challenges must be documented and~~
8 ~~approved by the chief judge of the circuit, and a plan to~~
9 ~~address the challenges through reasonable efforts must be~~
10 ~~presented and approved by the Administrative Office of the~~
11 ~~Illinois Courts every 6 months.~~

12 ~~(h) If more than 2 Illinois county warrants exist, the~~
13 ~~judge in the county of arrest shall order that the process~~
14 ~~described in subsections (d) through (f) occur in each county~~
15 ~~in whatever order the judge finds most appropriate. Each judge~~
16 ~~in each subsequent county shall then follow the rules in this~~
17 ~~Section.~~

18 ~~(i) This Section applies only to warrants issued by~~
19 ~~Illinois state, county, or municipal courts.~~

20 ~~(j) When an issuing agency is contacted by an out-of-state~~
21 ~~agency of a person arrested for any offense, or when an~~
22 ~~arresting agency is contacted by or contacts an out-of-state~~
23 ~~issuing agency, the Uniform Criminal Extradition Act shall~~
24 ~~govern.~~

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

1 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

2 Sec. 109-3. Preliminary examination.

3 (a) The judge shall hold the defendant to answer to the
4 court having jurisdiction of the offense if from the evidence
5 it appears there is probable cause to believe an offense has
6 been committed by the defendant, as provided in Section
7 109-3.1 of this Code, if the offense is a felony.

8 (b) If the defendant waives preliminary examination the
9 judge shall hold him to answer and may, or on the demand of the
10 prosecuting attorney shall, cause the witnesses for the State
11 to be examined. After hearing the testimony if it appears that
12 there is not probable cause to believe the defendant guilty of
13 any offense the judge shall discharge him.

14 (c) During the examination of any witness or when the
15 defendant is making a statement or testifying the judge may
16 and on the request of the defendant or State shall exclude all
17 other witnesses. He may also cause the witnesses to be kept
18 separate and to be prevented from communicating with each
19 other until all are examined.

20 (d) If the defendant is held to answer the judge may
21 require any material witness for the State or defendant to
22 enter into a written undertaking to appear at the trial, and
23 may provide for the forfeiture of a sum certain in the event
24 the witness does not appear at the trial. Any witness who
25 refuses to execute a recognizance may be committed by the
26 judge to the custody of the sheriff until trial or further

1 order of the court having jurisdiction of the cause. Any
2 witness who executes a recognizance and fails to comply with
3 its terms shall, in addition to any forfeiture provided in the
4 recognizance, be subject to the penalty provided in Section
5 32-10 of the Criminal Code of 2012 for violation of bail bond
6 ~~commits a Class C misdemeanor.~~

7 (e) During preliminary hearing or examination the
8 defendant may move for an order of suppression of evidence
9 pursuant to Section 114-11 or 114-12 of this Act or for other
10 reasons, and may move for dismissal of the charge pursuant to
11 Section 114-1 of this Act or for other reasons.

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

13 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

14 Sec. 109-3.1. Persons charged with felonies.

15 (a) In any case involving a person charged with a felony in
16 this State, alleged to have been committed on or after January
17 1, 1984, the provisions of this Section shall apply.

18 (b) Every person in custody in this State for the alleged
19 commission of a felony shall receive either a preliminary
20 examination as provided in Section 109-3 or an indictment by
21 Grand Jury as provided in Section 111-2, within 30 days from
22 the date he or she was taken into custody. Every person on bail
23 or recognizance ~~released pretrial~~ for the alleged commission
24 of a felony shall receive either a preliminary examination as
25 provided in Section 109-3 or an indictment by Grand Jury as

1 provided in Section 111-2, within 60 days from the date he or
2 she was arrested.

3 The provisions of this paragraph shall not apply in the
4 following situations:

5 (1) when delay is occasioned by the defendant; or

6 (2) when the defendant has been indicted by the Grand
7 Jury on the felony offense for which he or she was
8 initially taken into custody or on an offense arising from
9 the same transaction or conduct of the defendant that was
10 the basis for the felony offense or offenses initially
11 charged; or

12 (3) when a competency examination is ordered by the
13 court; or

14 (4) when a competency hearing is held; or

15 (5) when an adjudication of incompetency for trial has
16 been made; or

17 (6) when the case has been continued by the court
18 under Section 114-4 of this Code after a determination
19 that the defendant is physically incompetent to stand
20 trial.

21 (c) Delay occasioned by the defendant shall temporarily
22 suspend, for the time of the delay, the period within which the
23 preliminary examination must be held. On the day of expiration
24 of the delay the period in question shall continue at the point
25 at which it was suspended.

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

1 (725 ILCS 5/Art. 110 heading)

2 ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

3 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

4 Sec. 110-1. Definitions. As used in this Article:

5 ~~(a) (Blank).~~

6 "Security" is that which is required to be pledged to
7 insure the payment of bail.

8 ~~(b)~~ "Sureties" encompasses the monetary and nonmonetary
9 requirements set by the court as conditions for release either
10 before or after conviction. "Surety" is one who executes a
11 bail bond and binds himself to pay the bail if the person in
12 custody fails to comply with all conditions of the bail bond.

13 ~~(c)~~ The phrase "for which a sentence of imprisonment,
14 without conditional and revocable release, shall be imposed by
15 law as a consequence of conviction" means an offense for which
16 a sentence of imprisonment ~~in the Department of Corrections,~~
17 without probation, periodic imprisonment or conditional
18 discharge, is required by law upon conviction.

19 "Real and present threat to the physical safety of any
20 person or persons", as used in this Article, includes a threat
21 to the community, person, persons or class of persons.

22 ~~(d) (Blank).~~

23 ~~(e) "Protective order" means any order of protection~~
24 ~~issued under Section 112A 14 of this Code or the Illinois~~

1 ~~Domestic Violence Act of 1986, a stalking no contact order~~
2 ~~issued under Section 80 of the Stalking No Contact Order Act,~~
3 ~~or a civil no contact order issued under Section 213 of the~~
4 ~~Civil No Contact Order Act.~~

5 ~~(f) "Willful flight" means intentional conduct with a~~
6 ~~purpose to thwart the judicial process to avoid prosecution.~~
7 ~~Isolated instances of nonappearance in court alone are not~~
8 ~~evidence of the risk of willful flight. Reoccurrence and~~
9 ~~patterns of intentional conduct to evade prosecution, along~~
10 ~~with any affirmative steps to communicate or remedy any such~~
11 ~~missed court date, may be considered as factors in assessing~~
12 ~~future intent to evade prosecution.~~

13 (Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23;
14 103-154, eff. 6-30-23.)

15 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

16 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~
17 When from all the circumstances the court is of the opinion
18 that the defendant will appear as required either before or
19 after conviction and the defendant will not pose a danger to
20 any person or the community and that the defendant will comply
21 with all conditions of bond, which shall include the
22 defendant's current address with a written admonishment to the
23 defendant that he or she must comply with the provisions of
24 Section 110-12 of this Code regarding any change in his or her
25 address, the defendant may be released on his or her own

1 recognizance. The defendant's address shall at all times
2 remain a matter of public record with the clerk of the court. A
3 failure to appear as required by such recognizance shall
4 constitute an offense subject to the penalty provided in
5 Section 32-10 of the Criminal Code of 2012 for violation of the
6 bail bond, and any obligated sum fixed in the recognizance
7 shall be forfeited and collected in accordance with subsection
8 (g) of Section 110-7.1 of this Code.

9 This Section shall be liberally construed to effectuate
10 the purpose of relying upon contempt of court proceedings or
11 criminal sanctions instead of financial loss to assure the
12 appearance of the defendant, and that the defendant will not
13 pose a danger to any person or the community and that the
14 defendant will comply with all conditions of bond. Monetary
15 bail should be set only when it is determined that no other
16 conditions of release will reasonably assure the defendant's
17 appearance in court, that the defendant does not present a
18 danger to any person or the community and that the defendant
19 will comply with all conditions of bond.

20 The State may appeal any order permitting release by
21 personal recognizance.

22 ~~(a) All persons charged with an offense shall be eligible~~
23 ~~for pretrial release before conviction. It is presumed that a~~
24 ~~defendant is entitled to release on personal recognizance on~~
25 ~~the condition that the defendant attend all required court~~
26 ~~proceedings and the defendant does not commit any criminal~~

1 ~~offense, and complies with all terms of pretrial release,~~
2 ~~including, but not limited to, orders of protection under both~~
3 ~~Section 112A-4 of this Code and Section 214 of the Illinois~~
4 ~~Domestic Violence Act of 1986, all civil no contact orders,~~
5 ~~and all stalking no contact orders. Pretrial release may be~~
6 ~~denied only if a person is charged with an offense listed in~~
7 ~~Section 110-6.1 and after the court has held a hearing under~~
8 ~~Section 110-6.1, and in a manner consistent with subsections~~
9 ~~(b), (c), and (d) of this Section.~~

10 ~~(b) At all pretrial hearings, the prosecution shall have~~
11 ~~the burden to prove by clear and convincing evidence that any~~
12 ~~condition of release is necessary.~~

13 ~~(c) When it is alleged that pretrial release should be~~
14 ~~denied to a person upon the grounds that the person presents a~~
15 ~~real and present threat to the safety of any person or persons~~
16 ~~or the community, based on the specific articulable facts of~~
17 ~~the case, the burden of proof of such allegations shall be upon~~
18 ~~the State.~~

19 ~~(d) When it is alleged that pretrial release should be~~
20 ~~denied to a person charged with stalking or aggravated~~
21 ~~stalking upon the grounds set forth in Section 110-6.3, the~~
22 ~~burden of proof of those allegations shall be upon the State.~~

23 ~~(e) This Section shall be liberally construed to~~
24 ~~effectuate the purpose of relying on pretrial release by~~
25 ~~nonmonetary means to reasonably ensure an eligible person's~~
26 ~~appearance in court, the protection of the safety of any other~~

1 ~~person or the community, that the person will not attempt or~~
2 ~~obstruct the criminal justice process, and the person's~~
3 ~~compliance with all conditions of release, while authorizing~~
4 ~~the court, upon motion of a prosecutor, to order pretrial~~
5 ~~detention of the person under Section 110-6.1 when it finds~~
6 ~~clear and convincing evidence that no condition or combination~~
7 ~~of conditions can reasonably ensure the effectuation of these~~
8 ~~goals.~~

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

10 (725 ILCS 5/110-3.1 new)

11 Sec. 110-3.1. Issuance of warrant.

12 (a) Upon failure to comply with any condition of a bail
13 bond or recognizance the court having jurisdiction at the time
14 of such failure may, in addition to any other action provided
15 by law, issue a warrant for the arrest of the person at liberty
16 on bail or his own recognizance. The contents of such a warrant
17 shall be the same as required for an arrest warrant issued upon
18 complaint. When a defendant is at liberty on bail or his own
19 recognizance on a felony charge and fails to appear in court as
20 directed, the court shall issue a warrant for the arrest of
21 such person. Such warrant shall be noted with a directive to
22 peace officers to arrest the person and hold such person
23 without bail and to deliver such person before the court for
24 further proceedings.

25 (b) A defendant who is arrested or surrenders within 30

1 days of the issuance of such warrant shall not be bailable in
2 the case in question unless he shows by the preponderance of
3 the evidence that his failure to appear was not intentional.

4 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

5 Sec. 110-5. Determining the amount of bail and conditions
6 of release.

7 (a) In determining the amount of monetary bail or
8 conditions of release, if any, which will reasonably assure
9 the appearance of a defendant as required or the safety of any
10 other person or the community and the likelihood of compliance
11 by the defendant with all the conditions of bail, the court
12 shall, on the basis of available information, take into
13 account such matters as the nature and circumstances of the
14 offense charged, whether the evidence shows that as part of
15 the offense there was a use of violence or threatened use of
16 violence, whether the offense involved corruption of public
17 officials or employees, whether there was physical harm or
18 threats of physical harm to any public official, public
19 employee, judge, prosecutor, juror or witness, senior citizen,
20 child, or person with a disability, whether evidence shows
21 that during the offense or during the arrest the defendant
22 possessed or used a firearm, machine gun, explosive or metal
23 piercing ammunition or explosive bomb device or any military
24 or paramilitary armament, whether the evidence shows that the
25 offense committed was related to or in furtherance of the

1 criminal activities of an organized gang or was motivated by
2 the defendant's membership in or allegiance to an organized
3 gang, the condition of the victim, any written statement
4 submitted by the victim or proffer or representation by the
5 State regarding the impact which the alleged criminal conduct
6 has had on the victim and the victim's concern, if any, with
7 further contact with the defendant if released on bail,
8 whether the offense was based on racial, religious, sexual
9 orientation or ethnic hatred, the likelihood of the filing of
10 a greater charge, the likelihood of conviction, the sentence
11 applicable upon conviction, the weight of the evidence against
12 such defendant, whether there exists motivation or ability to
13 flee, whether there is any verification as to prior residence,
14 education, or family ties in the local jurisdiction, in
15 another county, state or foreign country, the defendant's
16 employment, financial resources, character and mental
17 condition, past conduct, prior use of alias names or dates of
18 birth, and length of residence in the community, the consent
19 of the defendant to periodic drug testing in accordance with
20 Section 110-6.5-1, whether a foreign national defendant is
21 lawfully admitted in the United States of America, whether the
22 government of the foreign national maintains an extradition
23 treaty with the United States by which the foreign government
24 will extradite to the United States its national for a trial
25 for a crime allegedly committed in the United States, whether
26 the defendant is currently subject to deportation or exclusion

1 under the immigration laws of the United States, whether the
2 defendant, although a United States citizen, is considered
3 under the law of any foreign state a national of that state for
4 the purposes of extradition or non-extradition to the United
5 States, the amount of unrecovered proceeds lost as a result of
6 the alleged offense, the source of bail funds tendered or
7 sought to be tendered for bail, whether from the totality of
8 the court's consideration, the loss of funds posted or sought
9 to be posted for bail will not deter the defendant from flight,
10 whether the evidence shows that the defendant is engaged in
11 significant possession, manufacture, or delivery of a
12 controlled substance or cannabis, either individually or in
13 consort with others, whether at the time of the offense
14 charged he or she was on bond or pre-trial release pending
15 trial, probation, periodic imprisonment or conditional
16 discharge pursuant to this Code or the comparable Code of any
17 other state or federal jurisdiction, whether the defendant is
18 on bond or pre-trial release pending the imposition or
19 execution of sentence or appeal of sentence for any offense
20 under the laws of Illinois or any other state or federal
21 jurisdiction, whether the defendant is under parole, aftercare
22 release, mandatory supervised release, or work release from
23 the Illinois Department of Corrections or Illinois Department
24 of Juvenile Justice or any penal institution or corrections
25 department of any state or federal jurisdiction, the
26 defendant's record of convictions, whether the defendant has

1 been convicted of a misdemeanor or ordinance offense in
2 Illinois or similar offense in other state or federal
3 jurisdiction within the 10 years preceding the current charge
4 or convicted of a felony in Illinois, whether the defendant
5 was convicted of an offense in another state or federal
6 jurisdiction that would be a felony if committed in Illinois
7 within the 20 years preceding the current charge or has been
8 convicted of such felony and released from the penitentiary
9 within 20 years preceding the current charge if a penitentiary
10 sentence was imposed in Illinois or other state or federal
11 jurisdiction, the defendant's records of juvenile adjudication
12 of delinquency in any jurisdiction, any record of appearance
13 or failure to appear by the defendant at court proceedings,
14 whether there was flight to avoid arrest or prosecution,
15 whether the defendant escaped or attempted to escape to avoid
16 arrest, whether the defendant refused to identify himself or
17 herself, or whether there was a refusal by the defendant to be
18 fingerprinted as required by law. Information used by the
19 court in its findings or stated in or offered in connection
20 with this Section may be by way of proffer based upon reliable
21 information offered by the State or defendant. All evidence
22 shall be admissible if it is relevant and reliable regardless
23 of whether it would be admissible under the rules of evidence
24 applicable at criminal trials. If the State presents evidence
25 that the offense committed by the defendant was related to or
26 in furtherance of the criminal activities of an organized gang

1 or was motivated by the defendant's membership in or
2 allegiance to an organized gang, and if the court determines
3 that the evidence may be substantiated, the court shall
4 prohibit the defendant from associating with other members of
5 the organized gang as a condition of bail or release. For the
6 purposes of this Section, "organized gang" has the meaning
7 ascribed to it in Section 10 of the Illinois Streetgang
8 Terrorism Omnibus Prevention Act.

9 (a-5) There shall be a presumption that any conditions of
10 release imposed shall be non-monetary in nature and the court
11 shall impose the least restrictive conditions or combination
12 of conditions necessary to reasonably assure the appearance of
13 the defendant for further court proceedings and protect the
14 integrity of the judicial proceedings from a specific threat
15 to a witness or participant. Conditions of release may
16 include, but not be limited to, electronic home monitoring,
17 curfews, drug counseling, stay-away orders, and in-person
18 reporting. The court shall consider the defendant's
19 socio-economic circumstance when setting conditions of release
20 or imposing monetary bail.

21 (b) The amount of bail shall be:

22 (1) Sufficient to assure compliance with the
23 conditions set forth in the bail bond, which shall include
24 the defendant's current address with a written
25 admonishment to the defendant that he or she must comply
26 with the provisions of Section 110-12 regarding any change

1 in his or her address. The defendant's address shall at
2 all times remain a matter of public record with the clerk
3 of the court.

4 (2) Not oppressive.

5 (3) Considerate of the financial ability of the
6 accused.

7 (4) When a person is charged with a drug related
8 offense involving possession or delivery of cannabis or
9 possession or delivery of a controlled substance as
10 defined in the Cannabis Control Act, the Illinois
11 Controlled Substances Act, or the Methamphetamine Control
12 and Community Protection Act, the full street value of the
13 drugs seized shall be considered. "Street value" shall be
14 determined by the court on the basis of a proffer by the
15 State based upon reliable information of a law enforcement
16 official contained in a written report as to the amount
17 seized and such proffer may be used by the court as to the
18 current street value of the smallest unit of the drug
19 seized.

20 (b-5) Upon the filing of a written request demonstrating
21 reasonable cause, the State's Attorney may request a source of
22 bail hearing either before or after the posting of any funds.
23 If the hearing is granted, before the posting of any bail, the
24 accused must file a written notice requesting that the court
25 conduct a source of bail hearing. The notice must be
26 accompanied by justifying affidavits stating the legitimate

1 and lawful source of funds for bail. At the hearing, the court
2 shall inquire into any matters stated in any justifying
3 affidavits, and may also inquire into matters appropriate to
4 the determination which shall include, but are not limited to,
5 the following:

6 (1) the background, character, reputation, and
7 relationship to the accused of any surety; and

8 (2) the source of any money or property deposited by
9 any surety, and whether any such money or property
10 constitutes the fruits of criminal or unlawful conduct;
11 and

12 (3) the source of any money posted as cash bail, and
13 whether any such money constitutes the fruits of criminal
14 or unlawful conduct; and

15 (4) the background, character, reputation, and
16 relationship to the accused of the person posting cash
17 bail.

