

HB3686



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3686

by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Abolishes monetary bail, except under the Uniform Criminal Extradition Act. Amends various other Acts to make conforming changes.

LRB101 09843 SLF 54945 b

FISCAL NOTE ACT
MAY APPLY

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 Illinois Vehicle Code is amended by changing
5 Section 16-103 as follows:

6 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

7 Sec. 16-103. Arrest outside county where violation
8 committed.

9 Whenever a defendant is arrested upon a warrant charging a
10 violation of this Act in a county other than that in which such
11 warrant was issued, the arresting officer, immediately upon the
12 request of the defendant, shall take such defendant before a
13 circuit judge or associate circuit judge in the county in which
14 the arrest was made ~~who shall admit the defendant to bail for~~
15 ~~his appearance before the court named in the warrant.~~ On
16 releasing the defendant ~~taking such bail~~ the circuit judge or
17 associate circuit judge shall certify such fact on the warrant
18 and deliver the warrant and ~~undertaking of bail or~~ other
19 non-monetary security, or the drivers license of such defendant
20 if deposited, under the law relating to such licenses, in lieu
21 of such security, to the officer having charge of the
22 defendant. Such officer shall then immediately discharge the
23 defendant from arrest and without delay deliver such warrant

1 ~~and such undertaking of bail~~, or other non-monetary security or
2 drivers license to the court before which the defendant is
3 required to appear.

4 (Source: P.A. 77-1280.)

5 Section 10. The Clerks of Courts Act is amended by changing
6 Sections 27.3a, 27.3b, 27.5, and 27.6 as follows:

7 (705 ILCS 105/27.3a)

8 (Section scheduled to be repealed on July 1, 2019)

9 Sec. 27.3a. Fees for automated record keeping, probation
10 and court services operations, State and Conservation Police
11 operations, and e-business programs.

12 1. The expense of establishing and maintaining automated
13 record keeping systems in the offices of the clerks of the
14 circuit court shall be borne by the county. To defray such
15 expense in any county having established such an automated
16 system or which elects to establish such a system, the county
17 board may require the clerk of the circuit court in their
18 county to charge and collect a court automation fee of not less
19 than \$1 nor more than \$25 to be charged and collected by the
20 clerk of the court. Such fee shall be paid at the time of
21 filing the first pleading, paper or other appearance filed by
22 each party in all civil cases or by the defendant in any
23 felony, traffic, misdemeanor, municipal ordinance, or
24 conservation case upon a judgment of guilty or grant of

1 supervision, provided that the record keeping system which
2 processes the case category for which the fee is charged is
3 automated or has been approved for automation by the county
4 board, and provided further that no additional fee shall be
5 required if more than one party is presented in a single
6 pleading, paper or other appearance. Such fee shall be
7 collected in the manner in which all other fees or costs are
8 collected.

9 1.1. Starting on July 6, 2012 (the effective date of Public
10 Act 97-761) and pursuant to an administrative order from the
11 chief judge of the circuit or the presiding judge of the county
12 authorizing such collection, a clerk of the circuit court in
13 any county that imposes a fee pursuant to subsection 1 of this
14 Section shall also charge and collect an additional \$10
15 operations fee for probation and court services department
16 operations.

17 This additional fee shall be paid by the defendant in any
18 felony, traffic, misdemeanor, local ordinance, or conservation
19 case upon a judgment of guilty or grant of supervision, ~~except~~
20 ~~such \$10 operations fee shall not be charged and collected in~~
21 ~~cases governed by Supreme Court Rule 529 in which the bail~~
22 ~~amount is \$120 or less.~~

23 1.2. With respect to the fee imposed and collected under
24 subsection 1.1 of this Section, each clerk shall transfer all
25 fees monthly to the county treasurer for deposit into the
26 probation and court services fund created under Section 15.1 of

1 the Probation and Probation Officers Act, and such monies shall
2 be disbursed from the fund only at the direction of the chief
3 judge of the circuit or another judge designated by the Chief
4 Circuit Judge in accordance with the policies and guidelines
5 approved by the Supreme Court.

6 1.5. Starting on June 1, 2014, a clerk of the circuit court
7 in any county that imposes a fee pursuant to subsection 1 of
8 this Section, shall charge and collect an additional fee in an
9 amount equal to the amount of the fee imposed pursuant to
10 subsection 1 of this Section, except the fee imposed under this
11 subsection may not be more than \$15. This additional fee shall
12 be paid by the defendant in any felony, traffic, misdemeanor,
13 or local ordinance case upon a judgment of guilty or grant of
14 supervision. This fee shall not be paid by the defendant for
15 any violation listed in subsection 1.6 of this Section.

16 1.6. Starting on June 1, 2014, a clerk of the circuit court
17 in any county that imposes a fee pursuant to subsection 1 of
18 this Section shall charge and collect an additional fee in an
19 amount equal to the amount of the fee imposed pursuant to
20 subsection 1 of this Section, except the fee imposed under this
21 subsection may not be more than \$15. This additional fee shall
22 be paid by the defendant upon a judgment of guilty or grant of
23 supervision for a violation under the State Parks Act, the
24 Recreational Trails of Illinois Act, the Illinois Explosives
25 Act, the Timber Buyers Licensing Act, the Forest Products
26 Transportation Act, the Firearm Owners Identification Card

1 Act, the Environmental Protection Act, the Fish and Aquatic
2 Life Code, the Wildlife Code, the Cave Protection Act, the
3 Illinois Exotic Weed Act, the Illinois Forestry Development
4 Act, the Ginseng Harvesting Act, the Illinois Lake Management
5 Program Act, the Illinois Natural Areas Preservation Act, the
6 Illinois Open Land Trust Act, the Open Space Lands Acquisition
7 and Development Act, the Illinois Prescribed Burning Act, the
8 State Forest Act, the Water Use Act of 1983, the Illinois
9 Veteran, Youth, and Young Adult Conservation Jobs Act, the
10 Snowmobile Registration and Safety Act, the Boat Registration
11 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
12 and Fishermen Interference Prohibition Act, the Wrongful Tree
13 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
14 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
15 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
16 Criminal Code of 2012.

17 1.7. Starting on the 30th day after the effective date of
18 this amendatory Act of the 99th General Assembly, a clerk of
19 the circuit court in any county that imposes a fee pursuant to
20 subsection 1 of this Section shall also charge and collect an
21 additional \$9 e-business fee. The fee shall be paid at the time
22 of filing the first pleading, paper, or other appearance filed
23 by each party in all civil cases, except no additional fee
24 shall be required if more than one party is presented in a
25 single pleading, paper, or other appearance. The fee shall be
26 collected in the manner in which all other fees or costs are

1 collected. The fee shall be in addition to all other fees and
2 charges of the clerk, and assessable as costs, and may be
3 waived only if the judge specifically provides for the waiver
4 of the e-business fee. The fee shall not be charged in any
5 matter coming to the clerk on a change of venue, nor in any
6 proceeding to review the decision of any administrative
7 officer, agency, or body.

8 2. With respect to the fee imposed under subsection 1 of
9 this Section, each clerk shall commence such charges and
10 collections upon receipt of written notice from the chairman of
11 the county board together with a certified copy of the board's
12 resolution, which the clerk shall file of record in his office.

13 3. With respect to the fee imposed under subsection 1 of
14 this Section, such fees shall be in addition to all other fees
15 and charges of such clerks, and assessable as costs, and may be
16 waived only if the judge specifically provides for the waiver
17 of the court automation fee. The fees shall be remitted monthly
18 by such clerk to the county treasurer, to be retained by him in
19 a special fund designated as the court automation fund. The
20 fund shall be audited by the county auditor, and the board
21 shall make expenditure from the fund in payment of any cost
22 related to the automation of court records, including hardware,
23 software, research and development costs and personnel related
24 thereto, provided that the expenditure is approved by the clerk
25 of the court and by the chief judge of the circuit court or his
26 designate.

1 4. With respect to the fee imposed under subsection 1 of
2 this Section, such fees shall not be charged in any matter
3 coming to any such clerk on change of venue, nor in any
4 proceeding to review the decision of any administrative
5 officer, agency or body.

6 5. With respect to the additional fee imposed under
7 subsection 1.5 of this Section, the fee shall be remitted by
8 the circuit clerk to the State Treasurer within one month after
9 receipt for deposit into the State Police Operations Assistance
10 Fund.

11 6. With respect to the additional fees imposed under
12 subsection 1.5 of this Section, the Director of State Police
13 may direct the use of these fees for homeland security purposes
14 by transferring these fees on a quarterly basis from the State
15 Police Operations Assistance Fund into the Illinois Law
16 Enforcement Alarm Systems (ILEAS) Fund for homeland security
17 initiatives programs. The transferred fees shall be allocated,
18 subject to the approval of the ILEAS Executive Board, as
19 follows: (i) 66.6% shall be used for homeland security
20 initiatives and (ii) 33.3% shall be used for airborne
21 operations. The ILEAS Executive Board shall annually supply the
22 Director of State Police with a report of the use of these
23 fees.

24 7. With respect to the additional fee imposed under
25 subsection 1.6 of this Section, the fee shall be remitted by
26 the circuit clerk to the State Treasurer within one month after

1 receipt for deposit into the Conservation Police Operations
2 Assistance Fund.

3 8. With respect to the fee imposed under subsection 1.7 of
4 this Section, the clerk shall remit the fee to the State
5 Treasurer within one month after receipt for deposit into the
6 Supreme Court Special Purposes Fund. Unless otherwise
7 authorized by this Act, the moneys deposited into the Supreme
8 Court Special Purposes Fund under this subsection are not
9 subject to administrative charges or chargebacks under Section
10 20 of the State Treasurer Act.

11 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
12 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16. Repealed by P.A.
13 100-987, eff. 7-1-19.)

14 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

15 Sec. 27.3b. The clerk of court may accept payment of fines,
16 penalties, or costs by credit card or debit card approved by
17 the clerk from an offender who has been convicted of or placed
18 on court supervision for a traffic offense, petty offense,
19 ordinance offense, or misdemeanor or who has been convicted of
20 a felony offense. The clerk of the circuit court may accept
21 credit card payments over the Internet for fines, penalties, or
22 costs from offenders on voluntary electronic pleas of guilty in
23 minor traffic and conservation offenses to satisfy the
24 requirement of written pleas of guilty as provided in Illinois
25 Supreme Court Rule 529. The clerk of the court may also accept

1 payment of statutory fees by a credit card or debit card. ~~The~~
2 ~~clerk of the court may also accept the credit card or debit~~
3 ~~card for the cash deposit of bail bond fees.~~

4 The Clerk of the circuit court is authorized to enter into
5 contracts with credit card or debit card companies approved by
6 the clerk and to negotiate the payment of convenience and
7 administrative fees normally charged by those companies for
8 allowing the clerk of the circuit court to accept their credit
9 cards or debit cards in payment as authorized herein. The clerk
10 of the circuit court is authorized to enter into contracts with
11 third party fund guarantors, facilitators, and service
12 providers under which those entities may contract directly with
13 customers of the clerk of the circuit court and guarantee and
14 remit the payments to the clerk of the circuit court. Where the
15 offender pays fines, penalties, or costs by credit card or
16 debit card or through a third party fund guarantor,
17 facilitator, or service provider, or anyone paying statutory
18 fees of the circuit court clerk ~~or the posting of cash bail,~~
19 the clerk shall collect a service fee of up to \$5 or the amount
20 charged to the clerk for use of its services by the credit card
21 or debit card issuer, third party fund guarantor, facilitator,
22 or service provider. This service fee shall be in addition to
23 any other fines, penalties, or costs. The clerk of the circuit
24 court is authorized to negotiate the assessment of convenience
25 and administrative fees by the third party fund guarantors,
26 facilitators, and service providers with the revenue earned by

1 the clerk of the circuit court to be remitted to the county
2 general revenue fund.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

5 (Section scheduled to be repealed on July 1, 2019)

6 Sec. 27.5. (a) All fees, fines, costs, additional
7 penalties, ~~bail balances assessed or forfeited,~~ and any other
8 amount paid by a person to the circuit clerk that equals an
9 amount less than \$55, except restitution under Section 5-5-6 of
10 the Unified Code of Corrections, reimbursement for the costs of
11 an emergency response as provided under Section 11-501 of the
12 Illinois Vehicle Code, any fees collected for attending a
13 traffic safety program under paragraph (c) of Supreme Court
14 Rule 529, any fee collected on behalf of a State's Attorney
15 under Section 4-2002 of the Counties Code or a sheriff under
16 Section 4-5001 of the Counties Code, or any cost imposed under
17 Section 124A-5 of the Code of Criminal Procedure of 1963, for
18 convictions, orders of supervision, or any other disposition
19 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, and
21 any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, and except as otherwise
23 provided in this Section, shall be disbursed within 60 days
24 after receipt by the circuit clerk as follows: 47% shall be
25 disbursed to the entity authorized by law to receive the fine

1 imposed in the case; 12% shall be disbursed to the State
2 Treasurer; and 41% shall be disbursed to the county's general
3 corporate fund. Of the 12% disbursed to the State Treasurer,
4 1/6 shall be deposited by the State Treasurer into the Violent
5 Crime Victims Assistance Fund, 1/2 shall be deposited into the
6 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
7 be deposited into the Drivers Education Fund. For fiscal years
8 1992 and 1993, amounts deposited into the Violent Crime Victims
9 Assistance Fund, the Traffic and Criminal Conviction Surcharge
10 Fund, or the Drivers Education Fund shall not exceed 110% of
11 the amounts deposited into those funds in fiscal year 1991. Any
12 amount that exceeds the 110% limit shall be distributed as
13 follows: 50% shall be disbursed to the county's general
14 corporate fund and 50% shall be disbursed to the entity
15 authorized by law to receive the fine imposed in the case. Not
16 later than March 1 of each year the circuit clerk shall submit
17 a report of the amount of funds remitted to the State Treasurer
18 under this Section during the preceding year based upon
19 independent verification of fines and fees. All counties shall
20 be subject to this Section, except that counties with a
21 population under 2,000,000 may, by ordinance, elect not to be
22 subject to this Section. For offenses subject to this Section,
23 judges shall impose one total sum of money payable for
24 violations. The circuit clerk may add on no additional amounts
25 except for amounts that are required by Sections 27.3a and
26 27.3c of this Act, Section 16-104c of the Illinois Vehicle

1 Code, and subsection (a) of Section 5-1101 of the Counties
2 Code, unless those amounts are specifically waived by the
3 judge. With respect to money collected by the circuit clerk as
4 a result of ~~forfeiture of bail~~, ex parte judgment or guilty
5 plea pursuant to Supreme Court Rule 529, the circuit clerk
6 shall first deduct and pay amounts required by Sections 27.3a
7 and 27.3c of this Act. Unless a court ordered payment schedule
8 is implemented or fee requirements are waived pursuant to a
9 court order, the circuit clerk may add to any unpaid fees and
10 costs a delinquency amount equal to 5% of the unpaid fees that
11 remain unpaid after 30 days, 10% of the unpaid fees that remain
12 unpaid after 60 days, and 15% of the unpaid fees that remain
13 unpaid after 90 days. Notice to those parties may be made by
14 signage posting or publication. The additional delinquency
15 amounts collected under this Section shall be deposited in the
16 Circuit Court Clerk Operation and Administrative Fund to be
17 used to defray administrative costs incurred by the circuit
18 clerk in performing the duties required to collect and disburse
19 funds. This Section is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (b) The following amounts must be remitted to the State
23 Treasurer for deposit into the Illinois Animal Abuse Fund:

24 (1) 50% of the amounts collected for felony offenses
25 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
26 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for

1 Animals Act and Section 26-5 or 48-1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012;

3 (2) 20% of the amounts collected for Class A and Class
4 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
5 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
6 for Animals Act and Section 26-5 or 48-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012; and

8 (3) 50% of the amounts collected for Class C
9 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
10 for Animals Act and Section 26-5 or 48-1 of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

12 (c) Any person who receives a disposition of court
13 supervision for a violation of the Illinois Vehicle Code or a
14 similar provision of a local ordinance shall, in addition to
15 any other fines, fees, and court costs, pay an additional fee
16 of \$29, to be disbursed as provided in Section 16-104c of the
17 Illinois Vehicle Code. In addition to the fee of \$29, the
18 person shall also pay a fee of \$6, if not waived by the court.
19 If this \$6 fee is collected, \$5.50 of the fee shall be
20 deposited into the Circuit Court Clerk Operation and
21 Administrative Fund created by the Clerk of the Circuit Court
22 and 50 cents of the fee shall be deposited into the Prisoner
23 Review Board Vehicle and Equipment Fund in the State treasury.

24 (d) Any person convicted of, pleading guilty to, or placed
25 on supervision for a serious traffic violation, as defined in
26 Section 1-187.001 of the Illinois Vehicle Code, a violation of

1 Section 11-501 of the Illinois Vehicle Code, or a violation of
2 a similar provision of a local ordinance shall pay an
3 additional fee of \$35, to be disbursed as provided in Section
4 16-104d of that Code.

5 This subsection (d) becomes inoperative on January 1, 2020.

6 (e) In all counties having a population of 3,000,000 or
7 more inhabitants:

8 (1) A person who is found guilty of or pleads guilty to
9 violating subsection (a) of Section 11-501 of the Illinois
10 Vehicle Code, including any person placed on court
11 supervision for violating subsection (a), shall be fined
12 \$750 as provided for by subsection (f) of Section 11-501.01
13 of the Illinois Vehicle Code, payable to the circuit clerk,
14 who shall distribute the money pursuant to subsection (f)
15 of Section 11-501.01 of the Illinois Vehicle Code.

16 (2) When a crime laboratory DUI analysis fee of \$150,
17 provided for by Section 5-9-1.9 of the Unified Code of
18 Corrections is assessed, it shall be disbursed by the
19 circuit clerk as provided by subsection (f) of Section
20 5-9-1.9 of the Unified Code of Corrections.

21 (3) When a fine for a violation of subsection (a) of
22 Section 11-605 of the Illinois Vehicle Code is \$150 or
23 greater, the additional \$50 which is charged as provided
24 for by subsection (f) of Section 11-605 of the Illinois
25 Vehicle Code shall be disbursed by the circuit clerk to a
26 school district or districts for school safety purposes as

1 provided by subsection (f) of Section 11-605.

2 (4) When a fine for a violation of subsection (a) of
3 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
4 greater, the additional \$50 which is charged as provided
5 for by subsection (c) of Section 11-1002.5 of the Illinois
6 Vehicle Code shall be disbursed by the circuit clerk to a
7 school district or districts for school safety purposes as
8 provided by subsection (c) of Section 11-1002.5 of the
9 Illinois Vehicle Code.

10 (5) When a mandatory drug court fee of up to \$5 is
11 assessed as provided in subsection (f) of Section 5-1101 of
12 the Counties Code, it shall be disbursed by the circuit
13 clerk as provided in subsection (f) of Section 5-1101 of
14 the Counties Code.

15 (6) When a mandatory teen court, peer jury, youth
16 court, or other youth diversion program fee is assessed as
17 provided in subsection (e) of Section 5-1101 of the
18 Counties Code, it shall be disbursed by the circuit clerk
19 as provided in subsection (e) of Section 5-1101 of the
20 Counties Code.

21 (7) When a Children's Advocacy Center fee is assessed
22 pursuant to subsection (f-5) of Section 5-1101 of the
23 Counties Code, it shall be disbursed by the circuit clerk
24 as provided in subsection (f-5) of Section 5-1101 of the
25 Counties Code.

26 (8) When a victim impact panel fee is assessed pursuant

1 to subsection (b) of Section 11-501.01 of the Illinois
2 Vehicle Code, it shall be disbursed by the circuit clerk to
3 the victim impact panel to be attended by the defendant.

4 (9) When a new fee collected in traffic cases is
5 enacted after January 1, 2010 (the effective date of Public
6 Act 96-735), it shall be excluded from the percentage
7 disbursement provisions of this Section unless otherwise
8 indicated by law.

9 (f) Any person who receives a disposition of court
10 supervision for a violation of Section 11-501 of the Illinois
11 Vehicle Code shall, in addition to any other fines, fees, and
12 court costs, pay an additional fee of \$50, which shall be
13 collected by the circuit clerk and then remitted to the State
14 Treasurer for deposit into the Roadside Memorial Fund, a
15 special fund in the State treasury. However, the court may
16 waive the fee if full restitution is complied with. Subject to
17 appropriation, all moneys in the Roadside Memorial Fund shall
18 be used by the Department of Transportation to pay fees imposed
19 under subsection (f) of Section 20 of the Roadside Memorial
20 Act. The fee shall be remitted by the circuit clerk within one
21 month after receipt to the State Treasurer for deposit into the
22 Roadside Memorial Fund.

23 (g) For any conviction or disposition of court supervision
24 for a violation of Section 11-1429 of the Illinois Vehicle
25 Code, the circuit clerk shall distribute the fines paid by the
26 person as specified by subsection (h) of Section 11-1429 of the

1 Illinois Vehicle Code.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
3 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14. Repealed by P.A.
4 100-987, eff. 7-1-19.)