18 Upon setting the hearing, the court shall examine, under
19 oath, any persons who may possess material information.

20 The State's Attorney has a right to attend the hearing, to
21 call witnesses and to examine any witness in the proceeding.
22 The court shall, upon request of the State's Attorney,
23 continue the proceedings for a reasonable period to allow the
24 State's Attorney to investigate the matter raised in any
25 testimony or affidavit. If the hearing is granted after the
26 accused has posted bail, the court shall conduct a hearing

1 consistent with this subsection (b-5). At the conclusion of
2 the hearing, the court must issue an order either approving or
3 disapproving the bail.

4 (c) When a person is charged with an offense punishable by
5 fine only the amount of the bail shall not exceed double the
6 amount of the maximum penalty.

7 (d) When a person has been convicted of an offense and only
8 a fine has been imposed the amount of the bail shall not exceed
9 double the amount of the fine.

10 (e) The State may appeal any order granting bail or
11 setting a given amount for bail.

12 (f) When a person is charged with a violation of an order
13 of protection under Section 12-3.4 or 12-30 of the Criminal
14 Code of 1961 or the Criminal Code of 2012 or when a person is
15 charged with domestic battery, aggravated domestic battery,
16 kidnapping, aggravated kidnaping, unlawful restraint,
17 aggravated unlawful restraint, stalking, aggravated stalking,
18 cyberstalking, harassment by telephone, harassment through
19 electronic communications, or an attempt to commit first
20 degree murder committed against an intimate partner regardless
21 whether an order of protection has been issued against the
22 person,

23 (1) whether the alleged incident involved harassment
24 or abuse, as defined in the Illinois Domestic Violence Act
25 of 1986;

26 (2) whether the person has a history of domestic

1 violence, as defined in the Illinois Domestic Violence
2 Act, or a history of other criminal acts;

3 (3) based on the mental health of the person;

4 (4) whether the person has a history of violating the
5 orders of any court or governmental entity;

6 (5) whether the person has been, or is, potentially a
7 threat to any other person;

8 (6) whether the person has access to deadly weapons or
9 a history of using deadly weapons;

10 (7) whether the person has a history of abusing
11 alcohol or any controlled substance;

12 (8) based on the severity of the alleged incident that
13 is the basis of the alleged offense, including, but not
14 limited to, the duration of the current incident, and
15 whether the alleged incident involved the use of a weapon,
16 physical injury, sexual assault, strangulation, abuse
17 during the alleged victim's pregnancy, abuse of pets, or
18 forcible entry to gain access to the alleged victim;

19 (9) whether a separation of the person from the
20 alleged victim or a termination of the relationship
21 between the person and the alleged victim has recently
22 occurred or is pending;

23 (10) whether the person has exhibited obsessive or
24 controlling behaviors toward the alleged victim,
25 including, but not limited to, stalking, surveillance, or
26 isolation of the alleged victim or victim's family member

1 or members;

2 (11) whether the person has expressed suicidal or
3 homicidal ideations;

4 (12) based on any information contained in the
5 complaint and any police reports, affidavits, or other
6 documents accompanying the complaint;

7 the court may, in its discretion, order the respondent to
8 undergo a risk assessment evaluation using a recognized,
9 evidence-based instrument conducted by an Illinois Department
10 of Human Services approved partner abuse intervention program
11 provider, pretrial service, probation, or parole agency. These
12 agencies shall have access to summaries of the defendant's
13 criminal history, which shall not include victim interviews or
14 information, for the risk evaluation. Based on the information
15 collected from the 12 points to be considered at a bail hearing
16 under this subsection (f), the results of any risk evaluation
17 conducted and the other circumstances of the violation, the
18 court may order that the person, as a condition of bail, be
19 placed under electronic surveillance as provided in Section
20 5-8A-7 of the Unified Code of Corrections. Upon making a
21 determination whether or not to order the respondent to
22 undergo a risk assessment evaluation or to be placed under
23 electronic surveillance and risk assessment, the court shall
24 document in the record the court's reasons for making those
25 determinations. The cost of the electronic surveillance and
26 risk assessment shall be paid by, or on behalf, of the

1 defendant. As used in this subsection (f), "intimate partner"
2 means a spouse or a current or former partner in a cohabitation
3 or dating relationship.

4 ~~(a) In determining which conditions of pretrial release,~~
5 ~~if any, will reasonably ensure the appearance of a defendant~~
6 ~~as required or the safety of any other person or the community~~
7 ~~and the likelihood of compliance by the defendant with all the~~
8 ~~conditions of pretrial release, the court shall, on the basis~~
9 ~~of available information, take into account such matters as:~~

10 ~~(1) the nature and circumstances of the offense~~
11 ~~charged;~~

12 ~~(2) the weight of the evidence against the defendant,~~
13 ~~except that the court may consider the admissibility of~~
14 ~~any evidence sought to be excluded;~~

15 ~~(3) the history and characteristics of the defendant,~~
16 ~~including:~~

17 ~~(A) the defendant's character, physical and mental~~
18 ~~condition, family ties, employment, financial~~
19 ~~resources, length of residence in the community,~~
20 ~~community ties, past relating to drug or alcohol~~
21 ~~abuse, conduct, history criminal history, and record~~
22 ~~concerning appearance at court proceedings; and~~

23 ~~(B) whether, at the time of the current offense or~~
24 ~~arrest, the defendant was on probation, parole, or on~~
25 ~~other release pending trial, sentencing, appeal, or~~
26 ~~completion of sentence for an offense under federal~~

1 ~~law, or the law of this or any other state;~~

2 ~~(4) the nature and seriousness of the real and present~~
3 ~~threat to the safety of any person or persons or the~~
4 ~~community, based on the specific articulable facts of the~~
5 ~~case, that would be posed by the defendant's release, if~~
6 ~~applicable, as required under paragraph (7.5) of Section 4~~
7 ~~of the Rights of Crime Victims and Witnesses Act;~~

8 ~~(5) the nature and seriousness of the risk of~~
9 ~~obstructing or attempting to obstruct the criminal justice~~
10 ~~process that would be posed by the defendant's release, if~~
11 ~~applicable;~~

12 ~~(6) when a person is charged with a violation of a~~
13 ~~protective order, domestic battery, aggravated domestic~~
14 ~~battery, kidnapping, aggravated kidnaping, unlawful~~
15 ~~restraint, aggravated unlawful restraint, cyberstalking,~~
16 ~~harassment by telephone, harassment through electronic~~
17 ~~communications, or an attempt to commit first degree~~
18 ~~murder committed against a spouse or a current or former~~
19 ~~partner in a cohabitation or dating relationship,~~
20 ~~regardless of whether an order of protection has been~~
21 ~~issued against the person, the court may consider the~~
22 ~~following additional factors:~~

23 ~~(A) whether the alleged incident involved~~
24 ~~harassment or abuse, as defined in the Illinois~~
25 ~~Domestic Violence Act of 1986;~~

26 ~~(B) whether the person has a history of domestic~~

1 ~~violence, as defined in the Illinois Domestic Violence~~
2 ~~Act of 1986, or a history of other criminal acts;~~

3 ~~(C) the mental health of the person;~~

4 ~~(D) whether the person has a history of violating~~
5 ~~the orders of any court or governmental entity;~~

6 ~~(E) whether the person has been, or is,~~
7 ~~potentially a threat to any other person;~~

8 ~~(F) whether the person has access to deadly~~
9 ~~weapons or a history of using deadly weapons;~~

10 ~~(G) whether the person has a history of abusing~~
11 ~~alcohol or any controlled substance;~~

12 ~~(H) the severity of the alleged incident that is~~
13 ~~the basis of the alleged offense, including, but not~~
14 ~~limited to, the duration of the current incident, and~~
15 ~~whether the alleged incident involved the use of a~~
16 ~~weapon, physical injury, sexual assault,~~
17 ~~strangulation, abuse during the alleged victim's~~
18 ~~pregnancy, abuse of pets, or forcible entry to gain~~
19 ~~access to the alleged victim;~~

20 ~~(I) whether a separation of the person from the~~
21 ~~victim of abuse or a termination of the relationship~~
22 ~~between the person and the victim of abuse has~~
23 ~~recently occurred or is pending;~~

24 ~~(J) whether the person has exhibited obsessive or~~
25 ~~controlling behaviors toward the victim of abuse,~~
26 ~~including, but not limited to, stalking, surveillance,~~

1 ~~or isolation of the victim of abuse or the victim's~~
2 ~~family member or members;~~

3 ~~(K) whether the person has expressed suicidal or~~
4 ~~homicidal ideations; and~~

5 ~~(L) any other factors deemed by the court to have a~~
6 ~~reasonable bearing upon the defendant's propensity or~~
7 ~~reputation for violent, abusive, or assaultive~~
8 ~~behavior, or lack of that behavior.~~

9 ~~(7) in cases of stalking or aggravated stalking under~~
10 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
11 ~~court may consider the factors listed in paragraph (6) and~~
12 ~~the following additional factors:~~

13 ~~(A) any evidence of the defendant's prior criminal~~
14 ~~history indicative of violent, abusive or assaultive~~
15 ~~behavior, or lack of that behavior; the evidence may~~
16 ~~include testimony or documents received in juvenile~~
17 ~~proceedings, criminal, quasi criminal, civil~~
18 ~~commitment, domestic relations, or other proceedings;~~

19 ~~(B) any evidence of the defendant's psychological,~~
20 ~~psychiatric, or other similar social history that~~
21 ~~tends to indicate a violent, abusive, or assaultive~~
22 ~~nature, or lack of any such history;~~

23 ~~(C) the nature of the threat that is the basis of~~
24 ~~the charge against the defendant;~~

25 ~~(D) any statements made by, or attributed to, the~~
26 ~~defendant, together with the circumstances surrounding~~

1 ~~them;~~

2 ~~(E) the age and physical condition of any person~~
3 ~~allegedly assaulted by the defendant;~~

4 ~~(F) whether the defendant is known to possess or~~
5 ~~have access to any weapon or weapons; and~~

6 ~~(G) any other factors deemed by the court to have a~~
7 ~~reasonable bearing upon the defendant's propensity or~~
8 ~~reputation for violent, abusive, or assaultive~~
9 ~~behavior, or lack of that behavior.~~

10 ~~(b) The court may use a regularly validated risk~~
11 ~~assessment tool to aid its determination of appropriate~~
12 ~~conditions of release as provided under Section 110-6.4. If a~~
13 ~~risk assessment tool is used, the defendant's counsel shall be~~
14 ~~provided with the information and scoring system of the risk~~
15 ~~assessment tool used to arrive at the determination. The~~
16 ~~defendant retains the right to challenge the validity of a~~
17 ~~risk assessment tool used by the court and to present evidence~~
18 ~~relevant to the defendant's challenge.~~

19 ~~(c) The court shall impose any conditions that are~~
20 ~~mandatory under subsection (a) of Section 110-10. The court~~
21 ~~may impose any conditions that are permissible under~~
22 ~~subsection (b) of Section 110-10. The conditions of release~~
23 ~~imposed shall be the least restrictive conditions or~~
24 ~~combination of conditions necessary to reasonably ensure the~~
25 ~~appearance of the defendant as required or the safety of any~~
26 ~~other person or persons or the community.~~

1 ~~(d) When a person is charged with a violation of a~~
2 ~~protective order, the court may order the defendant placed~~
3 ~~under electronic surveillance as a condition of pretrial~~
4 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~
5 ~~Corrections, based on the information collected under~~
6 ~~paragraph (6) of subsection (a) of this Section, the results~~
7 ~~of any assessment conducted, or other circumstances of the~~
8 ~~violation.~~

9 ~~(e) If a person remains in pretrial detention 48 hours~~
10 ~~after having been ordered released with pretrial conditions,~~
11 ~~the court shall hold a hearing to determine the reason for~~
12 ~~continued detention. If the reason for continued detention is~~
13 ~~due to the unavailability or the defendant's ineligibility for~~
14 ~~one or more pretrial conditions previously ordered by the~~
15 ~~court or directed by a pretrial services agency, the court~~
16 ~~shall reopen the conditions of release hearing to determine~~
17 ~~what available pretrial conditions exist that will reasonably~~
18 ~~ensure the appearance of a defendant as required, the safety~~
19 ~~of any other person, and the likelihood of compliance by the~~
20 ~~defendant with all the conditions of pretrial release. The~~
21 ~~inability of the defendant to pay for a condition of release or~~
22 ~~any other ineligibility for a condition of pretrial release~~
23 ~~shall not be used as a justification for the pretrial~~
24 ~~detention of that defendant.~~

25 ~~(f) Prior to the defendant's first appearance, and with~~
26 ~~sufficient time for meaningful attorney client contact to~~

1 ~~gather information in order to advocate effectively for the~~
2 ~~defendant's pretrial release, the court shall appoint the~~
3 ~~public defender or a licensed attorney at law of this State to~~
4 ~~represent the defendant for purposes of that hearing, unless~~
5 ~~the defendant has obtained licensed counsel. Defense counsel~~
6 ~~shall have access to the same documentary information relied~~
7 ~~upon by the prosecution and presented to the court.~~

8 ~~(f 5) At each subsequent appearance of the defendant~~
9 ~~before the court, the judge must find that the current~~
10 ~~conditions imposed are necessary to reasonably ensure the~~
11 ~~appearance of the defendant as required, the safety of any~~
12 ~~other person, and the compliance of the defendant with all the~~
13 ~~conditions of pretrial release. The court is not required to~~
14 ~~be presented with new information or a change in circumstance~~
15 ~~to remove pretrial conditions.~~

16 ~~(g) Electronic monitoring, GPS monitoring, or home~~
17 ~~confinement can only be imposed as a condition of pretrial~~
18 ~~release if a no less restrictive condition of release or~~
19 ~~combination of less restrictive condition of release would~~
20 ~~reasonably ensure the appearance of the defendant for later~~
21 ~~hearings or protect an identifiable person or persons from~~
22 ~~imminent threat of serious physical harm.~~

23 ~~(h) If the court imposes electronic monitoring, GPS~~
24 ~~monitoring, or home confinement, the court shall set forth in~~
25 ~~the record the basis for its finding. A defendant shall be~~
26 ~~given custodial credit for each day he or she was subjected to~~

1 ~~home confinement, at the same rate described in subsection (b)~~
2 ~~of Section 5-4.5-100 of the Unified Code of Corrections. The~~
3 ~~court may give custodial credit to a defendant for each day the~~
4 ~~defendant was subjected to GPS monitoring without home~~
5 ~~confinement or electronic monitoring without home confinement.~~

6 ~~(i) If electronic monitoring, GPS monitoring, or home~~
7 ~~confinement is imposed, the court shall determine every 60~~
8 ~~days if no less restrictive condition of release or~~
9 ~~combination of less restrictive conditions of release would~~
10 ~~reasonably ensure the appearance, or continued appearance, of~~
11 ~~the defendant for later hearings or protect an identifiable~~
12 ~~person or persons from imminent threat of serious physical~~
13 ~~harm. If the court finds that there are less restrictive~~
14 ~~conditions of release, the court shall order that the~~
15 ~~condition be removed. This subsection takes effect January 1,~~
16 ~~2022.~~

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

22 ~~(k) The State and defendants may appeal court orders~~
23 ~~imposing conditions of pretrial release.~~

24 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
25 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
26 1-1-23.)

1 (725 ILCS 5/110-5.2)

2 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial
3 detainee.

4 (a) It is the policy of this State that a pre-trial
5 detainee shall not be required to deliver a child while in
6 custody absent a finding by the court that continued pre-trial
7 custody is necessary to protect the public or the victim of the
8 offense on which the charge is based ~~alleviate a real and~~
9 ~~present threat to the safety of any person or persons or the~~
10 ~~community, based on the specific articulable facts of the~~
11 ~~case, or prevent the defendant's willful flight.~~

12 (b) If the court reasonably believes that a pre-trial
13 detainee will give birth while in custody, the court shall
14 order an alternative to custody unless, after a hearing, the
15 court determines:

16 (1) that the release of the pregnant pre-trial
17 detainee would pose a real and present threat to the
18 physical safety of the alleged victim of the offense and
19 continuing custody is necessary to prevent the fulfillment
20 of the threat upon which the charge is based; or ~~the~~
21 ~~pregnant pretrial detainee is charged with an offense for~~
22 ~~which pretrial release may be denied under Section~~
23 ~~110-6.1; and~~

24 (2) that the release of the pregnant pre-trial
25 detainee would pose a real and present threat to the

1 physical safety of any person or persons or the general
2 public ~~after a hearing under Section 110-6.1 that~~
3 ~~considers the circumstances of the pregnancy, the court~~
4 ~~determines that continued detention is the only way to~~
5 ~~prevent 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, or prevent the defendant's~~
8 ~~willful flight.~~

9 (c) The court may order a pregnant or post-partum detainee
10 to be subject to electronic monitoring as a condition of
11 pre-trial release or order other condition or combination of
12 conditions the court reasonably determines are in the best
13 interest of the detainee and the public. ~~Electronic Monitoring~~
14 ~~may be ordered by the court only if no less restrictive~~
15 ~~condition of release or combination of less restrictive~~
16 ~~conditions of release would reasonably ensure the appearance,~~
17 ~~or continued appearance, of the defendant for later hearings~~
18 ~~or protect an identifiable person or persons from imminent~~
19 ~~threat of serious physical harm. All pregnant people or those~~
20 ~~who have given birth within 6 weeks shall be granted ample~~
21 ~~movement to attend doctor's appointments and for emergencies~~
22 ~~related to the health of the pregnancy, infant, or postpartum~~
23 ~~person.~~

24 (d) This Section shall be applicable to a pregnant
25 pre-trial detainee in custody on or after the effective date
26 of this amendatory Act of the 100th General Assembly.