5 (705 ILCS 105/27.6)

6 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
7 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
8 98-658, 98-1013, 99-78, and 99-455)

9 (Section scheduled to be repealed on July 1, 2019)

10 Sec. 27.6. (a) All fees, fines, costs, additional
11 penalties, ~~bail balances assessed or forfeited,~~ and any other
12 amount paid by a person to the circuit clerk equalling an
13 amount of \$55 or more, except the fine imposed by Section
14 5-9-1.15 of the Unified Code of Corrections, the additional fee
15 required by subsections (b) and (c), restitution under Section
16 5-5-6 of the Unified Code of Corrections, contributions to a
17 local anti-crime program ordered pursuant to Section
18 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
19 Corrections, reimbursement for the costs of an emergency
20 response as provided under Section 11-501 of the Illinois
21 Vehicle Code, any fees collected for attending a traffic safety
22 program under paragraph (c) of Supreme Court Rule 529, any fee
23 collected on behalf of a State's Attorney under Section 4-2002
24 of the Counties Code or a sheriff under Section 4-5001 of the
25 Counties Code, or any cost imposed under Section 124A-5 of the

1 Code of Criminal Procedure of 1963, for convictions, orders of
2 supervision, or any other disposition for a violation of
3 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
4 similar provision of a local ordinance, and any violation of
5 the Child Passenger Protection Act, or a similar provision of a
6 local ordinance, and except as otherwise provided in this
7 Section shall be disbursed within 60 days after receipt by the
8 circuit clerk as follows: 44.5% shall be disbursed to the
9 entity authorized by law to receive the fine imposed in the
10 case; 16.825% shall be disbursed to the State Treasurer; and
11 38.675% shall be disbursed to the county's general corporate
12 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
13 shall be deposited by the State Treasurer into the Violent
14 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
15 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
16 be deposited into the Drivers Education Fund, and 6.948/17
17 shall be deposited into the Trauma Center Fund. Of the 6.948/17
18 deposited into the Trauma Center Fund from the 16.825%
19 disbursed to the State Treasurer, 50% shall be disbursed to the
20 Department of Public Health and 50% shall be disbursed to the
21 Department of Healthcare and Family Services. For fiscal year
22 1993, amounts deposited into the Violent Crime Victims
23 Assistance Fund, the Traffic and Criminal Conviction Surcharge
24 Fund, or the Drivers Education Fund shall not exceed 110% of
25 the amounts deposited into those funds in fiscal year 1991. Any
26 amount that exceeds the 110% limit shall be distributed as

1 follows: 50% shall be disbursed to the county's general
2 corporate fund and 50% shall be disbursed to the entity
3 authorized by law to receive the fine imposed in the case. Not
4 later than March 1 of each year the circuit clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this Section during the preceding year based upon
7 independent verification of fines and fees. All counties shall
8 be subject to this Section, except that counties with a
9 population under 2,000,000 may, by ordinance, elect not to be
10 subject to this Section. For offenses subject to this Section,
11 judges shall impose one total sum of money payable for
12 violations. The circuit clerk may add on no additional amounts
13 except for amounts that are required by Sections 27.3a and
14 27.3c of this Act, unless those amounts are specifically waived
15 by the judge. With respect to money collected by the circuit
16 clerk as a result of ~~forfeiture of bail~~, ex parte judgment or
17 guilty plea pursuant to Supreme Court Rule 529, the circuit
18 clerk shall first deduct and pay amounts required by Sections
19 27.3a and 27.3c of this Act. This Section is a denial and
20 limitation of home rule powers and functions under subsection
21 (h) of Section 6 of Article VII of the Illinois Constitution.

22 (b) In addition to any other fines and court costs assessed
23 by the courts, any person convicted or receiving an order of
24 supervision for driving under the influence of alcohol or drugs
25 shall pay an additional fee of \$100 to the clerk of the circuit
26 court. This amount, less 2 1/2% that shall be used to defray

1 administrative costs incurred by the clerk, shall be remitted
2 by the clerk to the Treasurer within 60 days after receipt for
3 deposit into the Trauma Center Fund. This additional fee of
4 \$100 shall not be considered a part of the fine for purposes of
5 any reduction in the fine for time served either before or
6 after sentencing. Not later than March 1 of each year the
7 Circuit Clerk shall submit a report of the amount of funds
8 remitted to the State Treasurer under this subsection during
9 the preceding calendar year.

10 (b-1) In addition to any other fines and court costs
11 assessed by the courts, any person convicted or receiving an
12 order of supervision for driving under the influence of alcohol
13 or drugs shall pay an additional fee of \$5 to the clerk of the
14 circuit court. This amount, less 2 1/2% that shall be used to
15 defray administrative costs incurred by the clerk, shall be
16 remitted by the clerk to the Treasurer within 60 days after
17 receipt for deposit into the Spinal Cord Injury Paralysis Cure
18 Research Trust Fund. This additional fee of \$5 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing. Not
21 later than March 1 of each year the Circuit Clerk shall submit
22 a report of the amount of funds remitted to the State Treasurer
23 under this subsection during the preceding calendar year.

24 (c) In addition to any other fines and court costs assessed
25 by the courts, any person convicted for a violation of Sections
26 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 or a person sentenced for a violation of
2 the Cannabis Control Act, the Illinois Controlled Substances
3 Act, or the Methamphetamine Control and Community Protection
4 Act shall pay an additional fee of \$100 to the clerk of the
5 circuit court. This amount, less 2 1/2% that shall be used to
6 defray administrative costs incurred by the clerk, shall be
7 remitted by the clerk to the Treasurer within 60 days after
8 receipt for deposit into the Trauma Center Fund. This
9 additional fee of \$100 shall not be considered a part of the
10 fine for purposes of any reduction in the fine for time served
11 either before or after sentencing. Not later than March 1 of
12 each year the Circuit Clerk shall submit a report of the amount
13 of funds remitted to the State Treasurer under this subsection
14 during the preceding calendar year.

15 (c-1) In addition to any other fines and court costs
16 assessed by the courts, any person sentenced for a violation of
17 the Cannabis Control Act, the Illinois Controlled Substances
18 Act, or the Methamphetamine Control and Community Protection
19 Act shall pay an additional fee of \$5 to the clerk of the
20 circuit court. This amount, less 2 1/2% that shall be used to
21 defray administrative costs incurred by the clerk, shall be
22 remitted by the clerk to the Treasurer within 60 days after
23 receipt for deposit into the Spinal Cord Injury Paralysis Cure
24 Research Trust Fund. This additional fee of \$5 shall not be
25 considered a part of the fine for purposes of any reduction in
26 the fine for time served either before or after sentencing. Not

1 later than March 1 of each year the Circuit Clerk shall submit
2 a report of the amount of funds remitted to the State Treasurer
3 under this subsection during the preceding calendar year.

4 (d) The following amounts must be remitted to the State
5 Treasurer for deposit into the Illinois Animal Abuse Fund:

6 (1) 50% of the amounts collected for felony offenses
7 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
8 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
9 Animals Act and Section 26-5 or 48-1 of the Criminal Code
10 of 1961 or the Criminal Code of 2012;

11 (2) 20% of the amounts collected for Class A and Class
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
14 for Animals Act and Section 26-5 or 48-1 of the Criminal
15 Code of 1961 or the Criminal Code of 2012; and

16 (3) 50% of the amounts collected for Class C
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
18 for Animals Act and Section 26-5 or 48-1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (e) Any person who receives a disposition of court
21 supervision for a violation of the Illinois Vehicle Code or a
22 similar provision of a local ordinance shall, in addition to
23 any other fines, fees, and court costs, pay an additional fee
24 of \$29, to be disbursed as provided in Section 16-104c of the
25 Illinois Vehicle Code. In addition to the fee of \$29, the
26 person shall also pay a fee of \$6, if not waived by the court.

1 If this \$6 fee is collected, \$5.50 of the fee shall be
2 deposited into the Circuit Court Clerk Operation and
3 Administrative Fund created by the Clerk of the Circuit Court
4 and 50 cents of the fee shall be deposited into the Prisoner
5 Review Board Vehicle and Equipment Fund in the State treasury.

6 (f) This Section does not apply to the additional child
7 pornography fines assessed and collected under Section
8 5-9-1.14 of the Unified Code of Corrections.

9 (g) (Blank).

10 (h) (Blank).

11 (i) Of the amounts collected as fines under subsection (b)
12 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
13 deposited into the Illinois Military Family Relief Fund and 1%
14 shall be deposited into the Circuit Court Clerk Operation and
15 Administrative Fund created by the Clerk of the Circuit Court
16 to be used to offset the costs incurred by the Circuit Court
17 Clerk in performing the additional duties required to collect
18 and disburse funds to entities of State and local government as
19 provided by law.

20 (j) Any person convicted of, pleading guilty to, or placed
21 on supervision for a serious traffic violation, as defined in
22 Section 1-187.001 of the Illinois Vehicle Code, a violation of
23 Section 11-501 of the Illinois Vehicle Code, or a violation of
24 a similar provision of a local ordinance shall pay an
25 additional fee of \$35, to be disbursed as provided in Section
26 16-104d of that Code.

1 This subsection (j) becomes inoperative on January 1, 2020.

2 (k) For any conviction or disposition of court supervision
3 for a violation of Section 11-1429 of the Illinois Vehicle
4 Code, the circuit clerk shall distribute the fines paid by the
5 person as specified by subsection (h) of Section 11-1429 of the
6 Illinois Vehicle Code.

7 (l) Any person who receives a disposition of court
8 supervision for a violation of Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance shall,
10 in addition to any other fines, fees, and court costs, pay an
11 additional fee of \$50, which shall be collected by the circuit
12 clerk and then remitted to the State Treasurer for deposit into
13 the Roadside Memorial Fund, a special fund in the State
14 treasury. However, the court may waive the fee if full
15 restitution is complied with. Subject to appropriation, all
16 moneys in the Roadside Memorial Fund shall be used by the
17 Department of Transportation to pay fees imposed under
18 subsection (f) of Section 20 of the Roadside Memorial Act. The
19 fee shall be remitted by the circuit clerk within one month
20 after receipt to the State Treasurer for deposit into the
21 Roadside Memorial Fund.

22 (m) Of the amounts collected as fines under subsection (c)
23 of Section 411.4 of the Illinois Controlled Substances Act or
24 subsection (c) of Section 90 of the Methamphetamine Control and
25 Community Protection Act, 99% shall be deposited to the law
26 enforcement agency or fund specified and 1% shall be deposited

1 into the Circuit Court Clerk Operation and Administrative Fund
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

6 (n) In addition to any other fines and court costs assessed
7 by the courts, any person who is convicted of or pleads guilty
8 to a violation of the Criminal Code of 1961 or the Criminal
9 Code of 2012, or a similar provision of a local ordinance, or
10 who is convicted of, pleads guilty to, or receives a
11 disposition of court supervision for a violation of the
12 Illinois Vehicle Code, or a similar provision of a local
13 ordinance, shall pay an additional fee of \$15 to the clerk of
14 the circuit court. This additional fee of \$15 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing.
17 This amount, less 2.5% that shall be used to defray
18 administrative costs incurred by the clerk, shall be remitted
19 by the clerk to the State Treasurer within 60 days after
20 receipt for deposit into the State Police Merit Board Public
21 Safety Fund.

22 (o) The amounts collected as fines under Sections 10-9,
23 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
24 be collected by the circuit clerk and distributed as provided
25 under Section 5-9-1.21 of the Unified Code of Corrections in
26 lieu of any disbursement under subsection (a) of this Section.