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

2 (725 ILCS 5/110-6)

3 Sec. 110-6. Modification of bail or conditions ~~Revocation~~
4 ~~of pretrial release, modification of conditions of pretrial~~
5 ~~release, and sanctions for violations of conditions of~~
6 ~~pretrial release.~~

7 (a) Upon verified application by the State or the
8 defendant or on its own motion the court before which the
9 proceeding is pending may increase or reduce the amount of
10 bail or may alter the conditions of the bail bond or grant bail
11 where it has been previously revoked or denied. If bail has
12 been previously revoked pursuant to subsection (f) of this
13 Section or if bail has been denied to the defendant pursuant to
14 subsection (e) of Section 110-6.1 or subsection (e) of Section
15 110-6.3-1, the defendant shall be required to present a
16 verified application setting forth in detail any new facts not
17 known or obtainable at the time of the previous revocation or
18 denial of bail proceedings. If the court grants bail where it
19 has been previously revoked or denied, the court shall state
20 on the record of the proceedings the findings of facts and
21 conclusion of law upon which such order is based.

22 (a-5) In addition to any other available motion or
23 procedure under this Code, a person in custody solely for a
24 Category B offense due to an inability to post monetary bail
25 shall be brought before the court at the next available court

1 date or 7 calendar days from the date bail was set, whichever
2 is earlier, for a rehearing on the amount or conditions of bail
3 or release pending further court proceedings. The court may
4 reconsider conditions of release for any other person whose
5 inability to post monetary bail is the sole reason for
6 continued incarceration, including a person in custody for a
7 Category A offense or a Category A offense and a Category B
8 offense. The court may deny the rehearing permitted under this
9 subsection (a-5) if the person has failed to appear as
10 required before the court and is incarcerated based on a
11 warrant for failure to appear on the same original criminal
12 offense.

13 (b) Violation of the conditions of Section 110-10 of this
14 Code or any special conditions of bail as ordered by the court
15 shall constitute grounds for the court to increase the amount
16 of bail, or otherwise alter the conditions of bail, or, where
17 the alleged offense committed on bail is a forcible felony in
18 Illinois or a Class 2 or greater offense under the Illinois
19 Controlled Substances Act, the Cannabis Control Act, or the
20 Methamphetamine Control and Community Protection Act, revoke
21 bail pursuant to the appropriate provisions of subsection (e)
22 of this Section.

23 (c) Reasonable notice of such application by the defendant
24 shall be given to the State.

25 (d) Reasonable notice of such application by the State
26 shall be given to the defendant, except as provided in

1 subsection (e).

2 (e) Upon verified application by the State stating facts
3 or circumstances constituting a violation or a threatened
4 violation of any of the conditions of the bail bond the court
5 may issue a warrant commanding any peace officer to bring the
6 defendant without unnecessary delay before the court for a
7 hearing on the matters set forth in the application. If the
8 actual court before which the proceeding is pending is absent
9 or otherwise unavailable another court may issue a warrant
10 pursuant to this Section. When the defendant is charged with a
11 felony offense and while free on bail is charged with a
12 subsequent felony offense and is the subject of a proceeding
13 set forth in Section 109-1 or 109-3 of this Code, upon the
14 filing of a verified petition by the State alleging a
15 violation of Section 110-10 (a) (4) of this Code, the court
16 shall without prior notice to the defendant, grant leave to
17 file such application and shall order the transfer of the
18 defendant and the application without unnecessary delay to the
19 court before which the previous felony matter is pending for a
20 hearing as provided in subsection (b) or this subsection of
21 this Section. The defendant shall be held without bond pending
22 transfer to and a hearing before such court. At the conclusion
23 of the hearing based on a violation of the conditions of
24 Section 110-10 of this Code or any special conditions of bail
25 as ordered by the court, the court may enter an order
26 increasing the amount of bail or alter the conditions of bail

1 as deemed appropriate.

2 (f) Where the alleged violation consists of the violation
3 of one or more felony statutes of any jurisdiction which would
4 be a forcible felony in Illinois or a Class 2 or greater
5 offense under the Illinois Controlled Substances Act, the
6 Cannabis Control Act, or the Methamphetamine Control and
7 Community Protection Act and the defendant is on bail for the
8 alleged commission of a felony, or where the defendant is on
9 bail for a felony domestic battery (enhanced pursuant to
10 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
11 or the Criminal Code of 2012), aggravated domestic battery,
12 aggravated battery, unlawful restraint, aggravated unlawful
13 restraint or domestic battery in violation of item (1) of
14 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
15 or the Criminal Code of 2012 against a family or household
16 member as defined in Section 112A-3 of this Code and the
17 violation is an offense of domestic battery against the same
18 victim the court shall, on the motion of the State or its own
19 motion, revoke bail in accordance with the following
20 provisions:

21 (1) The court shall hold the defendant without bail
22 pending the hearing on the alleged breach; however, if the
23 defendant is not admitted to bail the hearing shall be
24 commenced within 10 days from the date the defendant is
25 taken into custody or the defendant may not be held any
26 longer without bail, unless delay is occasioned by the

1 defendant. Where defendant occasions the delay, the
2 running of the 10 day period is temporarily suspended and
3 resumes at the termination of the period of delay. Where
4 defendant occasions the delay with 5 or fewer days
5 remaining in the 10 day period, the court may grant a
6 period of up to 5 additional days to the State for good
7 cause shown. The State, however, shall retain the right to
8 proceed to hearing on the alleged violation at any time,
9 upon reasonable notice to the defendant and the court.

10 (2) At a hearing on the alleged violation the State
11 has the burden of going forward and proving the violation
12 by clear and convincing evidence. The evidence shall be
13 presented in open court with the opportunity to testify,
14 to present witnesses in his behalf, and to cross-examine
15 witnesses if any are called by the State, and
16 representation by counsel and if the defendant is indigent
17 to have counsel appointed for him. The rules of evidence
18 applicable in criminal trials in this State shall not
19 govern the admissibility of evidence at such hearing.
20 Information used by the court in its findings or stated in
21 or offered in connection with hearings for increase or
22 revocation of bail may be by way of proffer based upon
23 reliable information offered by the State or defendant.
24 All evidence shall be admissible if it is relevant and
25 reliable regardless of whether it would be admissible
26 under the rules of evidence applicable at criminal trials.

1 A motion by the defendant to suppress evidence or to
2 suppress a confession shall not be entertained at such a
3 hearing. Evidence that proof may have been obtained as a
4 result of an unlawful search and seizure or through
5 improper interrogation is not relevant to this hearing.

6 (3) Upon a finding by the court that the State has
7 established by clear and convincing evidence that the
8 defendant has committed a forcible felony or a Class 2 or
9 greater offense under the Illinois Controlled Substances
10 Act, the Cannabis Control Act, or the Methamphetamine
11 Control and Community Protection Act while admitted to
12 bail, or where the defendant is on bail for a felony
13 domestic battery (enhanced pursuant to subsection (b) of
14 Section 12-3.2 of the Criminal Code of 1961 or the
15 Criminal Code of 2012), aggravated domestic battery,
16 aggravated battery, unlawful restraint, aggravated
17 unlawful restraint or domestic battery in violation of
18 item (1) of subsection (a) of Section 12-3.2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 against
20 a family or household member as defined in Section 112A-3
21 of this Code and the violation is an offense of domestic
22 battery, against the same victim, the court shall revoke
23 the bail of the defendant and hold the defendant for trial
24 without bail. Neither the finding of the court nor any
25 transcript or other record of the hearing shall be
26 admissible in the State's case in chief, but shall be

1 admissible for impeachment, or as provided in Section
2 115-10.1 of this Code or in a perjury proceeding.

3 (4) If the bail of any defendant is revoked pursuant
4 to paragraph (f) (3) of this Section, the defendant may
5 demand and shall be entitled to be brought to trial on the
6 offense with respect to which he was formerly released on
7 bail within 90 days after the date on which his bail was
8 revoked. If the defendant is not brought to trial within
9 the 90 day period required by the preceding sentence, he
10 shall not be held longer without bail. In computing the 90
11 day period, the court shall omit any period of delay
12 resulting from a continuance granted at the request of the
13 defendant.

14 (5) If the defendant either is arrested on a warrant
15 issued pursuant to this Code or is arrested for an
16 unrelated offense and it is subsequently discovered that
17 the defendant is a subject of another warrant or warrants
18 issued pursuant to this Code, the defendant shall be
19 transferred promptly to the court which issued such
20 warrant. If, however, the defendant appears initially
21 before a court other than the court which issued such
22 warrant, the non-issuing court shall not alter the amount
23 of bail set on such warrant unless the court sets forth on
24 the record of proceedings the conclusions of law and facts
25 which are the basis for such altering of another court's
26 bond. The non-issuing court shall not alter another

1 court's bail set on a warrant unless the interests of
2 justice and public safety are served by such action.

3 (g) The State may appeal any order where the court has
4 increased or reduced the amount of bail or altered the
5 conditions of the bail bond or granted bail where it has
6 previously been revoked.

7 ~~(a) When a defendant has previously been granted pretrial~~
8 ~~release under this Section for a felony or Class A~~
9 ~~misdemeanor, that pretrial release may be revoked only if the~~
10 ~~defendant is charged with a felony or Class A misdemeanor that~~
11 ~~is alleged to have occurred during the defendant's pretrial~~
12 ~~release after a hearing on the court's own motion or upon the~~
13 ~~filing of a verified petition by the State.~~

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

20 ~~Upon the filing of a petition or upon motion of the court~~
21 ~~seeking revocation, the court shall order the transfer of the~~
22 ~~defendant and the petition or motion to the court before which~~
23 ~~the previous felony or Class A misdemeanor is pending. The~~
24 ~~defendant may be held in custody pending transfer to and a~~
25 ~~hearing before such court. The defendant shall be transferred~~
26 ~~to the court before which the previous matter is pending~~

1 ~~without unnecessary delay, and the revocation hearing shall~~
2 ~~occur within 72 hours of the filing of the State's petition or~~
3 ~~the court's motion for revocation.~~

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

17 ~~The court before which the previous felony matter or Class~~
18 ~~A misdemeanor is pending may revoke the defendant's pretrial~~
19 ~~release after a hearing. During the hearing for revocation,~~
20 ~~the defendant shall be represented by counsel and have an~~
21 ~~opportunity to be heard regarding the violation and evidence~~
22 ~~in mitigation. The court shall consider all relevant~~
23 ~~circumstances, including, but not limited to, the nature and~~
24 ~~seriousness of the violation or criminal act alleged. The~~
25 ~~State shall bear the burden of proving, by clear and~~
26 ~~convincing evidence, that no condition or combination of~~

1 ~~conditions of release would reasonably ensure the appearance~~
2 ~~of the defendant for later hearings or prevent the defendant~~
3 ~~from being charged with a subsequent felony or Class A~~
4 ~~misdemeanor.~~

5 ~~In lieu of revocation, the court may release the defendant~~
6 ~~pre trial, with or without modification of conditions of~~
7 ~~pretrial release.~~

8 ~~If the case that caused the revocation is dismissed, the~~
9 ~~defendant is found not guilty in the case causing the~~
10 ~~revocation, or the defendant completes a lawfully imposed~~
11 ~~sentence on the case causing the revocation, the court shall,~~
12 ~~without unnecessary delay, hold a hearing on conditions of~~
13 ~~pretrial release pursuant to Section 110-5 and release the~~
14 ~~defendant with or without modification of conditions of~~
15 ~~pretrial release.~~

16 ~~Both the State and the defendant may appeal an order~~
17 ~~revoking pretrial release or denying a petition for revocation~~
18 ~~of release.~~

19 ~~(b) If a defendant previously has been granted pretrial~~
20 ~~release under this Section for a Class B or Class C misdemeanor~~
21 ~~offense, a petty or business offense, or an ordinance~~
22 ~~violation and if the defendant is subsequently charged with a~~
23 ~~felony that is alleged to have occurred during the defendant's~~
24 ~~pretrial release or a Class A misdemeanor offense that is~~
25 ~~alleged to have occurred during the defendant's pretrial~~
26 ~~release, such pretrial release may not be revoked, but the~~

1 ~~court may impose sanctions under subsection (c).~~

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

5 ~~(1) fails to appear in court as required by the~~
6 ~~defendant's conditions of release;~~

7 ~~(2) is charged with a felony or Class A misdemeanor~~
8 ~~offense that is alleged to have occurred during the~~
9 ~~defendant's pretrial release after having been previously~~
10 ~~granted pretrial release for a Class B or Class C~~
11 ~~misdemeanor, a petty or business offense, or an ordinance~~
12 ~~violation that is alleged to have occurred during the~~
13 ~~defendant's pretrial release;~~

14 ~~(3) is charged with a Class B or C misdemeanor~~
15 ~~offense, petty or business offense, or ordinance violation~~
16 ~~that is alleged to have occurred during the defendant's~~
17 ~~pretrial release; or~~

18 ~~(4) violates any other condition of pretrial release~~
19 ~~set by the court.~~

20 ~~In response to a violation described in this subsection,~~
21 ~~the court may issue a warrant specifying that the defendant~~
22 ~~must appear before the court for a hearing for sanctions and~~
23 ~~may not be released by law enforcement before that appearance.~~

24 ~~(d) When a defendant appears in court pursuant to a~~
25 ~~summons or warrant issued in accordance with Section 110-3 or~~
26 ~~after being arrested for an offense that is alleged to have~~

1 ~~occurred during the defendant's pretrial release, the State~~
2 ~~may file a verified petition requesting a hearing for~~
3 ~~sanctions.~~

4 ~~(c) During the hearing for sanctions, the defendant shall~~
5 ~~be represented by counsel and have an opportunity to be heard~~
6 ~~regarding the violation and evidence in mitigation. The State~~
7 ~~shall bear the burden of proving by clear and convincing~~
8 ~~evidence that:~~

9 ~~(1) the defendant committed an act that violated a~~
10 ~~term of the defendant's pretrial release;~~

11 ~~(2) the defendant had actual knowledge that the~~
12 ~~defendant's action would violate a court order;~~

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

14 ~~(4) the violation was not caused by a lack of access to~~
15 ~~financial monetary resources.~~

16 ~~(f) Sanctions for violations of pretrial release may~~
17 ~~include:~~

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

19 ~~(2) imprisonment in the county jail for a period not~~
20 ~~exceeding 30 days;~~

21 ~~(3) (Blank); or~~

22 ~~(4) a modification of the defendant's pretrial~~
23 ~~conditions.~~

24 ~~(g) The court may, at any time, after motion by either~~
25 ~~party or on its own motion, remove previously set conditions~~
26 ~~of pretrial release, subject to the provisions in this~~

1 ~~subsection. The court may only add or increase conditions of~~
2 ~~pretrial release at a hearing under this Section.~~

3 ~~The court shall not remove a previously set condition of~~
4 ~~pretrial release regulating contact with a victim or witness~~
5 ~~in the case, unless the subject of the condition has been given~~
6 ~~notice of the hearing as required in paragraph (1) of~~
7 ~~subsection (b) of Section 4.5 of the Rights of Crime Victims~~
8 ~~and Witnesses Act. If the subject of the condition of release~~
9 ~~is not present, the court shall follow the procedures of~~
10 ~~paragraph (10) of subsection (c 1) of the Rights of Crime~~
11 ~~Victims and Witnesses Act.~~

12 ~~(h) Crime victims shall be given notice by the State's~~
13 ~~Attorney's office of all hearings under this Section as~~
14 ~~required in paragraph (1) of subsection (b) of Section 4.5 of~~
15 ~~the Rights of Crime Victims and Witnesses Act and shall be~~
16 ~~informed of their opportunity at these hearings to obtain a~~
17 ~~protective order.~~

18 ~~(i) Nothing in this Section shall be construed to limit~~
19 ~~the State's ability to file a verified petition seeking denial~~
20 ~~of pretrial release under subsection (a) of Section 110-6.1 or~~
21 ~~subdivision (d) (2) of Section 110-6.1.~~

22 ~~(j) At each subsequent appearance of the defendant before~~
23 ~~the court, the judge must find that continued detention under~~
24 ~~this Section is necessary to reasonably ensure the appearance~~
25 ~~of the defendant for later hearings or to prevent the~~
26 ~~defendant from being charged with a subsequent felony or Class~~

1 ~~A misdemeanor.~~

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

3 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

4 Sec. 110-6.1. Denial of bail in non-probationable felony
5 offenses ~~pretrial release~~.

6 (a) Upon verified petition by the State, the court shall
7 hold a hearing to determine whether bail should be denied to a
8 defendant who is charged with a felony offense for which a
9 sentence of imprisonment, without probation, periodic
10 imprisonment or conditional discharge, is required by law upon
11 conviction, when it is alleged that the defendant's admission
12 to bail poses a real and present threat to the physical safety
13 of any person or persons.

14 (1) A petition may be filed without prior notice to
15 the defendant at the first appearance before a judge, or
16 within the 21 calendar days, except as provided in Section
17 110-6, after arrest and release of the defendant upon
18 reasonable notice to defendant; provided that while such
19 petition is pending before the court, the defendant if
20 previously released shall not be detained.

21 (2) The hearing shall be held immediately upon the
22 defendant's appearance before the court, unless for good
23 cause shown the defendant or the State seeks a
24 continuance. A continuance on motion of the defendant may
25 not exceed 5 calendar days, and a continuance on the

1 motion of the State may not exceed 3 calendar days. The
2 defendant may be held in custody during such continuance.

3 (b) The court may deny bail to the defendant where, after
4 the hearing, it is determined that:

5 (1) the proof is evident or the presumption great that
6 the defendant has committed an offense for which a
7 sentence of imprisonment, without probation, periodic
8 imprisonment or conditional discharge, must be imposed by
9 law as a consequence of conviction, and

10 (2) the defendant poses a real and present threat to
11 the physical safety of any person or persons, by conduct
12 which may include, but is not limited to, a forcible
13 felony, the obstruction of justice, intimidation, injury,
14 physical harm, an offense under the Illinois Controlled
15 Substances Act which is a Class X felony, or an offense
16 under the Methamphetamine Control and Community Protection
17 Act which is a Class X felony, and

18 (3) the court finds that no condition or combination
19 of conditions set forth in subsection (b) of Section
20 110-10 of this Article, can reasonably assure the physical
21 safety of any other person or persons.

22 (c) Conduct of the hearings.

23 (1) The hearing on the defendant's culpability and
24 dangerousness shall be conducted in accordance with the
25 following provisions:

26 (A) Information used by the court in its findings

1 or stated in or offered at such hearing may be by way
2 of proffer based upon reliable information offered by
3 the State or by defendant. Defendant has the right to
4 be represented by counsel, and if he is indigent, to
5 have counsel appointed for him. Defendant shall have
6 the opportunity to testify, to present witnesses in
7 his own behalf, and to cross-examine witnesses if any
8 are called by the State. The defendant has the right to
9 present witnesses in his favor. When the ends of
10 justice so require, the court may exercise its
11 discretion and compel the appearance of a complaining
12 witness. The court shall state on the record reasons
13 for granting a defense request to compel the presence
14 of a complaining witness. Cross-examination of a
15 complaining witness at the pretrial detention hearing
16 for the purpose of impeaching the witness' credibility
17 is insufficient reason to compel the presence of the
18 witness. In deciding whether to compel the appearance
19 of a complaining witness, the court shall be
20 considerate of the emotional and physical well-being
21 of the witness. The pre-trial detention hearing is not
22 to be used for purposes of discovery, and the post
23 arraignment rules of discovery do not apply. The State
24 shall tender to the defendant, prior to the hearing,
25 copies of defendant's criminal history, if any, if
26 available, and any written or recorded statements and

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

12 (B) A motion by the defendant to suppress evidence
13 or to suppress a confession shall not be entertained.
14 Evidence that proof may have been obtained as the
15 result of an unlawful search and seizure or through
16 improper interrogation is not relevant to this state
17 of the prosecution.

18 (2) The facts relied upon by the court to support a
19 finding that the defendant poses a real and present threat
20 to the physical safety of any person or persons shall be
21 supported by clear and convincing evidence presented by
22 the State.

23 (d) 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 physical
26 safety of any person or persons, consider but shall not be

1 limited to evidence or testimony concerning:

2 (1) The nature and circumstances of any offense
3 charged, including whether the offense is a crime of
4 violence, involving a weapon;

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

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

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

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

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

23 (5) The age and physical condition of any person
24 assaulted by the defendant;

25 (6) Whether the defendant is known to possess or have
26 access to any weapon or weapons;

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

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

12 (e) Detention order. The court shall, in any order for
13 detention:

14 (1) briefly summarize the evidence of the defendant's
15 culpability and its reasons for concluding that the
16 defendant should be held without bail;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his choice by visitation,
23 mail and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (f) If the court enters an order for the detention of the
2 defendant pursuant to subsection (e) of this Section, the
3 defendant shall be brought to trial on the offense for which he
4 is detained within 90 days after the date on which the order
5 for detention was entered. If the defendant is not brought to
6 trial within the 90 day period required by the preceding
7 sentence, he shall not be held longer without bail. In
8 computing the 90 day period, the court shall omit any period of
9 delay resulting from a continuance granted at the request of
10 the defendant.

11 (g) Rights of the defendant. Any person shall be entitled
12 to appeal any order entered under this Section denying bail to
13 the defendant.

14 (h) The State may appeal any order entered under this
15 Section denying any motion for denial of bail.

16 (i) Nothing in this Section shall be construed as
17 modifying or limiting in any way the defendant's presumption
18 of innocence in further criminal proceedings.

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

22 ~~(1) the defendant is charged with a felony offense~~
23 ~~other than a forcible felony for which, based on the~~
24 ~~charge or the defendant's criminal history, a sentence of~~
25 ~~imprisonment, without probation, periodic imprisonment or~~
26 ~~conditional discharge, is required by law upon conviction,~~

1 ~~and it is alleged that the defendant's pretrial release~~
2 ~~poses a real and present threat to the safety of any person~~
3 ~~or persons or the community, based on the specific~~
4 ~~articulable facts of the case;~~

5 ~~(1.5) the defendant's pretrial release poses a real~~
6 ~~and present threat to the safety of any person or persons~~
7 ~~or the community, based on the specific articulable facts~~
8 ~~of the case, and the defendant is charged with a forcible~~
9 ~~felony, which as used in this Section, means treason,~~
10 ~~first degree murder, second degree murder, predatory~~
11 ~~criminal sexual assault of a child, aggravated criminal~~
12 ~~sexual assault, criminal sexual assault, armed robbery,~~
13 ~~aggravated robbery, robbery, burglary where there is use~~
14 ~~of force against another person, residential burglary,~~
15 ~~home invasion, vehicular invasion, aggravated arson,~~
16 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~
17 ~~resulting in great bodily harm or permanent disability or~~
18 ~~disfigurement or any other felony which involves the~~
19 ~~threat of or infliction of great bodily harm or permanent~~
20 ~~disability or disfigurement;~~

21 ~~(2) the defendant is charged with stalking or~~
22 ~~aggravated stalking, and it is alleged that the~~
23 ~~defendant's pre-trial release poses a real and present~~
24 ~~threat to the safety of a victim of the alleged offense,~~
25 ~~and denial of release is necessary to prevent fulfillment~~
26 ~~of the threat upon which the charge is based;~~

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

11 ~~(4) the defendant is charged with domestic battery or~~
12 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
13 ~~of the Criminal Code of 2012 and it is alleged that the~~
14 ~~defendant's pretrial release 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;~~

18 ~~(5) the defendant is charged with any offense under~~
19 ~~Article 11 of the Criminal Code of 2012, except for~~
20 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~
21 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~
22 ~~provisions of the Criminal Code of 1961 and it is alleged~~
23 ~~that the defendant's pretrial release poses a real and~~
24 ~~present threat to the safety of any person or persons or~~
25 ~~the community, based on the specific articulable facts of~~
26 ~~the case;~~

1 ~~(6) the defendant is charged with any of the following~~
2 ~~offenses under the Criminal Code of 2012, and it is~~
3 ~~alleged that the defendant's pretrial release poses a real~~
4 ~~and present threat to the safety of any person or persons~~
5 ~~or the community, based on the specific articulable facts~~
6 ~~of the case:~~

7 ~~(A) Section 24-1.2 (aggravated discharge of a~~
8 ~~firearm);~~

9 ~~(B) Section 24-2.5 (aggravated discharge of a~~
10 ~~machine gun or a firearm equipped with a device~~
11 ~~designed or use for silencing the report of a~~
12 ~~firearm);~~

13 ~~(C) Section 24-1.5 (reckless discharge of a~~
14 ~~firearm);~~

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

17 ~~(E) Section 24-2.2 (manufacture, sale or transfer~~
18 ~~of bullets or shells represented to be armor piercing~~
19 ~~bullets, dragon's breath shotgun shells, bolo shells,~~
20 ~~or flechette shells);~~

21 ~~(F) Section 24-3 (unlawful sale or delivery of~~
22 ~~firearms);~~

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

25 ~~(H) Section 24-34 (unlawful sale of firearms by~~
26 ~~liquor license);~~

1 ~~(I) Section 24-3.5 (unlawful purchase of a~~
2 ~~firearm);~~

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

4 ~~(K) Section 24-3B (firearms trafficking);~~

5 ~~(L) Section 10-9 (b) (involuntary servitude);~~

6 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
7 ~~of a minor);~~

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

9 ~~(O) Non probationable violations: (i) unlawful~~
10 ~~possession of weapons by felons or persons in the~~
11 ~~Custody of the Department of Corrections facilities~~
12 ~~(Section 24-1.1), (ii) aggravated unlawful possession~~
13 ~~of a weapon (Section 24-1.6), or (iii) aggravated~~
14 ~~possession of a stolen firearm (Section 24-3.9);~~

15 ~~(P) Section 9-3 (reckless homicide and involuntary~~
16 ~~manslaughter);~~

17 ~~(Q) Section 19-3 (residential burglary);~~

18 ~~(R) Section 10-5 (child abduction);~~

19 ~~(S) Felony violations of Section 12C-5 (child~~
20 ~~endangerment);~~

21 ~~(T) Section 12-7.1 (hate crime);~~

22 ~~(U) Section 10-3.1 (aggravated unlawful~~
23 ~~restraint);~~

24 ~~(V) Section 12-9 (threatening a public official);~~

25 ~~(W) Subdivision (f) (1) of Section 12-3.05~~
26 ~~(aggravated battery with a deadly weapon other than by~~

1 ~~discharge of a firearm);~~

2 ~~(6.5) the defendant is charged with any of the~~
3 ~~following offenses, and it is alleged that the defendant's~~
4 ~~pretrial release poses a real and present threat to the~~
5 ~~safety of any person or persons or the community, based on~~
6 ~~the specific articulable facts of the case:~~

7 ~~(A) Felony violations of Sections 3.01, 3.02, or~~
8 ~~3.03 of the Humane Care for Animals Act (cruel~~
9 ~~treatment, aggravated cruelty, and animal torture);~~

10 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~
11 ~~Illinois Vehicle Code (aggravated driving under the~~
12 ~~influence while operating a school bus with~~
13 ~~passengers);~~

14 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~
15 ~~Illinois Vehicle Code (aggravated driving under the~~
16 ~~influence causing great bodily harm);~~

17 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~
18 ~~Illinois Vehicle Code (aggravated driving under the~~
19 ~~influence after a previous reckless homicide~~
20 ~~conviction);~~

21 ~~(E) Subdivision (d) (1) (F) of Section 11-501 of the~~
22 ~~Illinois Vehicle Code (aggravated driving under the~~
23 ~~influence leading to death); or~~

24 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~
25 ~~Illinois Vehicle Code (aggravated driving under the~~
26 ~~influence that resulted in bodily harm to a child~~

1 ~~under the age of 16);~~

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

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

10 ~~(A) Any felony described in subdivisions (a) (1)~~
11 ~~through (a) (7) of this Section; or~~

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

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

22 ~~(c) Timing of petition.~~

23 ~~(1) A petition may be filed without prior notice to~~
24 ~~the defendant at the first appearance before a judge, or~~
25 ~~within the 21 calendar days, except as provided in Section~~
26 ~~110-6, after arrest and release of the defendant upon~~

1 ~~reasonable notice to defendant; provided that while such~~
2 ~~petition is pending before the court, the defendant if~~
3 ~~previously released shall not be detained.~~

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

16 ~~(d) Contents of petition.~~

17 ~~(1) The petition shall be verified by the State and~~
18 ~~shall state the grounds upon which it contends the~~
19 ~~defendant should be denied pretrial release, including the~~
20 ~~real and present threat to the safety of any person or~~
21 ~~persons or the community, based on the specific~~
22 ~~articulable facts or flight risk, as appropriate.~~

23 ~~(2) If the State seeks to file a second or subsequent~~
24 ~~petition under this Section, the State shall be required~~
25 ~~to present a verified application setting forth in detail~~
26 ~~any new facts not known or obtainable at the time of the~~

1 ~~filing of the previous petition.~~

2 ~~(c) Eligibility: All defendants shall be presumed eligible~~
3 ~~for pretrial release, and the State shall bear the burden of~~
4 ~~proving by clear and convincing evidence that:~~

5 ~~(1) the proof is evident or the presumption great that~~
6 ~~the defendant has committed an offense listed in~~
7 ~~subsection (a), and~~

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

17 ~~(3) no condition or combination of conditions set~~
18 ~~forth in subsection (b) of Section 110 10 of this Article~~
19 ~~can mitigate (i) the real and present threat to the safety~~
20 ~~of any person or persons or the community, based on the~~
21 ~~specific articulable facts of the case, for offenses~~
22 ~~listed in paragraphs (1) through (7) of subsection (a), or~~
23 ~~(ii) the defendant's willful flight for offenses listed in~~
24 ~~paragraph (8) of subsection (a), and~~

25 ~~(4) for offenses under subsection (b) of Section 407~~
26 ~~of the Illinois Controlled Substances Act that are subject~~

1 ~~to paragraph (1) of subsection (a), no condition or~~
2 ~~combination of conditions set forth in subsection (b) of~~
3 ~~Section 110-10 of this Article can mitigate the real and~~
4 ~~present threat to the safety of any person or persons or~~
5 ~~the community, based on the specific articulable facts of~~
6 ~~the case, and the defendant poses a serious risk to not~~
7 ~~appear in court as required.~~

8 ~~(f) Conduct of the hearings.~~

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

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

18 ~~(3) The defendant has the right to be represented by~~
19 ~~counsel, and if he or she is indigent, to have counsel~~
20 ~~appointed for him or her. The defendant shall have the~~
21 ~~opportunity to testify, to present witnesses on his or her~~
22 ~~own behalf, and to cross-examine any witnesses that are~~
23 ~~called by the State. Defense counsel shall be given~~
24 ~~adequate opportunity to confer with the defendant before~~
25 ~~any hearing at which conditions of release or the~~
26 ~~detention of the defendant are to be considered, with an~~

1 ~~accommodation for a physical condition made to facilitate~~
2 ~~attorney/client consultation. If defense counsel needs to~~
3 ~~confer or consult with the defendant during any hearing~~
4 ~~conducted via a two-way audio-visual communication system,~~
5 ~~such consultation shall not be recorded and shall be~~
6 ~~undertaken consistent with constitutional protections.~~

7 ~~(3.5) A hearing at which pretrial release may be~~
8 ~~denied must be conducted in person (and not by way of~~
9 ~~two-way audio-visual communication) unless the accused~~
10 ~~waives the right to be present physically in court, the~~
11 ~~court determines that the physical health and safety of~~
12 ~~any person necessary to the proceedings would be~~
13 ~~endangered by appearing in court, or the chief judge of~~
14 ~~the circuit orders use of that system due to operational~~
15 ~~challenges in conducting the hearing in person. Such~~
16 ~~operational challenges must be documented and approved by~~
17 ~~the chief judge of the circuit, and a plan to address the~~
18 ~~challenges through reasonable efforts must be presented~~
19 ~~and approved by the Administrative Office of the Illinois~~
20 ~~Courts every 6 months.~~

21 ~~(4) If the defense seeks to compel the complaining~~
22 ~~witness to testify as a witness in its favor, it shall~~
23 ~~petition the court for permission. When the ends of~~
24 ~~justice so require, the court may exercise its discretion~~
25 ~~and compel the appearance of a complaining witness. The~~
26 ~~court shall state on the record reasons for granting a~~

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

24 ~~(5) The rules concerning the admissibility of evidence~~
25 ~~in criminal trials do not apply to the presentation and~~
26 ~~consideration of information at the hearing. At the trial~~

1 ~~concerning the offense for which the hearing was conducted~~
2 ~~neither the finding of the court nor any transcript or~~
3 ~~other record of the hearing shall be admissible in the~~
4 ~~State's case in chief, but shall be admissible for~~
5 ~~impeachment, or as provided in Section 115 10.1 of this~~
6 ~~Code, or in a perjury proceeding.~~

7 ~~(6) The defendant may not move to suppress evidence or~~
8 ~~a confession, however, evidence that proof of the charged~~
9 ~~crime may have been the result of an unlawful search or~~
10 ~~seizure, or both, or through improper interrogation, is~~
11 ~~relevant in assessing the weight of the evidence against~~
12 ~~the defendant.~~

13 ~~(7) Decisions regarding release, conditions of~~
14 ~~release, and detention prior to trial must be~~
15 ~~individualized, and no single factor or standard may be~~
16 ~~used exclusively to order detention. Risk assessment tools~~
17 ~~may not be used as the sole basis to deny pretrial release.~~

18 ~~(g) Factors to be considered in making a determination of~~
19 ~~dangerousness. The court may, in determining whether the~~
20 ~~defendant poses a real and present threat to the safety of any~~
21 ~~person or persons or the community, based on the specific~~
22 ~~articulable facts of the case, consider, but shall not be~~
23 ~~limited to, evidence or testimony concerning:~~

24 ~~(1) The nature and circumstances of any offense~~
25 ~~charged, including whether the offense is a crime of~~
26 ~~violence, involving a weapon, or a sex offense.~~

1 ~~(2) The history and characteristics of the defendant~~
2 ~~including:~~

3 ~~(A) Any evidence of the defendant's prior criminal~~
4 ~~history indicative of violent, abusive or assaultive~~
5 ~~behavior, or lack of such behavior. Such evidence may~~
6 ~~include testimony or documents received in juvenile~~
7 ~~proceedings, criminal, quasi criminal, civil~~
8 ~~commitment, domestic relations, or other proceedings.~~

9 ~~(B) Any evidence of the defendant's psychological,~~
10 ~~psychiatric or other similar social history which~~
11 ~~tends to indicate a violent, abusive, or assaultive~~
12 ~~nature, or lack of any such history.~~

13 ~~(3) The identity of any person or persons to whose~~
14 ~~safety the defendant is believed to pose a threat, and the~~
15 ~~nature of the threat.~~

16 ~~(4) Any statements made by, or attributed to the~~
17 ~~defendant, together with the circumstances surrounding~~
18 ~~them.~~

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

20 ~~(6) The age and physical condition of any victim or~~
21 ~~complaining witness.~~

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

24 ~~(8) Whether, at the time of the current offense or any~~
25 ~~other offense or arrest, the defendant was on probation,~~
26 ~~parole, aftercare release, mandatory supervised release or~~

1 ~~other release from custody pending trial, sentencing,~~
2 ~~appeal or completion of sentence for an offense under~~
3 ~~federal or state law.~~

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

9 ~~(h) Detention order. The court shall, in any order for~~
10 ~~detention:~~

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

18 ~~(2) direct that the defendant be committed to the~~
19 ~~custody of the sheriff for confinement in the county jail~~
20 ~~pending trial;~~

21 ~~(3) direct that the defendant be given a reasonable~~
22 ~~opportunity for private consultation with counsel, and for~~
23 ~~communication with others of his or her choice by~~
24 ~~visitation, mail and telephone; and~~

25 ~~(4) direct that the sheriff deliver the defendant as~~
26 ~~required for appearances in connection with court~~

1 ~~proceedings.~~

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

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

20 ~~(j) Rights of the defendant. The defendant shall be~~
21 ~~entitled to appeal any order entered under this Section~~
22 ~~denying his or her pretrial release.~~

23 ~~(k) Appeal. The State may appeal any order entered under~~
24 ~~this Section denying any motion for denial of pretrial~~
25 ~~release.~~

26 ~~(l) Presumption of innocence. Nothing in this Section~~

1 ~~shall be construed as modifying or limiting in any way the~~
2 ~~defendant's presumption of innocence in further criminal~~
3 ~~proceedings.~~

4 ~~(m) Interest of victims.~~

5 ~~(1) Crime victims shall be given notice by the State's~~
6 ~~Attorney's office of this hearing as required in paragraph~~
7 ~~(1) of subsection (b) of Section 4.5 of the Rights of Crime~~
8 ~~Victims and Witnesses Act and shall be informed of their~~
9 ~~opportunity at this hearing to obtain a protective order.~~

10 ~~(2) If the defendant is denied pretrial release, the~~
11 ~~court may impose a no contact provision with the victim or~~
12 ~~other interested party that shall be enforced while the~~
13 ~~defendant remains in custody.~~

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

16 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

17 Sec. 110-6.2. Post-conviction detention.

18 (a) The court may order that a person who has been found
19 guilty of an offense and who is waiting imposition or
20 execution of sentence be held without bond ~~release~~ unless the
21 court finds by clear and convincing evidence that the person
22 is not likely to flee or pose a danger to any other person or
23 the community if released under Sections 110-5 and 110-10 of
24 this Act.