1 (p) In addition to any other fees and penalties imposed,
2 any person who is convicted of or pleads guilty to a violation
3 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
4 shall pay an additional fee of \$250 to the clerk of the circuit
5 court. This additional fee of \$250 shall not be considered a
6 part of the fine for purposes of any reduction in the fine for
7 time served either before or after sentencing. This amount,
8 less 2.5% that shall be used to defray administrative costs
9 incurred by the clerk, shall be remitted by the clerk to the
10 Department of Insurance within 60 days after receipt for
11 deposit into the George Bailey Memorial Fund.

12 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
13 99-78, eff. 7-20-15; 99-455, eff. 1-1-16. Repealed by P.A.
14 100-987, eff. 7-1-19.)

15 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
16 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
17 98-658, 98-1013, 99-78, and 99-455)

18 (Section scheduled to be repealed on July 1, 2019)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, ~~bail balances assessed or forfeited,~~ and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the fine imposed by Section
23 5-9-1.15 of the Unified Code of Corrections, the additional fee
24 required by subsections (b) and (c), restitution under Section
25 5-5-6 of the Unified Code of Corrections, contributions to a

1 local anti-crime program ordered pursuant to Section
2 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
3 Corrections, reimbursement for the costs of an emergency
4 response as provided under Section 11-501 of the Illinois
5 Vehicle Code, any fees collected for attending a traffic safety
6 program under paragraph (c) of Supreme Court Rule 529, any fee
7 collected on behalf of a State's Attorney under Section 4-2002
8 of the Counties Code or a sheriff under Section 4-5001 of the
9 Counties Code, or any cost imposed under Section 124A-5 of the
10 Code of Criminal Procedure of 1963, for convictions, orders of
11 supervision, or any other disposition for a violation of
12 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
13 similar provision of a local ordinance, and any violation of
14 the Child Passenger Protection Act, or a similar provision of a
15 local ordinance, and except as otherwise provided in this
16 Section shall be disbursed within 60 days after receipt by the
17 circuit clerk as follows: 44.5% shall be disbursed to the
18 entity authorized by law to receive the fine imposed in the
19 case; 16.825% shall be disbursed to the State Treasurer; and
20 38.675% shall be disbursed to the county's general corporate
21 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
22 shall be deposited by the State Treasurer into the Violent
23 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
24 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
25 be deposited into the Drivers Education Fund, and 6.948/17
26 shall be deposited into the Trauma Center Fund. Of the 6.948/17

1 deposited into the Trauma Center Fund from the 16.825%
2 disbursed to the State Treasurer, 50% shall be disbursed to the
3 Department of Public Health and 50% shall be disbursed to the
4 Department of Healthcare and Family Services. For fiscal year
5 1993, amounts deposited into the Violent Crime Victims
6 Assistance Fund, the Traffic and Criminal Conviction Surcharge
7 Fund, or the Drivers Education Fund shall not exceed 110% of
8 the amounts deposited into those funds in fiscal year 1991. Any
9 amount that exceeds the 110% limit shall be distributed as
10 follows: 50% shall be disbursed to the county's general
11 corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, Section 16-104c of the Illinois Vehicle
24 Code, and subsection (a) of Section 5-1101 of the Counties
25 Code, unless those amounts are specifically waived by the
26 judge. With respect to money collected by the circuit clerk as

1 a result of ~~forfeiture of bail~~, ex parte judgment or guilty
2 plea pursuant to Supreme Court Rule 529, the circuit clerk
3 shall first deduct and pay amounts required by Sections 27.3a
4 and 27.3c of this Act. Unless a court ordered payment schedule
5 is implemented or fee requirements are waived pursuant to court
6 order, the clerk of the court may add to any unpaid fees and
7 costs a delinquency amount equal to 5% of the unpaid fees that
8 remain unpaid after 30 days, 10% of the unpaid fees that remain
9 unpaid after 60 days, and 15% of the unpaid fees that remain
10 unpaid after 90 days. Notice to those parties may be made by
11 signage posting or publication. The additional delinquency
12 amounts collected under this Section shall be deposited in the
13 Circuit Court Clerk Operation and Administrative Fund to be
14 used to defray administrative costs incurred by the circuit
15 clerk in performing the duties required to collect and disburse
16 funds. This Section is a denial and limitation of home rule
17 powers and functions under subsection (h) of Section 6 of
18 Article VII of the Illinois Constitution.

19 (b) In addition to any other fines and court costs assessed
20 by the courts, any person convicted or receiving an order of
21 supervision for driving under the influence of alcohol or drugs
22 shall pay an additional fee of \$100 to the clerk of the circuit
23 court. This amount, less 2 1/2% that shall be used to defray
24 administrative costs incurred by the clerk, shall be remitted
25 by the clerk to the Treasurer within 60 days after receipt for
26 deposit into the Trauma Center Fund. This additional fee of

1 \$100 shall not be considered a part of the fine for purposes of
2 any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection during
6 the preceding calendar year.

7 (b-1) In addition to any other fines and court costs
8 assessed by the courts, any person convicted or receiving an
9 order of supervision for driving under the influence of alcohol
10 or drugs shall pay an additional fee of \$5 to the clerk of the
11 circuit court. This amount, less 2 1/2% that shall be used to
12 defray administrative costs incurred by the clerk, shall be
13 remitted by the clerk to the Treasurer within 60 days after
14 receipt for deposit into the Spinal Cord Injury Paralysis Cure
15 Research Trust Fund. This additional fee of \$5 shall not be
16 considered a part of the fine for purposes of any reduction in
17 the fine for time served either before or after sentencing. Not
18 later than March 1 of each year the Circuit Clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this subsection during the preceding calendar year.

21 (c) In addition to any other fines and court costs assessed
22 by the courts, any person convicted for a violation of Sections
23 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 or a person sentenced for a violation of
25 the Cannabis Control Act, the Illinois Controlled Substances
26 Act, or the Methamphetamine Control and Community Protection

1 Act shall pay an additional fee of \$100 to the clerk of the
2 circuit court. This amount, less 2 1/2% that shall be used to
3 defray administrative costs incurred by the clerk, shall be
4 remitted by the clerk to the Treasurer within 60 days after
5 receipt for deposit into the Trauma Center Fund. This
6 additional fee of \$100 shall not be considered a part of the
7 fine for purposes of any reduction in the fine for time served
8 either before or after sentencing. Not later than March 1 of
9 each year the Circuit Clerk shall submit a report of the amount
10 of funds remitted to the State Treasurer under this subsection
11 during the preceding calendar year.

12 (c-1) In addition to any other fines and court costs
13 assessed by the courts, any person sentenced for a violation of
14 the Cannabis Control Act, the Illinois Controlled Substances
15 Act, or the Methamphetamine Control and Community Protection
16 Act shall pay an additional fee of \$5 to the clerk of the
17 circuit court. This amount, less 2 1/2% that shall be used to
18 defray administrative costs incurred by the clerk, shall be
19 remitted by the clerk to the Treasurer within 60 days after
20 receipt for deposit into the Spinal Cord Injury Paralysis Cure
21 Research Trust Fund. This additional fee of \$5 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

1 (d) The following amounts must be remitted to the State
2 Treasurer for deposit into the Illinois Animal Abuse Fund:

3 (1) 50% of the amounts collected for felony offenses
4 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
5 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
6 Animals Act and Section 26-5 or 48-1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012;

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 or 48-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 (e) Any person who receives a disposition of court
18 supervision for a violation of the Illinois Vehicle Code or a
19 similar provision of a local ordinance shall, in addition to
20 any other fines, fees, and court costs, pay an additional fee
21 of \$29, to be disbursed as provided in Section 16-104c of the
22 Illinois Vehicle Code. In addition to the fee of \$29, the
23 person shall also pay a fee of \$6, if not waived by the court.
24 If this \$6 fee is collected, \$5.50 of the fee shall be
25 deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

3 (f) This Section does not apply to the additional child
4 pornography fines assessed and collected under Section
5 5-9-1.14 of the Unified Code of Corrections.

6 (g) Any person convicted of or pleading guilty to a serious
7 traffic violation, as defined in Section 1-187.001 of the
8 Illinois Vehicle Code, shall pay an additional fee of \$35, to
9 be disbursed as provided in Section 16-104d of that Code. This
10 subsection (g) becomes inoperative on January 1, 2020.

11 (h) In all counties having a population of 3,000,000 or
12 more inhabitants,

13 (1) A person who is found guilty of or pleads guilty to
14 violating subsection (a) of Section 11-501 of the Illinois
15 Vehicle Code, including any person placed on court
16 supervision for violating subsection (a), shall be fined
17 \$750 as provided for by subsection (f) of Section 11-501.01
18 of the Illinois Vehicle Code, payable to the circuit clerk,
19 who shall distribute the money pursuant to subsection (f)
20 of Section 11-501.01 of the Illinois Vehicle Code.

21 (2) When a crime laboratory DUI analysis fee of \$150,
22 provided for by Section 5-9-1.9 of the Unified Code of
23 Corrections is assessed, it shall be disbursed by the
24 circuit clerk as provided by subsection (f) of Section
25 5-9-1.9 of the Unified Code of Corrections.

26 (3) When a fine for a violation of Section 11-605.1 of

1 the Illinois Vehicle Code is \$250 or greater, the person
2 who violated that Section shall be charged an additional
3 \$125 as provided for by subsection (e) of Section 11-605.1
4 of the Illinois Vehicle Code, which shall be disbursed by
5 the circuit clerk to a State or county Transportation
6 Safety Highway Hire-back Fund as provided by subsection (e)
7 of Section 11-605.1 of the Illinois Vehicle Code.

8 (4) When a fine for a violation of subsection (a) of
9 Section 11-605 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (f) of Section 11-605 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (f) of Section 11-605.

15 (5) When a fine for a violation of subsection (a) of
16 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
17 greater, the additional \$50 which is charged as provided
18 for by subsection (c) of Section 11-1002.5 of the Illinois
19 Vehicle Code shall be disbursed by the circuit clerk to a
20 school district or districts for school safety purposes as
21 provided by subsection (c) of Section 11-1002.5 of the
22 Illinois Vehicle Code.

23 (6) When a mandatory drug court fee of up to \$5 is
24 assessed as provided in subsection (f) of Section 5-1101 of
25 the Counties Code, it shall be disbursed by the circuit
26 clerk as provided in subsection (f) of Section 5-1101 of

1 the Counties Code.

2 (7) When a mandatory teen court, peer jury, youth
3 court, or other youth diversion program fee is assessed as
4 provided in subsection (e) of Section 5-1101 of the
5 Counties Code, it shall be disbursed by the circuit clerk
6 as provided in subsection (e) of Section 5-1101 of the
7 Counties Code.

8 (8) When a Children's Advocacy Center fee is assessed
9 pursuant to subsection (f-5) of Section 5-1101 of the
10 Counties Code, it shall be disbursed by the circuit clerk
11 as provided in subsection (f-5) of Section 5-1101 of the
12 Counties Code.

13 (9) When a victim impact panel fee is assessed pursuant
14 to subsection (b) of Section 11-501.01 of the Vehicle Code,
15 it shall be disbursed by the circuit clerk to the victim
16 impact panel to be attended by the defendant.