25 (b) The court may order that person who has been found

1 guilty of an offense and sentenced to a term of imprisonment be
2 held without bond ~~release~~ unless the court finds by clear and
3 convincing evidence that:

4 (1) the person is not likely to flee or pose a danger
5 to the safety of any other person or the community if
6 released on bond pending appeal; and

7 (2) that the appeal is not for purpose of delay and
8 raises a substantial question of law or fact likely to
9 result in reversal or an order for a new trial.

10 (Source: P.A. 101-652, eff. 1-1-23.)

11 (725 ILCS 5/110-6.4)

12 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
13 Court may establish a statewide risk-assessment tool to be
14 used in proceedings to assist the court in establishing bail
15 ~~conditions of pretrial release~~ for a defendant by assessing
16 the defendant's likelihood of appearing at future court
17 proceedings or determining if the defendant poses a real and
18 present threat to the physical safety of any person or
19 persons. The Supreme Court shall consider establishing a
20 risk-assessment tool that does not discriminate on the basis
21 of race, gender, educational level, socio-economic status, or
22 neighborhood. If a risk-assessment tool is utilized within a
23 circuit that does not require a personal interview to be
24 completed, the Chief Judge of the circuit or the director of
25 the pretrial services agency may exempt the requirement under

1 Section 9 and subsection (a) of Section 7 of the Pretrial
2 Services Act.

3 For the purpose of this Section, "risk-assessment tool"
4 means an empirically validated, evidence-based screening
5 instrument that demonstrates reduced instances of a
6 defendant's failure to appear for further court proceedings or
7 prevents future criminal activity.

8 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
9 101-652, eff. 1-1-23.)

10 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

11 Sec. 110-10. Conditions of bail bond ~~pretrial release~~.

12 (a) If a person is released prior to conviction, either
13 upon payment of bail security or on his or her own
14 recognizance, the conditions of the bail bond ~~pretrial release~~
15 shall be that he or she will:

16 (1) Appear to answer the charge in the court having
17 jurisdiction on a day certain and thereafter as ordered by
18 the court until discharged or final order of the court;

19 (2) Submit himself or herself to the orders and
20 process of the court;

21 (3) (Blank);

22 (3.1) Not depart this State without leave of the
23 court;

24 (4) Not violate any criminal statute of any
25 jurisdiction;

1 (5) At a time and place designated by the court,
2 surrender all firearms in his or her possession to a law
3 enforcement officer designated by the court to take
4 custody of and impound the firearms and physically
5 surrender his or her Firearm Owner's Identification Card
6 to the clerk of the circuit court when the offense the
7 person has been charged with is a forcible felony,
8 stalking, aggravated stalking, domestic battery, any
9 violation of the Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act, or
11 the Cannabis Control Act that is classified as a Class 2 or
12 greater felony, or any felony violation of Article 24 of
13 the Criminal Code of 1961 or the Criminal Code of 2012; the
14 court may, however, forgo the imposition of this condition
15 when the circumstances of the case clearly do not warrant
16 it or when its imposition would be impractical; if the
17 Firearm Owner's Identification Card is confiscated, the
18 clerk of the circuit court shall mail the confiscated card
19 to the Illinois State Police; all legally possessed
20 firearms shall be returned to the person upon the charges
21 being dismissed, or if the person is found not guilty,
22 unless the finding of not guilty is by reason of insanity;
23 and

24 (6) At a time and place designated by the court,
25 submit to a psychological evaluation when the person has
26 been charged with a violation of item (4) of subsection

1 (a) of Section 24-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 and that violation occurred in a
3 school or in any conveyance owned, leased, or contracted
4 by a school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000
6 feet of real property comprising any school.

7 Psychological evaluations ordered pursuant to this Section
8 shall be completed promptly and made available to the State,
9 the defendant, and the court. As a further condition of bail
10 ~~pretrial release~~ under these circumstances, the court shall
11 order the defendant to refrain from entering upon the property
12 of the school, including any conveyance owned, leased, or
13 contracted by a school to transport students to or from school
14 or a school-related activity, or on any public way within
15 1,000 feet of real property comprising any school. Upon
16 receipt of the psychological evaluation, either the State or
17 the defendant may request a change in the conditions of bail
18 ~~pretrial release~~, pursuant to Section 110-6 of this Code. The
19 court may change the conditions of bail ~~pretrial release~~ to
20 include a requirement that the defendant follow the
21 recommendations of the psychological evaluation, including
22 undergoing psychiatric treatment. The conclusions of the
23 psychological evaluation and any statements elicited from the
24 defendant during its administration are not admissible as
25 evidence of guilt during the course of any trial on the charged
26 offense, unless the defendant places his or her mental

1 competency in issue.

2 (b) The court may impose other conditions, such as the
3 following, if the court finds that such conditions are
4 reasonably necessary to assure the defendant's appearance in
5 court, protect the public from the defendant, or prevent the
6 defendant's unlawful interference with the orderly
7 administration of justice:

8 (1) Report to or appear in person before such person
9 or agency as the court may direct;

10 (2) Refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) Refrain from approaching or communicating with
13 particular persons or classes of persons;

14 (4) Refrain from going to certain described
15 geographical areas or premises;

16 (5) Refrain from engaging in certain activities or
17 indulging in intoxicating liquors or in certain drugs;

18 (6) Undergo treatment for drug addiction or
19 alcoholism;

20 (7) Undergo medical or psychiatric treatment;

21 (8) Work or pursue a course of study or vocational
22 training;

23 (9) Attend or reside in a facility designated by the
24 court;

25 (10) Support his or her dependents;

26 (11) If a minor resides with his or her parents or in a

1 foster home, attend school, attend a non-residential
2 program for youths, and contribute to his or her own
3 support at home or in a foster home;

4 (12) Observe any curfew ordered by the court;

5 (13) Remain in the custody of such designated person
6 or organization agreeing to supervise his release. Such
7 third party custodian shall be responsible for notifying
8 the court if the defendant fails to observe the conditions
9 of release which the custodian has agreed to monitor, and
10 shall be subject to contempt of court for failure so to
11 notify the court;

12 (14) Be placed under direct supervision of the
13 Pretrial Services Agency, Probation Department or Court
14 Services Department in a pretrial bond home supervision
15 capacity with or without the use of an approved electronic
16 monitoring device subject to Article 8A of Chapter V of
17 the Unified Code of Corrections;

18 (14.1) The court shall impose upon a defendant who is
19 charged with any alcohol, cannabis, methamphetamine, or
20 controlled substance violation and is placed under direct
21 supervision of the Pretrial Services Agency, Probation
22 Department or Court Services Department in a pretrial bond
23 home supervision capacity with the use of an approved
24 monitoring device, as a condition of such bail bond, a fee
25 that represents costs incidental to the electronic
26 monitoring for each day of such bail supervision ordered

1 by the court, unless after determining the inability of
2 the defendant to pay the fee, the court assesses a lesser
3 fee or no fee as the case may be. The fee shall be
4 collected by the clerk of the circuit court, except as
5 provided in an administrative order of the Chief Judge of
6 the circuit court. The clerk of the circuit court shall
7 pay all monies collected from this fee to the county
8 treasurer for deposit in the substance abuse services fund
9 under Section 5-1086.1 of the Counties Code, except as
10 provided in an administrative order of the Chief Judge of
11 the circuit court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor supplies and
16 monitors the operation of the electronic monitoring
17 device, and collects the fees on behalf of the county. The
18 program shall include provisions for indigent offenders
19 and the collection of unpaid fees. The program shall not
20 unduly burden the offender and shall be subject to review
21 by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device;

25 (14.2) The court shall impose upon all defendants,
26 including those defendants subject to paragraph (14.1)

1 above, placed under direct supervision of the Pretrial
2 Services Agency, Probation Department or Court Services
3 Department in a pretrial bond home supervision capacity
4 with the use of an approved monitoring device, as a
5 condition of such bail bond, a fee which shall represent
6 costs incidental to such electronic monitoring for each
7 day of such bail supervision ordered by the court, unless
8 after determining the inability of the defendant to pay
9 the fee, the court assesses a lesser fee or no fee as the
10 case may be. The fee shall be collected by the clerk of the
11 circuit court, except as provided in an administrative
12 order of the Chief Judge of the circuit court. The clerk of
13 the circuit court shall pay all monies collected from this
14 fee to the county treasurer who shall use the monies
15 collected to defray the costs of corrections. The county
16 treasurer shall deposit the fee collected in the county
17 working cash fund under Section 6-27001 or Section 6-29002
18 of the Counties Code, as the case may be, except as
19 provided in an administrative order of the Chief Judge of
20 the circuit court.

21 The Chief Judge of the circuit court of the county may
22 by administrative order establish a program for electronic
23 monitoring of offenders with regard to drug-related and
24 alcohol-related offenses, in which a vendor supplies and
25 monitors the operation of the electronic monitoring
26 device, and collects the fees on behalf of the county. The

1 program shall include provisions for indigent offenders
2 and the collection of unpaid fees. The program shall not
3 unduly burden the offender and shall be subject to review
4 by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any
6 additional charges or fees for late payment, interest, or
7 damage to any device;

8 (14.3) The Chief Judge of the Judicial Circuit may
9 establish reasonable fees to be paid by a person receiving
10 pretrial services while under supervision of a pretrial
11 services agency, probation department, or court services
12 department. Reasonable fees may be charged for pretrial
13 services including, but not limited to, pretrial
14 supervision, diversion programs, electronic monitoring,
15 victim impact services, drug and alcohol testing, DNA
16 testing, GPS electronic monitoring, assessments and
17 evaluations related to domestic violence and other
18 victims, and victim mediation services. The person
19 receiving pretrial services may be ordered to pay all
20 costs incidental to pretrial services in accordance with
21 his or her ability to pay those costs;

22 (14.4) For persons charged with violating Section
23 11-501 of the Illinois Vehicle Code, refrain from
24 operating a motor vehicle not equipped with an ignition
25 interlock device, as defined in Section 1-129.1 of the
26 Illinois Vehicle Code, pursuant to the rules promulgated

1 by the Secretary of State for the installation of ignition
2 interlock devices. Under this condition the court may
3 allow a defendant who is not self-employed to operate a
4 vehicle owned by the defendant's employer that is not
5 equipped with an ignition interlock device in the course
6 and scope of the defendant's employment;

7 (15) Comply with the terms and conditions of an order
8 of protection issued by the court under the Illinois
9 Domestic Violence Act of 1986 or an order of protection
10 issued by the court of another state, tribe, or United
11 States territory;

12 (16) Under Section 110-6.5-1 comply with the
13 conditions of the drug testing program; and

14 (17) Such other reasonable conditions as the court may
15 impose.

16 ~~(b) Additional conditions of release shall be set only~~
17 ~~when it is determined that they are necessary to ensure the~~
18 ~~defendant's appearance in court, ensure the defendant does not~~
19 ~~commit any criminal offense, ensure the defendant complies~~
20 ~~with all conditions of pretrial release, prevent the~~
21 ~~defendant's unlawful interference with the orderly~~
22 ~~administration of justice, or ensure compliance with the rules~~
23 ~~and procedures of problem solving courts. However, conditions~~
24 ~~shall include the least restrictive means and be~~
25 ~~individualized. Conditions shall not mandate rehabilitative~~
26 ~~services unless directly tied to the risk of pretrial~~

1 ~~misconduct. Conditions of supervision shall not include~~
2 ~~punitive measures such as community service work or~~
3 ~~restitution. Conditions may include the following:~~

4 ~~(0.05) Not depart this State without leave of the~~
5 ~~court;~~

6 ~~(1) Report to or appear in person before such person~~
7 ~~or agency as the court may direct;~~

8 ~~(2) Refrain from possessing a firearm or other~~
9 ~~dangerous weapon;~~

10 ~~(3) Refrain from approaching or communicating with~~
11 ~~particular persons or classes of persons;~~

12 ~~(4) Refrain from going to certain described geographic~~
13 ~~areas or premises;~~

14 ~~(5) Be placed under direct supervision of the Pretrial~~
15 ~~Services Agency, Probation Department or Court Services~~
16 ~~Department in a pretrial home supervision capacity with or~~
17 ~~without the use of an approved electronic monitoring~~
18 ~~device subject to Article 8A of Chapter V of the Unified~~
19 ~~Code of Corrections;~~

20 ~~(6) For persons charged with violating Section 11-501~~
21 ~~of the Illinois Vehicle Code, refrain from operating a~~
22 ~~motor vehicle not equipped with an ignition interlock~~
23 ~~device, as defined in Section 1-129.1 of the Illinois~~
24 ~~Vehicle Code, pursuant to the rules promulgated by the~~
25 ~~Secretary of State for the installation of ignition~~
26 ~~interlock devices. Under this condition the court may~~

1 ~~allow a defendant who is not self-employed to operate a~~
2 ~~vehicle owned by the defendant's employer that is not~~
3 ~~equipped with an ignition interlock device in the course~~
4 ~~and scope of the defendant's employment;~~

5 ~~(7) Comply with the terms and conditions of an order~~
6 ~~of protection issued by the court under the Illinois~~
7 ~~Domestic Violence Act of 1986 or an order of protection~~
8 ~~issued by the court of another state, tribe, or United~~
9 ~~States territory;~~

10 ~~(8) Sign a written admonishment requiring that he or~~
11 ~~she comply with the provisions of Section 110-12 regarding~~
12 ~~any change in his or her address. The defendant's address~~
13 ~~shall at all times remain a matter of record with the clerk~~
14 ~~of the court; and~~

15 ~~(9) Such other reasonable conditions as the court may~~
16 ~~impose, so long as these conditions are the least~~
17 ~~restrictive means to achieve the goals listed in~~
18 ~~subsection (b), are individualized, and are in accordance~~
19 ~~with national best practices as detailed in the Pretrial~~
20 ~~Supervision Standards of the Supreme Court.~~

21 ~~The defendant shall receive verbal and written~~
22 ~~notification of conditions of pretrial release and future~~
23 ~~court dates, including the date, time, and location of court.~~

24 (c) When a person is charged with an offense under Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, involving a victim who is a minor under
2 18 years of age living in the same household with the defendant
3 at the time of the offense, in granting bail or releasing the
4 defendant on his or her recognizance, the judge shall impose
5 conditions to restrict the defendant's access to the victim
6 which may include, but are not limited to conditions that he
7 will:

8 1. Vacate the household.

9 2. Make payment of temporary support to his
10 dependents.

11 3. Refrain from contact or communication with the
12 child victim, except as ordered by the court.

13 (d) When a person is charged with a criminal offense and
14 the victim is a family or household member as defined in
15 Article 112A, conditions shall be imposed at the time of the
16 defendant's release on bond that restrict the defendant's
17 access to the victim. Unless provided otherwise by the court,
18 the restrictions shall include requirements that the defendant
19 do the following:

20 (1) refrain from contact or communication with the
21 victim for a minimum period of 72 hours following the
22 defendant's release; and

23 (2) refrain from entering or remaining at the victim's
24 residence for a minimum period of 72 hours following the
25 defendant's release.

26 (e) Local law enforcement agencies shall develop

1 standardized bond ~~pretrial release~~ forms for use in cases
2 involving family or household members as defined in Article
3 112A, including specific conditions of bond ~~pretrial release~~
4 as provided in subsection (d). Failure of any law enforcement
5 department to develop or use those forms shall in no way limit
6 the applicability and enforcement of subsections (d) and (f).

7 (f) If the defendant is admitted to bail ~~released after~~
8 ~~conviction following appeal or other post conviction~~
9 ~~proceeding~~, the conditions of the bail bond ~~pretrial release~~
10 shall be that he will, in addition to the conditions set forth
11 in subsections (a) and (b) hereof:

12 (1) Duly prosecute his appeal;

13 (2) Appear at such time and place as the court may
14 direct;

15 (3) Not depart this State without leave of the court;

16 (4) Comply with such other reasonable conditions as
17 the court may impose; and

18 (5) If the judgment is affirmed or the cause reversed
19 and remanded for a new trial, forthwith surrender to the
20 officer from whose custody he was bailed ~~released~~.

21 (g) Upon a finding of guilty for any felony offense, the
22 defendant shall physically surrender, at a time and place
23 designated by the court, any and all firearms in his or her
24 possession and his or her Firearm Owner's Identification Card
25 as a condition of remaining on bond ~~being released~~ pending
26 sentencing.

1 (h) In the event the defendant is unable to post bond, the
2 court may impose a no contact provision with the victim or
3 other interested party that shall be enforced while the
4 defendant remains in custody.

5 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
6 102-1104, eff. 1-1-23.)

7 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

8 Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the
9 judgment of conviction is reversed and the cause remanded for
10 a new trial the trial court may order that the bail conditions
11 ~~of pretrial release~~ stand pending such trial, or reduce or
12 increase bail ~~modify the conditions of pretrial release.~~

13 (Source: P.A. 101-652, eff. 1-1-23.)

14 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

15 Sec. 110-12. Notice of change of address. A defendant who
16 has been admitted to bail ~~pretrial release~~ shall file a
17 written notice with the clerk of the court before which the
18 proceeding is pending of any change in his or her address
19 within 24 hours after such change, except that a defendant who
20 has been admitted to bail ~~pretrial release~~ for a forcible
21 felony as defined in Section 2-8 of the Criminal Code of 2012
22 shall file a written notice with the clerk of the court before
23 which the proceeding is pending and the clerk shall
24 immediately deliver a time stamped copy of the written notice

1 to the State's Attorney ~~prosecutor~~ charged with the
2 prosecution within 24 hours prior to such change. The address
3 of a defendant who has been admitted to bail ~~pretrial release~~
4 shall at all times remain a matter of public record with the
5 clerk of the court.

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

7 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

8 Sec. 111-2. Commencement of prosecutions.

9 (a) All prosecutions of felonies shall be by information
10 or by indictment. No prosecution may be pursued by information
11 unless a preliminary hearing has been held or waived in
12 accordance with Section 109-3 and at that hearing probable
13 cause to believe the defendant committed an offense was found,
14 and the provisions of Section 109-3.1 of this Code have been
15 complied with.

16 (b) All other prosecutions may be by indictment,
17 information or complaint.

18 (c) Upon the filing of an information or indictment in
19 open court charging the defendant with the commission of a sex
20 offense defined in any Section of Article 11 of the Criminal
21 Code of 1961 or the Criminal Code of 2012, and a minor as
22 defined in Section 1-3 of the Juvenile Court Act of 1987 is
23 alleged to be the victim of the commission of the acts of the
24 defendant in the commission of such offense, the court may
25 appoint a guardian ad litem for the minor as provided in

1 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
2 1987.

3 (d) Upon the filing of an information or indictment in
4 open court, the court shall immediately issue a warrant for
5 the arrest of each person charged with an offense directed to a
6 peace officer or some other person specifically named
7 commanding him to arrest such person.