17 (10) When a new fee collected in traffic cases is
18 enacted after the effective date of this subsection (h), it
19 shall be excluded from the percentage disbursement
20 provisions of this Section unless otherwise indicated by
21 law.

22 (i) Of the amounts collected as fines under subsection (b)
23 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
24 deposited into the Illinois Military Family Relief Fund and 1%
25 shall be deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 to be used to offset the costs incurred by the Circuit Court
2 Clerk in performing the additional duties required to collect
3 and disburse funds to entities of State and local government as
4 provided by law.

5 (j) (Blank).

6 (k) For any conviction or disposition of court supervision
7 for a violation of Section 11-1429 of the Illinois Vehicle
8 Code, the circuit clerk shall distribute the fines paid by the
9 person as specified by subsection (h) of Section 11-1429 of the
10 Illinois Vehicle Code.

11 (l) Any person who receives a disposition of court
12 supervision for a violation of Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance shall,
14 in addition to any other fines, fees, and court costs, pay an
15 additional fee of \$50, which shall be collected by the circuit
16 clerk and then remitted to the State Treasurer for deposit into
17 the Roadside Memorial Fund, a special fund in the State
18 treasury. However, the court may waive the fee if full
19 restitution is complied with. Subject to appropriation, all
20 moneys in the Roadside Memorial Fund shall be used by the
21 Department of Transportation to pay fees imposed under
22 subsection (f) of Section 20 of the Roadside Memorial Act. The
23 fee shall be remitted by the circuit clerk within one month
24 after receipt to the State Treasurer for deposit into the
25 Roadside Memorial Fund.

26 (m) Of the amounts collected as fines under subsection (c)

1 of Section 411.4 of the Illinois Controlled Substances Act or
2 subsection (c) of Section 90 of the Methamphetamine Control and
3 Community Protection Act, 99% shall be deposited to the law
4 enforcement agency or fund specified and 1% shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
6 to be used to offset the costs incurred by the Circuit Court
7 Clerk in performing the additional duties required to collect
8 and disburse funds to entities of State and local government as
9 provided by law.

10 (n) In addition to any other fines and court costs assessed
11 by the courts, any person who is convicted of or pleads guilty
12 to a violation of the Criminal Code of 1961 or the Criminal
13 Code of 2012, or a similar provision of a local ordinance, or
14 who is convicted of, pleads guilty to, or receives a
15 disposition of court supervision for a violation of the
16 Illinois Vehicle Code, or a similar provision of a local
17 ordinance, shall pay an additional fee of \$15 to the clerk of
18 the circuit court. This additional fee of \$15 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing.
21 This amount, less 2.5% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the State Treasurer within 60 days after
24 receipt for deposit into the State Police Merit Board Public
25 Safety Fund.

26 (o) The amounts collected as fines under Sections 10-9,

1 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
2 be collected by the circuit clerk and distributed as provided
3 under Section 5-9-1.21 of the Unified Code of Corrections in
4 lieu of any disbursement under subsection (a) of this Section.

5 (p) In addition to any other fees and penalties imposed,
6 any person who is convicted of or pleads guilty to a violation
7 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
8 shall pay an additional fee of \$250 to the clerk of the circuit
9 court. This additional fee of \$250 shall not be considered a
10 part of the fine for purposes of any reduction in the fine for
11 time served either before or after sentencing. This amount,
12 less 2.5% that shall be used to defray administrative costs
13 incurred by the clerk, shall be remitted by the clerk to the
14 Department of Insurance within 60 days after receipt for
15 deposit into the George Bailey Memorial Fund.

16 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
17 99-78, eff. 7-20-15; 99-455, eff. 1-1-16. Repealed by P.A.
18 100-987, eff. 7-1-19.)

19 Section 15. The Criminal Code of 2012 is amended by
20 changing Section 32-10 as follows:

21 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

22 Sec. 32-10. Violation of release ~~bail bond~~.

23 (a) Whoever, having been released ~~admitted to bail for~~
24 ~~appearance~~ before any court of this State, incurs a forfeiture

1 of release ~~the bail~~ and knowingly fails to surrender himself or
2 herself within 30 days following the date of the forfeiture,
3 commits, if release ~~the bail~~ was given in connection with a
4 charge of felony or pending appeal or certiorari after
5 conviction of any offense, a felony of the next lower Class or
6 a Class A misdemeanor if the underlying offense was a Class 4
7 felony; or, if release ~~the bail~~ was given in connection with a
8 charge of committing a misdemeanor, or for appearance as a
9 witness, commits a misdemeanor of the next lower Class, but not
10 less than a Class C misdemeanor.

11 (a-5) Any person who knowingly violates a condition of
12 release ~~bail bond~~ by possessing a firearm in violation of his
13 or her conditions of release ~~bail~~ commits a Class 4 felony for
14 a first violation and a Class 3 felony for a second or
15 subsequent violation.

16 (b) Whoever, having been released ~~admitted to bail for~~
17 ~~appearance~~ before any court of this State, while charged with a
18 criminal offense in which the victim is a family or household
19 member as defined in Article 112A of the Code of Criminal
20 Procedure of 1963, knowingly violates a condition of that
21 release as set forth in Section 110-10, subsection (d) of the
22 Code of Criminal Procedure of 1963, commits a Class A
23 misdemeanor.

24 (c) Whoever, having been released ~~admitted to bail for~~
25 ~~appearance~~ before any court of this State for a felony, Class A
26 misdemeanor or a criminal offense in which the victim is a

1 family or household member as defined in Article 112A of the
2 Code of Criminal Procedure of 1963, is charged with any other
3 felony, Class A misdemeanor, or a criminal offense in which the
4 victim is a family or household member as defined in Article
5 112A of the Code of Criminal Procedure of 1963 while on this
6 release, must appear before the court before release ~~bail~~ is
7 statutorily set.

8 (d) Nothing in this Section shall interfere with or prevent
9 the exercise by any court of its power to punishment for
10 contempt. Any sentence imposed for violation of this Section
11 shall be served consecutive to the sentence imposed for the
12 charge for which release ~~bail~~ had been granted and with respect
13 to which the defendant has been convicted.

14 (Source: P.A. 97-1108, eff. 1-1-13.)

15 Section 20. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 103-5, 103-7, 104-17, 106D-1,
17 107-4, 109-1, 109-2, 110-1, 110-2, 110-3, 110-4, 110-5,
18 110-5.1, 110-6, 110-6.1, 110-6.2, 110-6.3, 110-6.5, 110-7,
19 110-9, 110-10, 110-11, 110-12, 110-16, 110-18, 112A-23, and
20 115-4.1 and by adding Section 110-1.5 as follows:

21 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

22 Sec. 103-5. Speedy trial.➤

23 (a) Every person in custody in this State for an alleged
24 offense shall be tried by the court having jurisdiction within

1 120 days from the date he or she was taken into custody unless
2 delay is occasioned by the defendant, by an examination for
3 fitness ordered pursuant to Section 104-13 of this Act, by a
4 fitness hearing, by an adjudication of unfitness to stand
5 trial, by a continuance allowed pursuant to Section 114-4 of
6 this Act after a court's determination of the defendant's
7 physical incapacity for trial, or by an interlocutory appeal.
8 Delay shall be considered to be agreed to by the defendant
9 unless he or she objects to the delay by making a written
10 demand for trial or an oral demand for trial on the record. The
11 provisions of this subsection (a) do not apply to a person on
12 release ~~bail~~ or recognizance for an offense but who is in
13 custody for a violation of his or her parole, aftercare
14 release, or mandatory supervised release for another offense.

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

20 (b) Every person on release ~~bail~~ or recognizance shall be
21 tried by the court having jurisdiction within 160 days from the
22 date defendant demands trial unless delay is occasioned by the
23 defendant, by an examination for fitness ordered pursuant to
24 Section 104-13 of this Act, by a fitness hearing, by an
25 adjudication of unfitness to stand trial, by a continuance
26 allowed pursuant to Section 114-4 of this Act after a court's

1 determination of the defendant's physical incapacity for
2 trial, or by an interlocutory appeal. The defendant's failure
3 to appear for any court date set by the court operates to waive
4 the defendant's demand for trial made under this subsection.

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

15 (c) If the court determines that the State has exercised
16 without success due diligence to obtain evidence material to
17 the case and that there are reasonable grounds to believe that
18 such evidence may be obtained at a later day the court may
19 continue the cause on application of the State for not more
20 than an additional 60 days. If the court determines that the
21 State has exercised without success due diligence to obtain
22 results of DNA testing that is material to the case and that
23 there are reasonable grounds to believe that such results may
24 be obtained at a later day, the court may continue the cause on
25 application of the State for not more than an additional 120
26 days.

1 (d) Every person not tried in accordance with subsections
2 (a), (b) and (c) of this Section shall be discharged from
3 custody or released from the obligations of his or her release
4 ~~bail~~ or recognizance.

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

1 ordered pursuant to Section 104-13 of this Act, by a fitness
2 hearing, by an adjudication of unfitness for trial, by a
3 continuance allowed pursuant to Section 114-4 of this Act after
4 a court's determination of the defendant's physical incapacity
5 for trial, or by an interlocutory appeal; provided, however,
6 that if the court determines that the State has exercised
7 without success due diligence to obtain evidence material to
8 the case and that there are reasonable grounds to believe that
9 such evidence may be obtained at a later day the court may
10 continue the cause on application of the State for not more
11 than an additional 60 days.

12 (f) Delay occasioned by the defendant shall temporarily
13 suspend for the time of the delay the period within which a
14 person shall be tried as prescribed by subsections (a), (b), or
15 (e) of this Section and on the day of expiration of the delay
16 the said period shall continue at the point at which it was
17 suspended. Where such delay occurs within 21 days of the end of
18 the period within which a person shall be tried as prescribed
19 by subsections (a), (b), or (e) of this Section, the court may
20 continue the cause on application of the State for not more
21 than an additional 21 days beyond the period prescribed by
22 subsections (a), (b), or (e). This subsection (f) shall become
23 effective on, and apply to persons charged with alleged
24 offenses committed on or after, March 1, 1977.

25 (Source: P.A. 98-558, eff. 1-1-14.)

1 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

2 Sec. 103-7. Posting notice of rights.

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

22 (Source: Laws 1965, p. 2622.)

23 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

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

25 (a) If the defendant is eligible to be or has been released

1 on conditions or ~~on bail or~~ on his or her own recognizance, the

2 court shall select the least physically restrictive form of

3 treatment therapeutically appropriate and consistent with the

4 treatment plan. The placement may be ordered either on an

5 inpatient or an outpatient basis.

6 (b) If the defendant's disability is mental, the court may

7 order him or her placed for treatment in the custody of the

8 Department of Human Services, or the court may order him or her

9 placed in the custody of any other appropriate public or

10 private mental health facility or treatment program which has

11 agreed to provide treatment to the defendant. If the court

12 orders the defendant placed in the custody of the Department of

13 Human Services, the Department shall evaluate the defendant to

14 determine to which secure facility the defendant shall be

15 transported and, within 20 days of the transmittal by the clerk

16 of the circuit court of the placement court order, notify the

17 sheriff of the designated facility. Upon receipt of that

18 notice, the sheriff shall promptly transport the defendant to

19 the designated facility. If the defendant is placed in the

20 custody of the Department of Human Services, the defendant

21 shall be placed in a secure setting. During the period of time

22 required to determine the appropriate placement the defendant

23 shall remain in jail. If during the course of evaluating the

24 defendant for placement, the Department of Human Services

25 determines that the defendant is currently fit to stand trial,

26 it shall immediately notify the court and shall submit a

1 written report within 7 days. In that circumstance the
2 placement shall be held pending a court hearing on the
3 Department's report. Otherwise, upon completion of the
4 placement process, the sheriff shall be notified and shall
5 transport the defendant to the designated facility. If, within
6 20 days of the transmittal by the clerk of the circuit court of
7 the placement court order, the Department fails to notify the
8 sheriff of the identity of the facility to which the defendant
9 shall be transported, the sheriff shall contact a designated
10 person within the Department to inquire about when a placement
11 will become available at the designated facility and bed
12 availability at other facilities. If, within 20 days of the
13 transmittal by the clerk of the circuit court of the placement
14 court order, the Department fails to notify the sheriff of the
15 identity of the facility to which the defendant shall be
16 transported, the sheriff shall notify the Department of its
17 intent to transfer the defendant to the nearest secure mental
18 health facility operated by the Department and inquire as to
19 the status of the placement evaluation and availability for
20 admission to such facility operated by the Department by
21 contacting a designated person within the Department. The
22 Department shall respond to the sheriff within 2 business days
23 of the notice and inquiry by the sheriff seeking the transfer
24 and the Department shall provide the sheriff with the status of
25 the evaluation, information on bed and placement availability,
26 and an estimated date of admission for the defendant and any

1 changes to that estimated date of admission. If the Department
2 notifies the sheriff during the 2 business day period of a
3 facility operated by the Department with placement
4 availability, the sheriff shall promptly transport the
5 defendant to that facility. The placement may be ordered either
6 on an inpatient or an outpatient basis.

7 (c) If the defendant's disability is physical, the court
8 may order him placed under the supervision of the Department of
9 Human Services which shall place and maintain the defendant in
10 a suitable treatment facility or program, or the court may
11 order him placed in an appropriate public or private facility
12 or treatment program which has agreed to provide treatment to
13 the defendant. The placement may be ordered either on an
14 inpatient or an outpatient basis.

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

19 (1) a certified copy of the order to undergo treatment.
20 Accompanying the certified copy of the order to undergo
21 treatment shall be the complete copy of any report prepared
22 under Section 104-15 of this Code or other report prepared
23 by a forensic examiner for the court;

24 (2) the county and municipality in which the offense
25 was committed;

26 (3) the county and municipality in which the arrest

1 took place;

2 (4) a copy of the arrest report, criminal charges,
3 arrest record; and

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

6 (e) Within 30 days of entry of an order to undergo
7 treatment, the person supervising the defendant's treatment
8 shall file with the court, the State, and the defense a report
9 assessing the facility's or program's capacity to provide
10 appropriate treatment for the defendant and indicating his
11 opinion as to the probability of the defendant's attaining
12 fitness within a period of time from the date of the finding of
13 unfitness. For a defendant charged with a felony, the period of
14 time shall be one year. For a defendant charged with a
15 misdemeanor, the period of time shall be no longer than the
16 sentence if convicted of the most serious offense. If the
17 report indicates that there is a substantial probability that
18 the defendant will attain fitness within the time period, the
19 treatment supervisor shall also file a treatment plan which
20 shall include:

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

22 (2) A description of treatment goals with respect to
23 rendering the defendant fit, a specification of the
24 proposed treatment modalities, and an estimated timetable
25 for attainment of the goals;

26 (3) An identification of the person in charge of

1 supervising the defendant's treatment.

2 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)

3 (725 ILCS 5/106D-1)

4 Sec. 106D-1. Defendant's appearance by closed circuit
5 television and video conference.

6 (a) Whenever the appearance in person in court, in either a
7 civil or criminal proceeding, is required of anyone held in a
8 place of custody or confinement operated by the State or any of
9 its political subdivisions, including counties and
10 municipalities, the chief judge of the circuit by rule may
11 permit the personal appearance to be made by means of two-way
12 audio-visual communication, including closed circuit
13 television and computerized video conference, in the following
14 proceedings:

15 (1) the initial appearance before a judge on a criminal
16 complaint, at which release ~~bail~~ will be set;

17 (2) the waiver of a preliminary hearing;

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

20 (4) the presentation of a jury waiver;

21 (5) any status hearing;

22 (6) any hearing conducted under the Sexually Violent
23 Persons Commitment Act at which no witness testimony will
24 be taken; and

25 (7) at any hearing conducted under the Sexually Violent

1 Persons Commitment Act at which no witness testimony will
2 be taken.

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

8 (c) Nothing in this Section shall be construed to prohibit
9 other court appearances through the use of two-way audio-visual
10 communication, upon waiver of any right the person in custody
11 or confinement may have to be present physically.

12 (d) Nothing in this Section shall be construed to establish
13 a right of any person held in custody or confinement to appear
14 in court through two-way audio-visual communication or to
15 require that any governmental entity, or place of custody or
16 confinement, provide two-way audio-visual communication.

17 (Source: P.A. 95-263, eff. 8-17-07.)

18 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

19 Sec. 107-4. Arrest by peace officer from other
20 jurisdiction.

21 (a) As used in this Section:

22 (1) "State" means any State of the United States and
23 the District of Columbia.

24 (2) "Peace Officer" means any peace officer or member
25 of any duly organized State, County, or Municipal peace

1 unit, any police force of another State, the United States
2 Department of Defense, or any police force whose members,
3 by statute, are granted and authorized to exercise powers
4 similar to those conferred upon any peace officer employed
5 by a law enforcement agency of this State.

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

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

10 (a-3) Any peace officer employed by a law enforcement
11 agency of this State may conduct temporary questioning pursuant
12 to Section 107-14 of this Code and may make arrests in any
13 jurisdiction within this State: (1) if the officer is engaged
14 in the investigation of criminal activity that occurred in the
15 officer's primary jurisdiction and the temporary questioning
16 or arrest relates to, arises from, or is conducted pursuant to
17 that investigation; or (2) if the officer, while on duty as a
18 peace officer, becomes personally aware of the immediate
19 commission of a felony or misdemeanor violation of the laws of
20 this State; or (3) if the officer, while on duty as a peace
21 officer, is requested by an appropriate State or local law
22 enforcement official to render aid or assistance to the
23 requesting law enforcement agency that is outside the officer's
24 primary jurisdiction; or (4) in accordance with Section
25 2605-580 of the Department of State Police Law of the Civil
26 Administrative Code of Illinois. While acting pursuant to this

1 subsection, an officer has the same authority as within his or
2 her own jurisdiction.

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

6 (b) Any peace officer of another State who enters this
7 State in fresh pursuit and continues within this State in fresh
8 pursuit of a person in order to arrest him on the ground that
9 he has committed an offense in the other State has the same
10 authority to arrest and hold the person in custody as peace
11 officers of this State have to arrest and hold a person in
12 custody on the ground that he has committed an offense in this
13 State.

14 (c) If an arrest is made in this State by a peace officer
15 of another State in accordance with the provisions of this
16 Section he shall without unnecessary delay take the person
17 arrested before the circuit court of the county in which the
18 arrest was made. Such court shall conduct a hearing for the
19 purpose of determining the lawfulness of the arrest. If the
20 court determines that the arrest was lawful it shall commit the
21 person arrested, to await for a reasonable time the issuance of
22 an extradition warrant by the Governor of this State, or
23 release the person with conditions with that ~~admit him to bail~~
24 ~~for such~~ purpose. If the court determines that the arrest was
25 unlawful it shall discharge the person arrested.

26 (Source: P.A. 98-576, eff. 1-1-14.)

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

2 Sec. 109-1. Person arrested.

3 (a) A person arrested with or without a warrant shall be
4 taken without unnecessary delay before the nearest and most
5 accessible judge in that county, except when such county is a
6 participant in a regional jail authority, in which event such
7 person may be taken to the nearest and most accessible judge,
8 irrespective of the county where such judge presides, and a
9 charge shall be filed. Whenever a person arrested either with
10 or without a warrant is required to be taken before a judge, a
11 charge may be filed against such person by way of a two-way
12 closed circuit television system, except that a hearing to deny
13 release ~~bail~~ to the defendant may not be conducted by way of
14 closed circuit television.

15 (a-5) A person charged with an offense shall be allowed
16 counsel at the hearing at which bail is determined under
17 Article 110 of this Code. If the defendant desires counsel for
18 his or her initial appearance but is unable to obtain counsel,
19 the court shall appoint a public defender or licensed attorney
20 at law of this State to represent him or her for purposes of
21 that hearing.

22 (b) The judge shall:

23 (1) Inform the defendant of the charge against him and
24 shall provide him with a copy of the charge;

25 (2) Advise the defendant of his right to counsel and if

1 indigent shall appoint a public defender or licensed
2 attorney at law of this State to represent him in
3 accordance with the provisions of Section 113-3 of this
4 Code;

5 (3) Schedule a preliminary hearing in appropriate
6 cases;

7 (4) Admit the defendant to release ~~bail~~ in accordance
8 with the provisions of Article 110 of this Code; and

9 (5) Order the confiscation of the person's passport or
10 impose travel restrictions on a defendant arrested for
11 first degree murder or other violent crime as defined in
12 Section 3 of the Rights of Crime Victims and Witnesses Act,
13 if the judge determines, based on the factors in Section
14 110-5 of this Code, that this will reasonably ensure the
15 appearance of the defendant and compliance by the defendant
16 with all conditions of release.

17 (c) The court may issue an order of protection in
18 accordance with the provisions of Article 112A of this Code.

19 (d) At the initial appearance of a defendant in any
20 criminal proceeding, the court must advise the defendant in
21 open court that any foreign national who is arrested or
22 detained has the right to have notice of the arrest or
23 detention given to his or her country's consular
24 representatives and the right to communicate with those
25 consular representatives if the notice has not already been
26 provided. The court must make a written record of so advising

1 the defendant.

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

12 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
13 eff. 1-1-18.)

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

15 Sec. 109-2. Person arrested in another county. (a) Any
16 person arrested in a county other than the one in which a
17 warrant for his or her arrest was issued shall be taken without
18 unnecessary delay before the nearest and most accessible judge
19 in the county where the arrest was made or, if no additional
20 delay is created, before the nearest and most accessible judge
21 in the county from which the warrant was issued. He or she
22 shall be released ~~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 or her appearing in the court issuing the warrant on a certain

1 date. The judge may hold a hearing to determine if the
2 defendant is 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 agency
8 shall surrender such person to a law enforcement agency of the
9 county that issued the warrant without unnecessary delay. The
10 provisions of Section 109-1 shall then apply to the person so
11 arrested.

12 (Source: P.A. 86-298.)