8 (e) When the offense is bailable ~~eligible for pretrial~~
9 ~~release~~, the judge shall endorse on the warrant the amount of
10 bail ~~conditions of pretrial release~~ required by the order of
11 the court, and if the court orders the process returnable
12 forthwith, the warrant shall require that the accused be
13 arrested and brought immediately into court.

14 (f) Where the prosecution of a felony is by information or
15 complaint after preliminary hearing, or after a waiver of
16 preliminary hearing in accordance with paragraph (a) of this
17 Section, such prosecution may be for all offenses, arising
18 from the same transaction or conduct of a defendant even
19 though the complaint or complaints filed at the preliminary
20 hearing charged only one or some of the offenses arising from
21 that transaction or conduct.

22 (Source: P.A. 101-652, eff. 1-1-23.)

23 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)
24 Sec. 112A-23. Enforcement of protective orders.

25 (a) When violation is crime. A violation of any protective

1 order, whether issued in a civil, quasi-criminal proceeding or
2 by a military judge, shall be enforced by a criminal court
3 when:

4 (1) The respondent commits the crime of violation of a
5 domestic violence order of protection pursuant to Section
6 12-3.4 or 12-30 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, by having knowingly violated:

8 (i) remedies described in paragraph (1), (2), (3),
9 (14), or (14.5) of subsection (b) of Section 112A-14
10 of this Code,

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraph (1), (2), (3),
13 (14), or (14.5) of subsection (b) of Section 214 of the
14 Illinois Domestic Violence Act of 1986, in a valid
15 order of protection, which is authorized under the
16 laws of another state, tribe, or United States
17 territory, or

18 (iii) any other remedy when the act constitutes a
19 crime against the protected parties as defined by the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 Prosecution for a violation of a domestic violence
22 order of protection shall not bar concurrent prosecution
23 for any other crime, including any crime that may have
24 been committed at the time of the violation of the
25 domestic violence order of protection; or

26 (2) The respondent commits the crime of child

1 abduction pursuant to Section 10-5 of the Criminal Code of
2 1961 or the Criminal Code of 2012, by having knowingly
3 violated:

4 (i) remedies described in paragraph (5), (6), or
5 (8) of subsection (b) of Section 112A-14 of this Code,
6 or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraph (1), (5), (6),
9 or (8) of subsection (b) of Section 214 of the Illinois
10 Domestic Violence Act of 1986, in a valid domestic
11 violence order of protection, which is authorized
12 under the laws of another state, tribe, or United
13 States territory.

14 (3) The respondent commits the crime of violation of a
15 civil no contact order when the respondent violates
16 Section 12-3.8 of the Criminal Code of 2012. Prosecution
17 for a violation of a civil no contact order shall not bar
18 concurrent prosecution for any other crime, including any
19 crime that may have been committed at the time of the
20 violation of the civil no contact order.

21 (4) The respondent commits the crime of violation of a
22 stalking no contact order when the respondent violates
23 Section 12-3.9 of the Criminal Code of 2012. Prosecution
24 for a violation of a stalking no contact order shall not
25 bar concurrent prosecution for any other crime, including
26 any crime that may have been committed at the time of the

1 violation of the stalking no contact order.

2 (b) When violation is contempt of court. A violation of
3 any valid protective order, whether issued in a civil or
4 criminal proceeding or by a military judge, may be enforced
5 through civil or criminal contempt procedures, as appropriate,
6 by any court with jurisdiction, regardless where the act or
7 acts which violated the protective order were committed, to
8 the extent consistent with the venue provisions of this
9 Article. Nothing in this Article shall preclude any Illinois
10 court from enforcing any valid protective order issued in
11 another state. Illinois courts may enforce protective orders
12 through both criminal prosecution and contempt proceedings,
13 unless the action which is second in time is barred by
14 collateral estoppel or the constitutional prohibition against
15 double jeopardy.

16 (1) In a contempt proceeding where the petition for a
17 rule to show cause sets forth facts evidencing an
18 immediate danger that the respondent will flee the
19 jurisdiction, conceal a child, or inflict physical abuse
20 on the petitioner or minor children or on dependent adults
21 in petitioner's care, the court may order the attachment
22 of the respondent without prior service of the rule to
23 show cause or the petition for a rule to show cause. Bond
24 shall be set unless specifically denied in writing.

25 (2) A petition for a rule to show cause for violation
26 of a protective order shall be treated as an expedited

1 proceeding.

2 (c) Violation of custody, allocation of parental
3 responsibility, or support orders. A violation of remedies
4 described in paragraph (5), (6), (8), or (9) of subsection (b)
5 of Section 112A-14 of this Code may be enforced by any remedy
6 provided by Section 607.5 of the Illinois Marriage and
7 Dissolution of Marriage Act. The court may enforce any order
8 for support issued under paragraph (12) of subsection (b) of
9 Section 112A-14 of this Code in the manner provided for under
10 Parts V and VII of the Illinois Marriage and Dissolution of
11 Marriage Act.

12 (d) Actual knowledge. A protective order may be enforced
13 pursuant to this Section if the respondent violates the order
14 after the respondent has actual knowledge of its contents as
15 shown through one of the following means:

16 (1) (Blank).

17 (2) (Blank).

18 (3) By service of a protective order under subsection
19 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

20 (4) By other means demonstrating actual knowledge of
21 the contents of the order.

22 (e) The enforcement of a protective order in civil or
23 criminal court shall not be affected by either of the
24 following:

25 (1) The existence of a separate, correlative order
26 entered under Section 112A-15 of this Code.

1 (2) Any finding or order entered in a conjoined
2 criminal proceeding.

3 (e-5) If a civil no contact order entered under subsection
4 (6) of Section 112A-20 of the Code of Criminal Procedure of
5 1963 conflicts with an order issued pursuant to the Juvenile
6 Court Act of 1987 or the Illinois Marriage and Dissolution of
7 Marriage Act, the conflicting order issued under subsection
8 (6) of Section 112A-20 of the Code of Criminal Procedure of
9 1963 shall be void.

10 (f) Circumstances. The court, when determining whether or
11 not a violation of a protective order has occurred, shall not
12 require physical manifestations of abuse on the person of the
13 victim.

14 (g) Penalties.

15 (1) Except as provided in paragraph (3) of this
16 subsection (g), where the court finds the commission of a
17 crime or contempt of court under subsection (a) or (b) of
18 this Section, the penalty shall be the penalty that
19 generally applies in such criminal or contempt
20 proceedings, and may include one or more of the following:
21 incarceration, payment of restitution, a fine, payment of
22 attorneys' fees and costs, or community service.

23 (2) The court shall hear and take into account
24 evidence of any factors in aggravation or mitigation
25 before deciding an appropriate penalty under paragraph (1)
26 of this subsection (g).

1 (3) To the extent permitted by law, the court is
2 encouraged to:

3 (i) increase the penalty for the knowing violation
4 of any protective order over any penalty previously
5 imposed by any court for respondent's violation of any
6 protective order or penal statute involving petitioner
7 as victim and respondent as defendant;

8 (ii) impose a minimum penalty of 24 hours
9 imprisonment for respondent's first violation of any
10 protective order; and

11 (iii) impose a minimum penalty of 48 hours
12 imprisonment for respondent's second or subsequent
13 violation of a protective order

14 unless the court explicitly finds that an increased
15 penalty or that period of imprisonment would be manifestly
16 unjust.

17 (4) In addition to any other penalties imposed for a
18 violation of a protective order, a criminal court may
19 consider evidence of any violations of a protective order:

20 (i) to increase, revoke, or modify the bail bond
21 ~~conditions of pretrial release~~ on an underlying
22 criminal charge pursuant to Section 110-6 of this
23 Code;

24 (ii) to revoke or modify an order of probation,
25 conditional discharge, or supervision, pursuant to
26 Section 5-6-4 of the Unified Code of Corrections;

1 (iii) to revoke or modify a sentence of periodic
2 imprisonment, pursuant to Section 5-7-2 of the Unified
3 Code of Corrections.

4 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21;
5 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff.
6 7-28-23.)

7 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)
8 Sec. 113-3.1. Payment for Court-Appointed Counsel.

9 (a) Whenever under either Section 113-3 of this Code or
10 Rule 607 of the Illinois Supreme Court the court appoints
11 counsel to represent a defendant, the court may order the
12 defendant to pay to the Clerk of the Circuit Court a reasonable
13 sum to reimburse either the county or the State for such
14 representation. In a hearing to determine the amount of the
15 payment, the court shall consider the affidavit prepared by
16 the defendant under Section 113-3 of this Code and any other
17 information pertaining to the defendant's financial
18 circumstances which may be submitted by the parties. Such
19 hearing shall be conducted on the court's own motion or on
20 motion of the prosecutor ~~State's Attorney~~ at any time after
21 the appointment of counsel but no later than 90 days after the
22 entry of a final order disposing of the case at the trial
23 level.

24 (b) Any sum ordered paid under this Section may not exceed
25 \$500 for a defendant charged with a misdemeanor, \$5,000 for a

1 defendant charged with a felony, or \$2,500 for a defendant who
2 is appealing a conviction of any class offense.

3 (c) The method of any payment required under this Section
4 shall be as specified by the Court. The court may order that
5 payments be made on a monthly basis during the term of
6 representation; however, the sum deposited as money bond shall
7 not be used to satisfy this court order. ~~Any sum deposited as~~
8 ~~money bond with the Clerk of the Circuit Court under Section~~
9 ~~110-7 of this Code may be used in the court's discretion in~~
10 ~~whole or in part to comply with any payment order entered in~~
11 ~~accordance with paragraph (a) of this Section. The court may~~
12 ~~give special consideration to the interests of relatives or~~
13 ~~other third parties who may have posted a money bond on the~~
14 ~~behalf of the defendant to secure his release.~~ At any time
15 prior to full payment of any payment order the court on its own
16 motion or the motion of any party may reduce, increase, or
17 suspend the ordered payment, or modify the method of payment,
18 as the interest of fairness may require. No increase,
19 suspension, or reduction may be ordered without a hearing and
20 notice to all parties.

21 (d) The Supreme Court or the circuit courts may provide by
22 rule for procedures for the enforcement of orders entered
23 under this Section. Such rules may provide for the assessment
24 of all costs, including attorneys' fees which are required for
25 the enforcement of orders entered under this Section when the
26 court in an enforcement proceeding has first found that the

1 defendant has willfully refused to pay. The Clerk of the
2 Circuit Court shall keep records and make reports to the court
3 concerning funds paid under this Section in whatever manner
4 the court directs.

5 (e) Whenever an order is entered under this Section for
6 the reimbursement of the State due to the appointment of the
7 State Appellate Defender as counsel on appeal, the order shall
8 provide that the Clerk of the Circuit Court shall retain all
9 funds paid pursuant to such order until the full amount of the
10 sum ordered to be paid by the defendant has been paid. When no
11 balance remains due on such order, the Clerk of the Circuit
12 Court shall inform the court of this fact and the court shall
13 promptly order the Clerk of the Circuit Court to pay to the
14 State Treasurer all of the sum paid.

15 (f) The Clerk of the Circuit Court shall retain all funds
16 under this Section paid for the reimbursement of the county,
17 and shall inform the court when no balance remains due on an
18 order entered hereunder. The Clerk of the Circuit Court shall
19 make payments of funds collected under this Section to the
20 County Treasurer in whatever manner and at whatever point as
21 the court may direct, including payments made on a monthly
22 basis during the term of representation.

23 (g) A defendant who fails to obey any order of court
24 entered under this Section may be punished for contempt of
25 court. Any arrearage in payments may be reduced to judgment in
26 the court's discretion and collected by any means authorized

1 for the collection of money judgments under the law of this
2 State.

3 (Source: P.A. 102-1104, eff. 1-1-23.)

4 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

5 Sec. 114-1. Motion to dismiss charge.

6 (a) Upon the written motion of the defendant made prior to
7 trial before or after a plea has been entered the court may
8 dismiss the indictment, information or complaint upon any of
9 the following grounds:

10 (1) The defendant has not been placed on trial in
11 compliance with Section 103-5 of this Code.

12 (2) The prosecution of the offense is barred by
13 Sections 3-3 through 3-8 of the Criminal Code of 2012.

14 (3) The defendant has received immunity from
15 prosecution for the offense charged.

16 (4) The indictment was returned by a Grand Jury which
17 was improperly selected and which results in substantial
18 injustice to the defendant.

19 (5) The indictment was returned by a Grand Jury which
20 acted contrary to Article 112 of this Code and which
21 results in substantial injustice to the defendant.

22 (6) The court in which the charge has been filed does
23 not have jurisdiction.

24 (7) The county is an improper place of trial.

25 (8) The charge does not state an offense.

1 (9) The indictment is based solely upon the testimony
2 of an incompetent witness.

3 (10) The defendant is misnamed in the charge and the
4 misnomer results in substantial injustice to the
5 defendant.

6 (11) The requirements of Section 109-3.1 have not been
7 complied with.

8 (b) The court shall require any motion to dismiss to be
9 filed within a reasonable time after the defendant has been
10 arraigned. Any motion not filed within such time or an
11 extension thereof shall not be considered by the court and the
12 grounds therefor, except as to subsections (a)(6) and (a)(8)
13 of this Section, are waived.

14 (c) If the motion presents only an issue of law the court
15 shall determine it without the necessity of further pleadings.
16 If the motion alleges facts not of record in the case the State
17 shall file an answer admitting or denying each of the factual
18 allegations of the motion.

19 (d) When an issue of fact is presented by a motion to
20 dismiss and the answer of the State the court shall conduct a
21 hearing and determine the issues.

22 (d-5) When a defendant seeks dismissal of the charge upon
23 the ground set forth in subsection (a)(7) of this Section, the
24 defendant shall make a prima facie showing that the county is
25 an improper place of trial. Upon such showing, the State shall
26 have the burden of proving, by a preponderance of the

1 evidence, that the county is the proper place of trial.

2 (d-6) When a defendant seeks dismissal of the charge upon
3 the grounds set forth in subsection (a)(2) of this Section,
4 the prosecution shall have the burden of proving, by a
5 preponderance of the evidence, that the prosecution of the
6 offense is not barred by Sections 3-3 through 3-8 of the
7 Criminal Code of 2012.

8 (e) Dismissal of the charge upon the grounds set forth in
9 subsections (a)(4) through (a)(11) of this Section shall not
10 prevent the return of a new indictment or the filing of a new
11 charge, and upon such dismissal the court may order that the
12 defendant be held in custody or, if the defendant had been
13 previously released on bail ~~pretrial release~~, that the bail
14 ~~pretrial release~~ be continued for a specified time pending the
15 return of a new indictment or the filing of a new charge.

16 (f) If the court determines that the motion to dismiss
17 based upon the grounds set forth in subsections (a)(6) and
18 (a)(7) is well founded it may, instead of dismissal, order the
19 cause transferred to a court of competent jurisdiction or to a
20 proper place of trial.

21 (Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

22 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

23 Sec. 115-4.1. Absence of defendant.

24 (a) When a defendant after arrest and an initial court
25 appearance for a non-capital felony or a misdemeanor, fails to

1 appear for trial, at the request of the State and after the
2 State has affirmatively proven through substantial evidence
3 that the defendant is willfully avoiding trial, the court may
4 commence trial in the absence of the defendant. Absence of a
5 defendant as specified in this Section shall not be a bar to
6 indictment of a defendant, return of information against a
7 defendant, or arraignment of a defendant for the charge for
8 which bail ~~pretrial release~~ has been granted. If a defendant
9 fails to appear at arraignment, the court may enter a plea of
10 "not guilty" on his behalf. If a defendant absents himself
11 before trial on a capital felony, trial may proceed as
12 specified in this Section provided that the State certifies
13 that it will not seek a death sentence following conviction.
14 Trial in the defendant's absence shall be by jury unless the
15 defendant had previously waived trial by jury. The absent
16 defendant must be represented by retained or appointed
17 counsel. The court, at the conclusion of all of the
18 proceedings, may order the clerk of the circuit court to pay
19 counsel such sum as the court deems reasonable, from any bond
20 monies which were posted by the defendant with the clerk,
21 after the clerk has first deducted all court costs. If trial
22 had previously commenced in the presence of the defendant and
23 the defendant willfully absents himself for two successive
24 court days, the court shall proceed to trial. All procedural
25 rights guaranteed by the United States Constitution,
26 Constitution of the State of Illinois, statutes of the State

1 of Illinois, and rules of court shall apply to the proceedings
2 the same as if the defendant were present in court and had not
3 either forfeited his or her bail bond ~~had his or her pretrial~~
4 ~~release revoked~~ or escaped from custody. The court may set the
5 case for a trial which may be conducted under this Section
6 despite the failure of the defendant to appear at the hearing
7 at which the trial date is set. When such trial date is set the
8 clerk shall send to the defendant, by certified mail at his
9 last known address indicated on his bond slip, notice of the
10 new date which has been set for trial. Such notification shall
11 be required when the defendant was not personally present in
12 open court at the time when the case was set for trial.

13 (b) The absence of a defendant from a trial conducted
14 pursuant to this Section does not operate as a bar to
15 concluding the trial, to a judgment of conviction resulting
16 therefrom, or to a final disposition of the trial in favor of
17 the defendant.

18 (c) Upon a verdict of not guilty, the court shall enter
19 judgment for the defendant. Upon a verdict of guilty, the
20 court shall set a date for the hearing of post-trial motions
21 and shall hear such motion in the absence of the defendant. If
22 post-trial motions are denied, the court shall proceed to
23 conduct a sentencing hearing and to impose a sentence upon the
24 defendant.

25 (d) A defendant who is absent for part of the proceedings
26 of trial, post-trial motions, or sentencing, does not thereby

1 forfeit his right to be present at all remaining proceedings.

2 (e) When a defendant who in his absence has been either
3 convicted or sentenced or both convicted and sentenced appears
4 before the court, he must be granted a new trial or new
5 sentencing hearing if the defendant can establish that his
6 failure to appear in court was both without his fault and due
7 to circumstances beyond his control. A hearing with notice to
8 the State's Attorney on the defendant's request for a new
9 trial or a new sentencing hearing must be held before any such
10 request may be granted. At any such hearing both the defendant
11 and the State may present evidence.

12 (f) If the court grants only the defendant's request for a
13 new sentencing hearing, then a new sentencing hearing shall be
14 held in accordance with the provisions of the Unified Code of
15 Corrections. At any such hearing, both the defendant and the
16 State may offer evidence of the defendant's conduct during his
17 period of absence from the court. The court may impose any
18 sentence authorized by the Unified Code of Corrections and is
19 not in any way limited or restricted by any sentence
20 previously imposed.