13 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

14 Sec. 110-1. Definitions.

15 (a) (Blank). ~~"Security" is that which is required to be~~
16 ~~pledged to insure the payment of bail.~~

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

22 (c) The phrase "for which a sentence of imprisonment,
23 without conditional and revocable release, shall be imposed by
24 law as a consequence of conviction" means an offense for which
25 a sentence of imprisonment, without probation, periodic

1 imprisonment or conditional discharge, is required by law upon
2 conviction.

3 (d) "Real and present threat to the physical safety of any
4 person or persons", as used in this Article, includes a threat
5 to the community, person, persons or class of persons.

6 (Source: P.A. 85-892.)

7 (725 ILCS 5/110-1.5 new)

8 Sec. 110-1.5. Abolishment of monetary bail. Under this
9 amendatory Act of the 101st General Assembly, the requirement
10 of posting monetary bail is abolished, except as provided in
11 the Uniform Extradition Act which is a compact that has been
12 entered into between this State and its sister states.

13 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

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

1 public record with the clerk of the court. A failure to appear
2 as required by such recognizance shall constitute an offense
3 subject to the penalty provided in Section 32-10 of the
4 Criminal Code of 2012 for violation of release ~~the bail bond~~,
5 and any obligated sum fixed in the recognizance shall be
6 forfeited and collected in accordance with subsection (g) of
7 Section 110-7 of this Code.

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

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

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

23 Sec. 110-3. Issuance of warrant. Upon failure to comply
24 with any condition of release ~~a bail bond~~ or recognizance the
25 court having jurisdiction at the time of such failure may, in

1 addition to any other action provided by law, issue a warrant
2 for the arrest of the person at liberty on release ~~bail~~ or his
3 or her own recognizance. The contents of such a warrant shall
4 be the same as required for an arrest warrant issued upon
5 complaint. When a defendant is at liberty on release ~~bail~~ or
6 his or her own recognizance on a felony charge and fails to
7 appear in court as directed, the court shall issue a warrant
8 for the arrest of such person. Such warrant shall be noted with
9 a directive to peace officers to arrest the person and hold
10 such person without release ~~bail~~ and to deliver such person
11 before the court for further proceedings. A defendant who is
12 arrested or surrenders within 30 days of the issuance of such
13 warrant shall not be released ~~bailable~~ in the case in question
14 unless he or she shows by the preponderance of the evidence
15 that his or her failure to appear was not intentional.

16 (Source: P.A. 86-298; 86-984; 86-1028.)

17 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

18 Sec. 110-4. ~~Bailable~~ Offenses where release may be denied.

19 (a) All persons shall be subject to release ~~bailable~~ before
20 conviction, except the following offenses where the proof is
21 evident or the presumption great that the defendant is guilty
22 of the offense: capital offenses; offenses for which a sentence
23 of life imprisonment may be imposed as a consequence of
24 conviction; felony offenses for which a sentence of
25 imprisonment, without conditional and revocable release, shall

1 be imposed by law as a consequence of conviction, where the
2 court after a hearing, determines that the release of the
3 defendant would pose a real and present threat to the physical
4 safety of any person or persons; stalking or aggravated
5 stalking, where the court, after a hearing, determines that the
6 release of the defendant would pose a real and present threat
7 to the physical safety of the alleged victim of the offense and
8 denial of release bail is necessary to prevent fulfillment of
9 the threat upon which the charge is based; or unlawful use of
10 weapons in violation of item (4) of subsection (a) of Section
11 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012
12 when that offense occurred in a school or in any conveyance
13 owned, leased, or contracted by a school to transport students
14 to or from school or a school-related activity, or on any
15 public way within 1,000 feet of real property comprising any
16 school, where the court, after a hearing, determines that the
17 release of the defendant would pose a real and present threat
18 to the physical safety of any person and denial of release bail
19 is necessary to prevent fulfillment of that threat; or making a
20 terrorist threat in violation of Section 29D-20 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 or an attempt to
22 commit the offense of making a terrorist threat, where the
23 court, after a hearing, determines that the release of the
24 defendant would pose a real and present threat to the physical
25 safety of any person and denial of release bail is necessary to
26 prevent fulfillment of that threat.

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

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

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

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

18 Sec. 110-5. Determining the ~~amount of bail and~~ conditions
19 of release.

20 (a) In determining whether to release a defendant ~~the~~
21 ~~amount of monetary bail or conditions of release, if any, which~~
22 ~~will reasonably assure the appearance of a defendant as~~
23 ~~required or the safety of any other person or the community and~~
24 ~~the likelihood of compliance by the defendant with all the~~
25 ~~conditions of bail,~~ the court shall, on the basis of available

1 information, take into account such matters as the nature and
2 circumstances of the offense charged, whether the evidence
3 shows that as part of the offense there was a use of violence
4 or threatened use of violence, whether the offense involved
5 corruption of public officials or employees, whether there was
6 physical harm or threats of physical harm to any public
7 official, public employee, judge, prosecutor, juror or
8 witness, senior citizen, child, or person with a disability,
9 whether evidence shows that during the offense or during the
10 arrest the defendant possessed or used a firearm, machine gun,
11 explosive or metal piercing ammunition or explosive bomb device
12 or any military or paramilitary armament, whether the evidence
13 shows that the offense committed was related to or in
14 furtherance of the criminal activities of an organized gang or
15 was motivated by the defendant's membership in or allegiance to
16 an organized gang, the condition of the victim, any written
17 statement submitted by the victim or proffer or representation
18 by the State regarding the impact which the alleged criminal
19 conduct has had on the victim and the victim's concern, if any,
20 with further contact with the defendant if released ~~on bail~~,
21 whether the offense was based on racial, religious, sexual
22 orientation or ethnic hatred, the likelihood of the filing of a
23 greater charge, the likelihood of conviction, the sentence
24 applicable upon conviction, the weight of the evidence against
25 such defendant, whether there exists motivation or ability to
26 flee, whether there is any verification as to prior residence,

1 education, or family ties in the local jurisdiction, in another
2 county, state or foreign country, the defendant's employment,
3 financial resources, character and mental condition, past
4 conduct, prior use of alias names or dates of birth, and length
5 of residence in the community, the consent of the defendant to
6 periodic drug testing in accordance with Section 110-6.5,
7 whether a foreign national defendant is lawfully admitted in
8 the United States of America, whether the government of the
9 foreign national maintains an extradition treaty with the
10 United States by which the foreign government will extradite to
11 the United States its national for a trial for a crime
12 allegedly committed in the United States, whether the defendant
13 is currently subject to deportation or exclusion under the
14 immigration laws of the United States, whether the defendant,
15 although a United States citizen, is considered under the law
16 of any foreign state a national of that state for the purposes
17 of extradition or non-extradition to the United States, ~~the~~
18 ~~amount of unrecovered proceeds lost as a result of the alleged~~
19 ~~offense, the source of bail funds tendered or sought to be~~
20 ~~tendered for bail, whether from the totality of the court's~~
21 ~~consideration, the loss of funds posted or sought to be posted~~
22 ~~for bail will not deter the defendant from flight,~~ whether the
23 evidence shows that the defendant is engaged in significant
24 possession, manufacture, or delivery of a controlled substance
25 or cannabis, either individually or in consort with others,
26 whether at the time of the offense charged he or she was

1 ~~released on bond or pre-trial release~~ pending trial, probation,
2 periodic imprisonment or conditional discharge pursuant to
3 this Code or the comparable Code of any other state or federal
4 jurisdiction, whether the defendant is released ~~on bond or~~
5 ~~pre-trial release~~ pending the imposition or execution of
6 sentence or appeal of sentence for any offense under the laws
7 of Illinois or any other state or federal jurisdiction, whether
8 the defendant is under parole, aftercare release, mandatory
9 supervised release, or work release from the Illinois
10 Department of Corrections or Illinois Department of Juvenile
11 Justice or any penal institution or corrections department of
12 any state or federal jurisdiction, the defendant's record of
13 convictions, whether the defendant has been convicted of a
14 misdemeanor or ordinance offense in Illinois or similar offense
15 in other state or federal jurisdiction within the 10 years
16 preceding the current charge or convicted of a felony in
17 Illinois, whether the defendant was convicted of an offense in
18 another state or federal jurisdiction that would be a felony if
19 committed in Illinois within the 20 years preceding the current
20 charge or has been convicted of such felony and released from
21 the penitentiary within 20 years preceding the current charge
22 if a penitentiary sentence was imposed in Illinois or other
23 state or federal jurisdiction, the defendant's records of
24 juvenile adjudication of delinquency in any jurisdiction, any
25 record of appearance or failure to appear by the defendant at
26 court proceedings, whether there was flight to avoid arrest or

1 prosecution, whether the defendant escaped or attempted to
2 escape to avoid arrest, whether the defendant refused to
3 identify himself or herself, or whether there was a refusal by
4 the defendant to be fingerprinted as required by law.
5 Information used by the court in its findings or stated in or
6 offered in connection with this Section may be by way of
7 proffer based upon reliable information offered by the State or
8 defendant. All evidence shall be admissible if it is relevant
9 and reliable regardless of whether it would be admissible under
10 the rules of evidence applicable at criminal trials. If the
11 State presents evidence that the offense committed by the
12 defendant was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's membership in or allegiance to an organized gang,
15 and if the court determines that the evidence may be
16 substantiated, the court shall prohibit the defendant from
17 associating with other members of the organized gang as a
18 condition of ~~bail or~~ release. For the purposes of this Section,
19 "organized gang" has the meaning ascribed to it in Section 10
20 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

21 (a-5) There shall be a presumption that any conditions of
22 release imposed shall be non-monetary in nature and the court
23 shall impose the least restrictive conditions or combination of
24 conditions necessary to reasonably assure the appearance of the
25 defendant for further court proceedings and protect the
26 integrity of the judicial proceedings from a specific threat to

1 a witness or participant. Conditions of release may include,
2 but not be limited to, electronic home monitoring, curfews,
3 drug counseling, stay-away orders, and in-person reporting.
4 The court shall consider the defendant's socio-economic
5 circumstance when setting conditions of release or imposing
6 monetary bail.