21 (g) A defendant whose motion under paragraph (e) for a new
22 trial or new sentencing hearing has been denied may file a
23 notice of appeal therefrom. Such notice may also include a
24 request for review of the judgment and sentence not vacated by
25 the trial court.

26 (Source: P.A. 101-652, eff. 1-1-23.)

1 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

2 Sec. 122-6. Disposition in trial court. The court may
3 receive proof by affidavits, depositions, oral testimony, or
4 other evidence. In its discretion the court may order the
5 petitioner brought before the court for the hearing. If the
6 court finds in favor of the petitioner, it shall enter an
7 appropriate order with respect to the judgment or sentence in
8 the former proceedings and such supplementary orders as to
9 rearraignment, retrial, custody, bail, ~~conditions of pretrial~~
10 ~~release~~ or discharge as may be necessary and proper.

11 (Source: P.A. 101-652, eff. 1-1-23.)

12 (725 ILCS 5/102-10.5 rep.)

13 (725 ILCS 5/102-14.5 rep.)

14 (725 ILCS 5/110-1.5 rep.)

15 (725 ILCS 5/110-6.6 rep.)

16 (725 ILCS 5/110-7.5 rep.)

17 Section 15. The Code of Criminal Procedure of 1963 is
18 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5,
19 110-6.6, and 110-7.5.

20 Section 20. The Code of Criminal Procedure of 1963 is
21 amended by changing Sections 103-2 and 108-8 as follows:

22 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

1 Sec. 103-2. Treatment while in custody.

2 (a) On being taken into custody every person shall have
3 the right to remain silent.

4 (b) No unlawful means of any kind shall be used to obtain a
5 statement, admission or confession from any person in custody.

6 (c) Persons in custody shall be treated humanely and
7 provided with proper food, shelter and, if required, medical
8 treatment ~~without unreasonable delay if the need for the~~
9 ~~treatment is apparent.~~

10 (Source: P.A. 101-652, eff. 7-1-21.)

11 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

12 Sec. 108-8. Use of force in execution of search warrant.

13 (a) All necessary and reasonable force may be used to
14 effect an entry into any building or property or part thereof
15 to execute a search warrant.

16 (b) The court issuing a warrant may authorize the officer
17 executing the warrant to make entry without first knocking and
18 announcing his or her office if it finds, based upon a showing
19 of specific facts, the existence of the following exigent
20 circumstances:

21 (1) That the officer reasonably believes that if
22 notice were given a weapon would be used:

23 (i) against the officer executing the search
24 warrant; or

25 (ii) against another person.

1 (2) That if notice were given there is an imminent
2 "danger" that evidence will be destroyed.

3 ~~(c) Prior to the issuing of a warrant under subsection~~
4 ~~(b), the officer must attest that:~~

5 ~~(1) prior to entering the location described in the~~
6 ~~search warrant, a supervising officer will ensure that~~
7 ~~each participating member is assigned a body worn camera~~
8 ~~and is following policies and procedures in accordance~~
9 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
10 ~~Body Camera Act; provided that the law enforcement agency~~
11 ~~has implemented body worn camera in accordance with~~
12 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
13 ~~Camera Act. If a law enforcement agency or each~~
14 ~~participating member of a multi-jurisdictional team has~~
15 ~~not implemented a body camera in accordance with Section~~
16 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~
17 ~~the officer must attest that the interaction authorized by~~
18 ~~the warrant is otherwise recorded;~~

19 ~~(2) The supervising officer verified the subject~~
20 ~~address listed on the warrant for accuracy and planned for~~
21 ~~children or other vulnerable people on-site; and~~

22 ~~(3) if an officer becomes aware the search warrant was~~
23 ~~executed at an address, unit, or apartment different from~~
24 ~~the location listed on the search warrant, that member~~
25 ~~will immediately notify a supervisor who will ensure an~~
26 ~~internal investigation or formal inquiry ensues.~~

1 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

2 Section 25. The Code of Criminal Procedure of 1963 is
3 amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1,
4 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1,
5 110-15.1, 110-16.1, 110-17.1, and 110-18.1 as follows:

6 (725 ILCS 5/103-3.1 new)

7 Sec. 103-3.1. Right to communicate with attorney and
8 family; transfers.

9 (a) Persons who are arrested shall have the right to
10 communicate with an attorney of their choice and a member of
11 their family by making a reasonable number of telephone calls
12 or in any other reasonable manner. Such communication shall be
13 permitted within a reasonable time after arrival at the first
14 place of custody.

15 (b) In the event the accused is transferred to a new place
16 of custody his right to communicate with an attorney and a
17 member of his family is renewed.

18 (725 ILCS 5/110-4.1 new)

19 Sec. 110-4.1. Bailable offenses.

20 (a) All persons shall be bailable before conviction,
21 except the following offenses where the proof is evident or
22 the presumption great that the defendant is guilty of the
23 offense: capital offenses; offenses for which a sentence of

1 life imprisonment may be imposed as a consequence of
2 conviction; felony offenses for which a sentence of
3 imprisonment, without conditional and revocable release, shall
4 be imposed by law as a consequence of conviction, where the
5 court after a hearing, determines that the release of the
6 defendant would pose a real and present threat to the physical
7 safety of any person or persons; stalking or aggravated
8 stalking, where the court, after a hearing, determines that
9 the release of the defendant would pose a real and present
10 threat to the physical safety of the alleged victim of the
11 offense and denial of bail is necessary to prevent fulfillment
12 of the threat upon which the charge is based; or unlawful use
13 of weapons in violation of item (4) of subsection (a) of
14 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 when that offense occurred in a school or in any
16 conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a school-related
18 activity, or on any public way within 1,000 feet of real
19 property comprising any school, where the court, after a
20 hearing, determines that the release of the defendant would
21 pose a real and present threat to the physical safety of any
22 person and denial of bail is necessary to prevent fulfillment
23 of that threat; or making a terrorist threat in violation of
24 Section 29D-20 of the Criminal Code of 1961 or the Criminal
25 Code of 2012 or an attempt to commit the offense of making a
26 terrorist threat, where the court, after a hearing, determines

1 that the release of the defendant would pose a real and present
2 threat to the physical safety of any person and denial of bail
3 is necessary to prevent fulfillment of that threat.

4 (b) A person seeking release on bail who is charged with a
5 capital offense or an offense for which a sentence of life
6 imprisonment may be imposed shall not be bailable until a
7 hearing is held wherein such person has the burden of
8 demonstrating that the proof of his guilt is not evident and
9 the presumption is not great.

10 (c) Where it is alleged that bail should be denied to a
11 person upon the grounds that the person presents a real and
12 present threat to the physical safety of any person or
13 persons, the burden of proof of such allegations shall be upon
14 the State.

15 (d) When it is alleged that bail should be denied to a
16 person charged with stalking or aggravated stalking upon the
17 grounds set forth in Section 110-6.3-1 of this Code, the
18 burden of proof of those allegations shall be upon the State.

19 (725 ILCS 5/110-6.3-1 new)

20 Sec. 110-6.3-1. Denial of bail in stalking and aggravated
21 stalking offenses.

22 (a) Upon verified petition by the State, the court shall
23 hold a hearing to determine whether bail should be denied to a
24 defendant who is charged with stalking or aggravated stalking,
25 when it is alleged that the defendant's admission to bail

1 poses a real and present threat to the physical safety of the
2 alleged victim of the offense, and denial of release on bail or
3 personal recognizance is necessary to prevent fulfillment of
4 the threat upon which the charge is based.

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

12 (2) The hearing shall be held immediately upon the
13 defendant's appearance before the court, unless for good
14 cause shown the defendant or the State seeks a
15 continuance. A continuance on motion of the defendant may
16 not exceed 5 calendar days, and the defendant may be held
17 in custody during the continuance. A continuance on the
18 motion of the State may not exceed 3 calendar days;
19 however, the defendant may be held in custody during the
20 continuance under this provision if the defendant has been
21 previously found to have violated an order of protection
22 or has been previously convicted of, or granted court
23 supervision for, any of the offenses set forth in Sections
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
25 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
26 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, against the same
2 person as the alleged victim of the stalking or aggravated
3 stalking offense.

4 (b) The court may deny bail to the defendant when, after
5 the hearing, it is determined that:

6 (1) the proof is evident or the presumption great that
7 the defendant has committed the offense of stalking or
8 aggravated stalking; and

9 (2) the defendant poses a real and present threat to
10 the physical safety of the alleged victim of the offense;
11 and

12 (3) the denial of release on bail or personal
13 recognizance is necessary to prevent fulfillment of the
14 threat upon which the charge is based; and

15 (4) the court finds that no condition or combination
16 of conditions set forth in subsection (b) of Section
17 110-10 of this Code, including mental health treatment at
18 a community mental health center, hospital, or facility of
19 the Department of Human Services, can reasonably assure
20 the physical safety of the alleged victim of the offense.

21 (c) Conduct of the hearings.

22 (1) The hearing on the defendant's culpability and
23 threat to the alleged victim of the offense shall be
24 conducted in accordance with the following provisions:

25 (A) Information used by the court in its findings
26 or stated in or offered at the hearing may be by way of

1 proffer based upon reliable information offered by the
2 State or by defendant. Defendant has the right to be
3 represented by counsel, and if he is indigent, to have
4 counsel appointed for him. Defendant shall have the
5 opportunity to testify, to present witnesses in his
6 own behalf, and to cross-examine witnesses if any are
7 called by the State. The defendant has the right to
8 present witnesses in his favor. When the ends of
9 justice so require, the court may exercise its
10 discretion and compel the appearance of a complaining
11 witness. The court shall state on the record reasons
12 for granting a defense request to compel the presence
13 of a complaining witness. Cross-examination of a
14 complaining witness at the pretrial detention hearing
15 for the purpose of impeaching the witness' credibility
16 is insufficient reason to compel the presence of the
17 witness. In deciding whether to compel the appearance
18 of a complaining witness, the court shall be
19 considerate of the emotional and physical well-being
20 of the witness. The pretrial detention hearing is not
21 to be used for the purposes of discovery, and the post
22 arraignment rules of discovery do not apply. The State
23 shall tender to the defendant, prior to the hearing,
24 copies of defendant's criminal history, if any, if
25 available, and any written or recorded statements and
26 the substance of any oral statements made by any

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

11 (B) A motion by the defendant to suppress evidence
12 or to suppress a confession shall not be entertained.
13 Evidence that proof may have been obtained as the
14 result of an unlawful search and seizure or through
15 improper interrogation is not relevant to this state
16 of the prosecution.

17 (2) The facts relied upon by the court to support a
18 finding that:

19 (A) the defendant poses a real and present threat
20 to the physical safety of the alleged victim of the
21 offense; and

22 (B) the denial of release on bail or personal
23 recognizance is necessary to prevent fulfillment of
24 the threat upon which the charge is based;

25 shall be supported by clear and convincing evidence
26 presented by the State.

1 (d) Factors to be considered in making a determination of
2 the threat to the alleged victim of the offense. The court may,
3 in determining whether the defendant poses, at the time of the
4 hearing, a real and present threat to the physical safety of
5 the alleged victim of the offense, consider but shall not be
6 limited to evidence or testimony concerning:

7 (1) The nature and circumstances of the offense
8 charged;

9 (2) The history and characteristics of the defendant
10 including:

11 (A) Any evidence of the defendant's prior criminal
12 history indicative of violent, abusive or assaultive
13 behavior, or lack of that behavior. The evidence may
14 include testimony or documents received in juvenile
15 proceedings, criminal, quasi-criminal, civil
16 commitment, domestic relations or other proceedings;

17 (B) Any evidence of the defendant's psychological,
18 psychiatric or other similar social history that tends
19 to indicate a violent, abusive, or assaultive nature,
20 or lack of any such history.

21 (3) The nature of the threat which is the basis of the
22 charge against the defendant;

23 (4) Any statements made by, or attributed to the
24 defendant, together with the circumstances surrounding
25 them;

26 (5) The age and physical condition of any person

1 assaulted by the defendant;

2 (6) Whether the defendant is known to possess or have
3 access to any weapon or weapons;

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

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

15 (e) The court shall, in any order denying bail to a person
16 charged with stalking or aggravated stalking:

17 (1) briefly summarize the evidence of the defendant's
18 culpability and its reasons for concluding that the
19 defendant should be held without bail;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his choice by visitation,
26 mail and telephone; and

1 (4) direct that the sheriff deliver the defendant as
2 required for appearances in connection with court
3 proceedings.

4 (f) If the court enters an order for the detention of the
5 defendant under subsection (e) of this Section, the defendant
6 shall be brought to trial on the offense for which he is
7 detained within 90 days after the date on which the order for
8 detention was entered. If the defendant is not brought to
9 trial within the 90 day period required by this subsection
10 (f), he shall not be held longer without bail. In computing the
11 90 day period, the court shall omit any period of delay
12 resulting from a continuance granted at the request of the
13 defendant. The court shall immediately notify the alleged
14 victim of the offense that the defendant has been admitted to
15 bail under this subsection.

16 (g) Any person shall be entitled to appeal any order
17 entered under this Section denying bail to the defendant.

18 (h) The State may appeal any order entered under this
19 Section denying any motion for denial of bail.

20 (i) Nothing in this Section shall be construed as
21 modifying or limiting in any way the defendant's presumption
22 of innocence in further criminal proceedings.

23 (725 ILCS 5/110-6.5-1 new)

24 Sec. 110-6.5-1. Drug testing program.

25 (a) The Chief Judge of the circuit may establish a drug

1 testing program as provided by this Section in any county in
2 the circuit if the county board has approved the establishment
3 of the program and the county probation department or pretrial
4 services agency has consented to administer it. The drug
5 testing program shall be conducted under the following
6 provisions:

7 (a-1) The court, in the case of a defendant charged with a
8 felony offense or any offense involving the possession or
9 delivery of cannabis or a controlled substance, shall:

10 (1) not consider the release of the defendant on his
11 or her own recognizance, unless the defendant consents to
12 periodic drug testing during the period of release on his
13 or her own recognizance, in accordance with this Section;

14 (2) consider the consent of the defendant to periodic
15 drug testing during the period of release on bail in
16 accordance with this Section as a favorable factor for the
17 defendant in determining the amount of bail, the
18 conditions of release or in considering the defendant's
19 motion to reduce the amount of bail.

20 (b) The drug testing shall be conducted by the pretrial
21 services agency or under the direction of the probation
22 department when a pretrial services agency does not exist in
23 accordance with this Section.

24 (c) A defendant who consents to periodic drug testing as
25 set forth in this Section shall sign an agreement with the
26 court that, during the period of release, the defendant shall

1 refrain from using illegal drugs and that the defendant will
2 comply with the conditions of the testing program. The
3 agreement shall be on a form prescribed by the court and shall
4 be executed at the time of the bail hearing. This agreement
5 shall be made a specific condition of bail.

6 (d) The drug testing program shall be conducted as
7 follows:

8 (1) The testing shall be done by urinalysis for the
9 detection of phencyclidine, heroin, cocaine, methadone and
10 amphetamines.

11 (2) The collection of samples shall be performed under
12 reasonable and sanitary conditions.

13 (3) Samples shall be collected and tested with due
14 regard for the privacy of the individual being tested and
15 in a manner reasonably calculated to prevent substitutions
16 or interference with the collection or testing of reliable
17 samples.

18 (4) Sample collection shall be documented, and the
19 documentation procedures shall include:

20 (i) Labeling of samples so as to reasonably
21 preclude the probability of erroneous identification
22 of test results; and

23 (ii) An opportunity for the defendant to provide
24 information on the identification of prescription or
25 nonprescription drugs used in connection with a
26 medical condition.

1 (5) Sample collection, storage, and transportation to
2 the place of testing shall be performed so as to
3 reasonably preclude the probability of sample
4 contamination or adulteration.

5 (6) Sample testing shall conform to scientifically
6 accepted analytical methods and procedures. Testing shall
7 include verification or confirmation of any positive test
8 result by a reliable analytical method before the result
9 of any test may be used as a basis for any action by the
10 court.

11 (e) The initial sample shall be collected before the
12 defendant's release on bail. Thereafter, the defendant shall
13 report to the pretrial services agency or probation department
14 as required by the agency or department. The pretrial services
15 agency or probation department shall immediately notify the
16 court of any defendant who fails to report for testing.

17 (f) After the initial test, a subsequent confirmed
18 positive test result indicative of continued drug use shall
19 result in the following:

20 (1) Upon the first confirmed positive test result, the
21 pretrial services agency or probation department, shall
22 place the defendant on a more frequent testing schedule
23 and shall warn the defendant of the consequences of
24 continued drug use.

25 (2) A second confirmed positive test result shall be
26 grounds for a hearing before the judge who authorized the

1 release of the defendant in accordance with the provisions
2 of subsection (g) of this Section.

3 (g) The court shall, upon motion of the State or upon its
4 own motion, conduct a hearing in connection with any defendant
5 who fails to appear for testing, fails to cooperate with the
6 persons conducting the testing program, attempts to submit a
7 sample not his or her own or has had a confirmed positive test
8 result indicative of continued drug use for the second or
9 subsequent time after the initial test. The hearing shall be
10 conducted in accordance with the procedures of Section 110-6.

11 Upon a finding by the court that the State has established
12 by clear and convincing evidence that the defendant has
13 violated the drug testing conditions of bail, the court may
14 consider any of the following sanctions:

15 (1) increase the amount of the defendant's bail or
16 conditions of release;

17 (2) impose a jail sentence of up to 5 days;

18 (3) revoke the defendant's bail; or

19 (4) enter such other orders which are within the power
20 of the court as deemed appropriate.

21 (h) The results of any drug testing conducted under this
22 Section shall not be admissible on the issue of the
23 defendant's guilt in connection with any criminal charge.

24 (i) The court may require that the defendant pay for the
25 cost of drug testing.

1 (725 ILCS 5/110-7.1 new)

2 Sec. 110-7.1. Deposit of bail security.

3 (a) The person for whom bail has been set shall execute the
4 bail bond and deposit with the clerk of the court before which
5 the proceeding is pending a sum of money equal to 10% of the
6 bail, but in no event shall such deposit be less than \$25. The
7 clerk of the court shall provide a space on each form for a
8 person other than the accused who has provided the money for
9 the posting of bail to so indicate and a space signed by an
10 accused who has executed the bail bond indicating whether a
11 person other than the accused has provided the money for the
12 posting of bail. The form shall also include a written notice
13 to such person who has provided the defendant with the money
14 for the posting of bail indicating that the bail may be used to
15 pay costs, attorney's fees, fines, or other purposes
16 authorized by the court and if the defendant fails to comply
17 with the conditions of the bail bond, the court shall enter an
18 order declaring the bail to be forfeited. The written notice
19 must be: (1) distinguishable from the surrounding text; (2) in
20 bold type or underscored; and (3) in a type size at least 2
21 points larger than the surrounding type. When a person for
22 whom bail has been set is charged with an offense under the
23 Illinois Controlled Substances Act or the Methamphetamine
24 Control and Community Protection Act which is a Class X
25 felony, or making a terrorist threat in violation of Section
26 29D-20 of the Criminal Code of 1961 or the Criminal Code of

1 2012 or an attempt to commit the offense of making a terrorist
2 threat, the court may require the defendant to deposit a sum
3 equal to 100% of the bail. Where any person is charged with a
4 forcible felony while free on bail and is the subject of
5 proceedings under Section 109-3 of this Code the judge
6 conducting the preliminary examination may also conduct a
7 hearing upon the application of the State pursuant to the
8 provisions of Section 110-6 of this Code to increase or revoke
9 the bail for that person's prior alleged offense.

10 (b) Upon depositing this sum and any bond fee authorized
11 by law, the person shall be released from custody subject to
12 the conditions of the bail bond.

13 (c) Once bail has been given and a charge is pending or is
14 thereafter filed in or transferred to a court of competent
15 jurisdiction the latter court shall continue the original bail
16 in that court subject to the provisions of Section 110-6 of
17 this Code.

18 (d) After conviction the court may order that the original
19 bail stand as bail pending appeal or deny, increase or reduce
20 bail subject to the provisions of Section 110-6.2.

21 (e) After the entry of an order by the trial court allowing
22 or denying bail pending appeal either party may apply to the
23 reviewing court having jurisdiction or to a justice thereof
24 sitting in vacation for an order increasing or decreasing the
25 amount of bail or allowing or denying bail pending appeal
26 subject to the provisions of Section 110-6.2.

1 (f) When the conditions of the bail bond have been
2 performed and the accused has been discharged from all
3 obligations in the cause the clerk of the court shall return to
4 the accused or to the defendant's designee by an assignment
5 executed at the time the bail amount is deposited, unless the
6 court orders otherwise, 90% of the sum which had been
7 deposited and shall retain as bail bond costs 10% of the amount
8 deposited. However, in no event shall the amount retained by
9 the clerk as bail bond costs be less than \$5. Notwithstanding
10 the foregoing, in counties with a population of 3,000,000 or
11 more, in no event shall the amount retained by the clerk as
12 bail bond costs exceed \$100. Bail bond deposited by or on
13 behalf of a defendant in one case may be used, in the court's
14 discretion, to satisfy financial obligations of that same
15 defendant incurred in a different case due to a fine, court
16 costs, restitution or fees of the defendant's attorney of
17 record. In counties with a population of 3,000,000 or more,
18 the court shall not order bail bond deposited by or on behalf
19 of a defendant in one case to be used to satisfy financial
20 obligations of that same defendant in a different case until
21 the bail bond is first used to satisfy court costs and
22 attorney's fees in the case in which the bail bond has been
23 deposited and any other unpaid child support obligations are
24 satisfied. In counties with a population of less than
25 3,000,000, the court shall not order bail bond deposited by or
26 on behalf of a defendant in one case to be used to satisfy

1 financial obligations of that same defendant in a different
2 case until the bail bond is first used to satisfy court costs
3 in the case in which the bail bond has been deposited.

4 At the request of the defendant the court may order such
5 90% of defendant's bail deposit, or whatever amount is
6 repayable to defendant from such deposit, to be paid to
7 defendant's attorney of record.

8 (g) If the accused does not comply with the conditions of
9 the bail bond the court having jurisdiction shall enter an
10 order declaring the bail to be forfeited. Notice of such order
11 of forfeiture shall be mailed forthwith to the accused at his
12 last known address. If the accused does not appear and
13 surrender to the court having jurisdiction within 30 days from
14 the date of the forfeiture or within such period satisfy the
15 court that appearance and surrender by the accused is
16 impossible and without his fault the court shall enter
17 judgment for the State if the charge for which the bond was
18 given was a felony or misdemeanor, or if the charge was
19 quasi-criminal or traffic, judgment for the political
20 subdivision of the State which prosecuted the case, against
21 the accused for the amount of the bail and costs of the court
22 proceedings; however, in counties with a population of less
23 than 3,000,000, instead of the court entering a judgment for
24 the full amount of the bond the court may, in its discretion,
25 enter judgment for the cash deposit on the bond, less costs,
26 retain the deposit for further disposition or, if a cash bond

1 was posted for failure to appear in a matter involving
2 enforcement of child support or maintenance, the amount of the
3 cash deposit on the bond, less outstanding costs, may be
4 awarded to the person or entity to whom the child support or
5 maintenance is due. The deposit made in accordance with
6 paragraph (a) shall be applied to the payment of costs. If
7 judgment is entered and any amount of such deposit remains
8 after the payment of costs it shall be applied to payment of
9 the judgment and transferred to the treasury of the municipal
10 corporation wherein the bond was taken if the offense was a
11 violation of any penal ordinance of a political subdivision of
12 this State, or to the treasury of the county wherein the bond
13 was taken if the offense was a violation of any penal statute
14 of this State. The balance of the judgment may be enforced and
15 collected in the same manner as a judgment entered in a civil
16 action.

17 (h) After a judgment for a fine and court costs or either
18 is entered in the prosecution of a cause in which a deposit had
19 been made in accordance with paragraph (a) the balance of such
20 deposit, after deduction of bail bond costs, shall be applied
21 to the payment of the judgment.

22 (i) When a court appearance is required for an alleged
23 violation of the Criminal Code of 1961, the Criminal Code of
24 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
25 and Aquatic Life Code, the Child Passenger Protection Act, or
26 a comparable offense of a unit of local government as

1 specified in Supreme Court Rule 551, and if the accused does
2 not appear in court on the date set for appearance or any date
3 to which the case may be continued and the court issues an
4 arrest warrant for the accused, based upon his or her failure
5 to appear when having so previously been ordered to appear by
6 the court, the accused upon his or her admission to bail shall
7 be assessed by the court a fee of \$75. Payment of the fee shall
8 be a condition of release unless otherwise ordered by the
9 court. The fee shall be in addition to any bail that the
10 accused is required to deposit for the offense for which the
11 accused has been charged and may not be used for the payment of
12 court costs or fines assessed for the offense. The clerk of the
13 court shall remit \$70 of the fee assessed to the arresting
14 agency who brings the offender in on the arrest warrant. If the
15 Department of State Police is the arresting agency, \$70 of the
16 fee assessed shall be remitted by the clerk of the court to the
17 State Treasurer within one month after receipt for deposit
18 into the State Police Operations Assistance Fund. The clerk of
19 the court shall remit \$5 of the fee assessed to the Circuit
20 Court Clerk Operation and Administrative Fund as provided in
21 Section 27.3d of the Clerks of Courts Act.

22 (725 ILCS 5/110-8.1 new)

23 Sec. 110-8.1. Cash, stocks, bonds and real estate as
24 security for bail.

25 (a) In lieu of the bail deposit provided for in Section

1 110-7.1 of this Code any person for whom bail has been set may
2 execute the bail bond with or without sureties which bond may
3 be secured:

4 (1) By a deposit, with the clerk of the court, of an
5 amount equal to the required bail, of cash, or stocks and
6 bonds in which trustees are authorized to invest trust
7 funds under the laws of this State; or

8 (2) By real estate situated in this State with
9 unencumbered equity not exempt owned by the accused or
10 sureties worth double the amount of bail set in the bond.

11 (b) If the bail bond is secured by stocks and bonds the
12 accused or sureties shall file with the bond a sworn schedule
13 which shall be approved by the court and shall contain:

14 (1) A list of the stocks and bonds deposited
15 describing each in sufficient detail that it may be
16 identified;

17 (2) The market value of each stock and bond;

18 (3) The total market value of the stocks and bonds
19 listed;

20 (4) A statement that the affiant is the sole owner of
21 the stocks and bonds listed and they are not exempt from
22 the enforcement of a judgment thereon;

23 (5) A statement that such stocks and bonds have not
24 previously been used or accepted as bail in this State
25 during the 12 months preceding the date of the bail bond;
26 and

1 (6) A statement that such stocks and bonds are
2 security for the appearance of the accused in accordance
3 with the conditions of the bail bond.

4 (c) If the bail bond is secured by real estate the accused
5 or sureties shall file with the bond a sworn schedule which
6 shall contain:

7 (1) A legal description of the real estate;

8 (2) A description of any and all encumbrances on the
9 real estate including the amount of each and the holder
10 thereof;

11 (3) The market value of the unencumbered equity owned
12 by the affiant;

13 (4) A statement that the affiant is the sole owner of
14 such unencumbered equity and that it is not exempt from
15 the enforcement of a judgment thereon;

16 (5) A statement that the real estate has not
17 previously been used or accepted as bail in this State
18 during the 12 months preceding the date of the bail bond;
19 and

20 (6) A statement that the real estate is security for
21 the appearance of the accused in accordance with the
22 conditions of the bail bond.

23 (d) The sworn schedule shall constitute a material part of
24 the bail bond. The affiant commits perjury if in the sworn
25 schedule he makes a false statement which he does not believe
26 to be true. He shall be prosecuted and punished accordingly,

1 or, he may be punished for contempt.

2 (e) A certified copy of the bail bond and schedule of real
3 estate shall be filed immediately in the office of the
4 registrar of titles or recorder of the county in which the real
5 estate is situated and the State shall have a lien on such real
6 estate from the time such copies are filed in the office of the
7 registrar of titles or recorder. The registrar of titles or
8 recorder shall enter, index and record (or register as the
9 case may be) such bail bonds and schedules without requiring
10 any advance fee, which fee shall be taxed as costs in the
11 proceeding and paid out of such costs when collected.

12 (f) When the conditions of the bail bond have been
13 performed and the accused has been discharged from his
14 obligations in the cause, the clerk of the court shall return
15 to him or his sureties the deposit of any cash, stocks or
16 bonds. If the bail bond has been secured by real estate the
17 clerk of the court shall forthwith notify in writing the
18 registrar of titles or recorder and the lien of the bail bond
19 on the real estate shall be discharged.

20 (g) If the accused does not comply with the conditions of
21 the bail bond the court having jurisdiction shall enter an
22 order declaring the bail to be forfeited. Notice of such order
23 of forfeiture shall be mailed forthwith by the clerk of the
24 court to the accused and his sureties at their last known
25 address. If the accused does not appear and surrender to the
26 court having jurisdiction within 30 days from the date of the

1 forfeiture or within such period satisfy the court that
2 appearance and surrender by the accused is impossible and
3 without his fault the court shall enter judgment for the State
4 against the accused and his sureties for the amount of the bail
5 and costs of the proceedings; however, in counties with a
6 population of less than 3,000,000, if the defendant has posted
7 a cash bond, instead of the court entering a judgment for the
8 full amount of the bond the court may, in its discretion, enter
9 judgment for the cash deposit on the bond, less costs, retain
10 the deposit for further disposition or, if a cash bond was
11 posted for failure to appear in a matter involving enforcement
12 of child support or maintenance, the amount of the cash
13 deposit on the bond, less outstanding costs, may be awarded to
14 the person or entity to whom the child support or maintenance
15 is due.

16 (h) When judgment is entered in favor of the State on any
17 bail bond given for a felony or misdemeanor, or judgment for a
18 political subdivision of the state on any bail bond given for a
19 quasi-criminal or traffic offense, the State's Attorney or
20 political subdivision's attorney shall forthwith obtain a
21 certified copy of the judgment and deliver same to the sheriff
22 to be enforced by levy on the stocks or bonds deposited with
23 the clerk of the court and the real estate described in the
24 bail bond schedule. Any cash forfeited under subsection (g) of
25 this Section shall be used to satisfy the judgment and costs
26 and, without necessity of levy, ordered paid into the treasury

1 of the municipal corporation wherein the bail bond was taken
2 if the offense was a violation of any penal ordinance of a
3 political subdivision of this State, or into the treasury of
4 the county wherein the bail bond was taken if the offense was a
5 violation of any penal statute of this State, or to the person
6 or entity to whom child support or maintenance is owed if the
7 bond was taken for failure to appear in a matter involving
8 child support or maintenance. The stocks, bonds and real
9 estate shall be sold in the same manner as in sales for the
10 enforcement of a judgment in civil actions and the proceeds of
11 such sale shall be used to satisfy all court costs, prior
12 encumbrances, if any, and from the balance a sufficient amount
13 to satisfy the judgment shall be paid into the treasury of the
14 municipal corporation wherein the bail bond was taken if the
15 offense was a violation of any penal ordinance of a political
16 subdivision of this State, or into the treasury of the county
17 wherein the bail bond was taken if the offense was a violation
18 of any penal statute of this State. The balance shall be
19 returned to the owner. The real estate so sold may be redeemed
20 in the same manner as real estate may be redeemed after
21 judicial sales or sales for the enforcement of judgments in
22 civil actions.

23 (i) No stocks, bonds or real estate may be used or accepted
24 as bail bond security in this State more than once in any 12
25 month period.

1 (725 ILCS 5/110-9.1 new)

2 Sec. 110-9.1. Taking of bail by peace officer. When bail
3 has been set by a judicial officer for a particular offense or
4 offender any sheriff or other peace officer may take bail in
5 accordance with the provisions of Section 110-7.1 or 110-8.1
6 of this Code and release the offender to appear in accordance
7 with the conditions of the bail bond, the Notice to Appear or
8 the Summons. The officer shall give a receipt to the offender
9 for the bail so taken and within a reasonable time deposit such
10 bail with the clerk of the court having jurisdiction of the
11 offense. A sheriff or other peace officer taking bail in
12 accordance with the provisions of Section 110-7.1 or 110-8.1
13 of this Code shall accept payments made in the form of
14 currency, and may accept other forms of payment as the sheriff
15 shall by rule authorize. For purposes of this Section,
16 "currency" has the meaning provided in subsection (a) of
17 Section 3 of the Currency Reporting Act.

18 (725 ILCS 5/110-13.1 new)

19 Sec. 110-13.1. Persons prohibited from furnishing bail
20 security. No attorney at law practicing in this State and no
21 official authorized to admit another to bail or to accept bail
22 shall furnish any part of any security for bail in any criminal
23 action or any proceeding nor shall any such person act as
24 surety for any accused admitted to bail.

1 (725 ILCS 5/110-14.1 new)

2 Sec. 110-14.1. Credit for incarceration on bailable
3 offense; credit against monetary bail for certain offenses.

4 (a) Any person incarcerated on a bailable offense who does
5 not supply bail and against whom a fine is levied on conviction
6 of the offense shall be allowed a credit of \$30 for each day so
7 incarcerated upon application of the defendant. However, in no
8 case shall the amount so allowed or credited exceed the amount
9 of the fine.

10 (b) Subsection (a) does not apply to a person incarcerated
11 for sexual assault as defined in paragraph (1) of subsection
12 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

13 (c) A person subject to bail on a Category B offense,
14 before January 1, 2023, shall have \$30 deducted from his or her
15 10% cash bond amount every day the person is incarcerated. The
16 sheriff shall calculate and apply this \$30 per day reduction
17 and send notice to the circuit clerk if a defendant's 10% cash
18 bond amount is reduced to \$0, at which point the defendant
19 shall be released upon his or her own recognizance.

20 (d) The court may deny the incarceration credit in
21 subsection (c) of this Section if the person has failed to
22 appear as required before the court and is incarcerated based
23 on a warrant for failure to appear on the same original
24 criminal offense.

25 (725 ILCS 5/110-15.1 new)

1 Sec. 110-15.1. Applicability of provisions for giving and
2 taking bail. The provisions of Sections 110-7.1 and 110-8.1 of
3 this Code are exclusive of other provisions of law for the
4 giving, taking, or enforcement of bail. In all cases where a
5 person is admitted to bail the provisions of Sections 110-7.1
6 and 110-8.1 of this Code shall be applicable.

7 However, the Supreme Court may, by rule or order,
8 prescribe a uniform schedule of amounts of bail in all but
9 felony offenses. The uniform schedule shall not require a
10 person cited for violating the Illinois Vehicle Code or a
11 similar provision of a local ordinance for which a violation
12 is a petty offense as defined by Section 5-1-17 of the Unified
13 Code of Corrections, excluding business offenses as defined by
14 Section 5-1-2 of the Unified Code of Corrections or a
15 violation of Section 15-111 or subsection (d) of Section 3-401
16 of the Illinois Vehicle Code, to post bond to secure bail for
17 his or her release. Such uniform schedule may provide that the
18 cash deposit provisions of Section 110-7.1 shall not apply to
19 bail amounts established for alleged violations punishable by
20 fine alone, and the schedule may further provide that in
21 specified traffic cases a valid Illinois chauffeur's or
22 operator's license must be deposited, in addition to 10% of
23 the amount of the bail specified in the schedule.

24 (725 ILCS 5/110-16.1 new)

25 Sec. 110-16.1. Bail bond-forfeiture in same case or

1 absents self during trial-not bailable. If a person admitted
2 to bail on a felony charge forfeits his bond and fails to
3 appear in court during the 30 days immediately after such
4 forfeiture, on being taken into custody thereafter he shall
5 not be bailable in the case in question, unless the court finds
6 that his absence was not for the purpose of obstructing
7 justice or avoiding prosecution.

8 (725 ILCS 5/110-17.1 new)

9 Sec. 110-17.1. Unclaimed bail deposits. Any sum of money
10 deposited by any person to secure his or her release from
11 custody which remains unclaimed by the person entitled to its
12 return for 3 years after the conditions of the bail bond have
13 been performed and the accused has been discharged from all
14 obligations in the cause shall be presumed to be abandoned and
15 subject to disposition under the Revised Uniform Unclaimed
16 Property Act.

17 (725 ILCS 5/110-18.1 new)

18 Sec. 110-18.1. Reimbursement. The sheriff of each county
19 shall certify to the treasurer of each county the number of
20 days that persons had been detained in the custody of the
21 sheriff without a bond being set as a result of an order
22 entered pursuant to Section 110-6.1 of this Code. The county
23 treasurer shall, no later than January 1, annually certify to
24 the Supreme Court the number of days that persons had been

1 detained without bond during the 12-month period ending
2 November 30. The Supreme Court shall reimburse, from funds
3 appropriated to it by the General Assembly for such purposes,
4 the treasurer of each county an amount of money for deposit in
5 the county general revenue fund at a rate of \$50 per day for
6 each day that persons were detained in custody without bail as
7 a result of an order entered pursuant to Section 110-6.1 of
8 this Code.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

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