7 (b) (Blank). ~~The amount of bail shall be:~~

8 ~~(1) Sufficient to assure compliance with the~~
9 ~~conditions set forth in the bail bond, which shall include~~
10 ~~the defendant's current address with a written~~
11 ~~admonishment to the defendant that he or she must comply~~
12 ~~with the provisions of Section 110-12 regarding any change~~
13 ~~in his or her address. The defendant's address shall at all~~
14 ~~times remain a matter of public record with the clerk of~~
15 ~~the court.~~

16 ~~(2) Not oppressive.~~

17 ~~(3) Considerate of the financial ability of the~~
18 ~~accused.~~

19 ~~(4) When a person is charged with a drug related~~
20 ~~offense involving possession or delivery of cannabis or~~
21 ~~possession or delivery of a controlled substance as defined~~
22 ~~in the Cannabis Control Act, the Illinois Controlled~~
23 ~~Substances Act, or the Methamphetamine Control and~~
24 ~~Community Protection Act, the full street value of the~~
25 ~~drugs seized shall be considered. "Street value" shall be~~
26 ~~determined by the court on the basis of a proffer by the~~

1 ~~State based upon reliable information of a law enforcement~~
2 ~~official contained in a written report as to the amount~~
3 ~~seized and such proffer may be used by the court as to the~~
4 ~~current street value of the smallest unit of the drug~~
5 ~~seized.~~

6 (b-5) (Blank). ~~Upon the filing of a written request~~
7 ~~demonstrating reasonable cause, the State's Attorney may~~
8 ~~request a source of bail hearing either before or after the~~
9 ~~posting of any funds. If the hearing is granted, before the~~
10 ~~posting of any bail, the accused must file a written notice~~
11 ~~requesting that the court conduct a source of bail hearing. The~~
12 ~~notice must be accompanied by justifying affidavits stating the~~
13 ~~legitimate and lawful source of funds for bail. At the hearing,~~
14 ~~the court shall inquire into any matters stated in any~~
15 ~~justifying affidavits, and may also inquire into matters~~
16 ~~appropriate to the determination which shall include, but are~~
17 ~~not limited to, the following:~~

18 ~~(1) the background, character, reputation, and~~
19 ~~relationship to the accused of any surety; and~~

20 ~~(2) the source of any money or property deposited by~~
21 ~~any surety, and whether any such money or property~~
22 ~~constitutes the fruits of criminal or unlawful conduct; and~~

23 ~~(3) the source of any money posted as cash bail, and~~
24 ~~whether any such money constitutes the fruits of criminal~~
25 ~~or unlawful conduct; and~~

26 ~~(4) the background, character, reputation, and~~

1 ~~relationship to the accused of the person posting cash~~
2 ~~bail.~~

3 ~~Upon setting the hearing, the court shall examine, under~~
4 ~~oath, any persons who may possess material information.~~

5 ~~The State's Attorney has a right to attend the hearing, to~~
6 ~~call witnesses and to examine any witness in the proceeding.~~
7 ~~The court shall, upon request of the State's Attorney, continue~~
8 ~~the proceedings for a reasonable period to allow the State's~~
9 ~~Attorney to investigate the matter raised in any testimony or~~
10 ~~affidavit. If the hearing is granted after the accused has~~
11 ~~posted bail, the court shall conduct a hearing consistent with~~
12 ~~this subsection (b-5). At the conclusion of the hearing, the~~
13 ~~court must issue an order either approving or disapproving the~~
14 ~~bail.~~

15 (c) (Blank). ~~When a person is charged with an offense~~
16 ~~punishable by fine only the amount of the bail shall not exceed~~
17 ~~double the amount of the maximum penalty.~~

18 (d) (Blank). ~~When a person has been convicted of an offense~~
19 ~~and only a fine has been imposed the amount of the bail shall~~
20 ~~not exceed double the amount of the fine.~~

21 (e) (Blank). ~~The State may appeal any order granting bail~~
22 ~~or setting a given amount for bail.~~

23 (f) (Blank). ~~When a person is charged with a violation of~~
24 ~~an order of protection under Section 12-3.4 or 12-30 of the~~
25 ~~Criminal Code of 1961 or the Criminal Code of 2012 or when a~~
26 ~~person is charged with domestic battery, aggravated domestic~~

1 ~~battery, kidnapping, aggravated kidnaping, unlawful restraint,~~
2 ~~aggravated unlawful restraint, stalking, aggravated stalking,~~
3 ~~cyberstalking, harassment by telephone, harassment through~~
4 ~~electronic communications, or an attempt to commit first degree~~
5 ~~murder committed against an intimate partner regardless~~
6 ~~whether an order of protection has been issued against the~~
7 ~~person,~~

8 ~~(1) whether the alleged incident involved harassment~~
9 ~~or abuse, as defined in the Illinois Domestic Violence Act~~
10 ~~of 1986;~~

11 ~~(2) whether the person has a history of domestic~~
12 ~~violence, as defined in the Illinois Domestic Violence Act,~~
13 ~~or a history of other criminal acts;~~

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

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

17 ~~(5) whether the person has been, or is, potentially a~~
18 ~~threat to any other person;~~

19 ~~(6) whether the person has access to deadly weapons or~~
20 ~~a history of using deadly weapons;~~

21 ~~(7) whether the person has a history of abusing alcohol~~
22 ~~or any controlled substance;~~

23 ~~(8) based on the severity of the alleged incident that~~
24 ~~is the basis of the alleged offense, including, but not~~
25 ~~limited to, the duration of the current incident, and~~
26 ~~whether the alleged incident involved the use of a weapon,~~

1 ~~physical injury, sexual assault, strangulation, abuse~~
2 ~~during the alleged victim's pregnancy, abuse of pets, or~~
3 ~~forcible entry to gain access to the alleged victim;~~

4 ~~(9) whether a separation of the person from the alleged~~
5 ~~victim or a termination of the relationship between the~~
6 ~~person and the alleged victim has recently occurred or is~~
7 ~~pending;~~

8 ~~(10) whether the person has exhibited obsessive or~~
9 ~~controlling behaviors toward the alleged victim,~~
10 ~~including, but not limited to, stalking, surveillance, or~~
11 ~~isolation of the alleged victim or victim's family member~~
12 ~~or members;~~

13 ~~(11) whether the person has expressed suicidal or~~
14 ~~homicidal ideations;~~

15 ~~(12) based on any information contained in the~~
16 ~~complaint and any police reports, affidavits, or other~~
17 ~~documents accompanying the complaint,~~

18 The ~~the~~ court may, ~~in its discretion,~~ order the defendant
19 ~~respondent~~ to undergo a risk assessment evaluation using a
20 recognized, evidence-based instrument conducted by an Illinois
21 Department of Human Services approved partner abuse
22 intervention program provider, pretrial service, probation, or
23 parole agency to assist in rendering a release decision. ~~These~~
24 ~~agencies shall have access to summaries of the defendant's~~
25 ~~criminal history, which shall not include victim interviews or~~
26 ~~information, for the risk evaluation. Based on the information~~

1 ~~collected from the 12 points to be considered at a bail hearing~~
2 ~~under this subsection (f), the results of any risk evaluation~~
3 ~~conducted and the other circumstances of the violation, the~~
4 ~~court may order that the person, as a condition of bail, be~~
5 ~~placed under electronic surveillance as provided in Section~~
6 ~~5-8A-7 of the Unified Code of Corrections. Upon making a~~
7 ~~determination whether or not to order the respondent to undergo~~
8 ~~a risk assessment evaluation or to be placed under electronic~~
9 ~~surveillance and risk assessment, the court shall document in~~
10 ~~the record the court's reasons for making those determinations.~~
11 ~~The cost of the electronic surveillance and risk assessment~~
12 ~~shall be paid by, or on behalf, of the defendant. As used in~~
13 ~~this subsection (f), "intimate partner" means a spouse or a~~
14 ~~current or former partner in a cohabitation or dating~~
15 ~~relationship.~~

16 (g) If the court releases the defendant, the court shall:

17 (1) inform the defendant of any conditions, including,
18 but not limited to, being placed under electric
19 surveillance as provided in Section 5-8A-7 of the Unified
20 Code of Corrections;

21 (2) admonish the defendant of the consequences for
22 failure to appear for further court proceedings; and

23 (3) inform the defendant that his or her current
24 address shall remain at all times a public record with the
25 Clerk of the Court.

26 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18.)

1 (725 ILCS 5/110-5.1)

2 Sec. 110-5.1. ~~Bail~~; Release of certain persons charged with
3 violent crimes against family or household members.

4 (a) Subject to subsection (c), a person who is charged with
5 a violent crime shall appear before the court for the setting
6 of release ~~bail~~ if the alleged victim was a family or household
7 member at the time of the alleged offense, and if any of the
8 following applies:

9 (1) the person charged, at the time of the alleged
10 offense, was subject to the terms of an order of protection
11 issued under Section 112A-14 of this Code or Section 214 of
12 the Illinois Domestic Violence Act of 1986 or previously
13 was convicted of a violation of an order of protection
14 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
15 or the Criminal Code of 2012 or a violent crime if the
16 victim was a family or household member at the time of the
17 offense or a violation of a substantially similar municipal
18 ordinance or law of this or any other state or the United
19 States if the victim was a family or household member at
20 the time of the offense;

21 (2) the arresting officer indicates in a police report
22 or other document accompanying the complaint any of the
23 following:

24 (A) that the arresting officer observed on the
25 alleged victim objective manifestations of physical

1 harm that the arresting officer reasonably believes
2 are a result of the alleged offense;

3 (B) that the arresting officer reasonably believes
4 that the person had on the person's person at the time
5 of the alleged offense a deadly weapon;

6 (C) that the arresting officer reasonably believes
7 that the person presents a credible threat of serious
8 physical harm to the alleged victim or to any other
9 person if released ~~on bail~~ before trial.

10 (b) To the extent that information about any of the
11 following is available to the court, the court shall consider
12 all of the following, in addition to any other circumstances
13 considered by the court, before releasing ~~setting bail for~~ a
14 person who appears before the court pursuant to subsection (a):

15 (1) whether the person has a history of domestic
16 violence or a history of other violent acts;

17 (2) the mental health of the person;

18 (3) whether the person has a history of violating the
19 orders of any court or governmental entity;

20 (4) whether the person is potentially a threat to any
21 other person;

22 (5) whether the person has access to deadly weapons or
23 a history of using deadly weapons;

24 (6) whether the person has a history of abusing alcohol
25 or any controlled substance;

26 (7) the severity of the alleged violence that is the

1 basis of the alleged offense, including, but not limited
2 to, the duration of the alleged violent incident, and
3 whether the alleged violent incident involved serious
4 physical injury, sexual assault, strangulation, abuse
5 during the alleged victim's pregnancy, abuse of pets, or
6 forcible entry to gain access to the alleged victim;

7 (8) whether a separation of the person from the alleged
8 victim or a termination of the relationship between the
9 person and the alleged victim has recently occurred or is
10 pending;

11 (9) whether the person has exhibited obsessive or
12 controlling behaviors toward the alleged victim,
13 including, but not limited to, stalking, surveillance, or
14 isolation of the alleged victim;

15 (10) whether the person has expressed suicidal or
16 homicidal ideations;

17 (11) any information contained in the complaint and any
18 police reports, affidavits, or other documents
19 accompanying the complaint.

20 (c) Upon the court's own motion or the motion of a party
21 and upon any terms that the court may direct, a court may
22 permit a person who is required to appear before it by
23 subsection (a) to appear by video conferencing equipment. If,
24 in the opinion of the court, the appearance in person or by
25 video conferencing equipment of a person who is charged with a
26 misdemeanor and who is required to appear before the court by

1 subsection (a) is not practicable, the court may waive the
2 appearance and release the person. ~~on bail on one or both of~~
3 ~~the following types of bail in an amount set by the court:~~

4 ~~(1) a bail bond secured by a deposit of 10% of the~~
5 ~~amount of the bond in cash;~~

6 ~~(2) a surety bond, a bond secured by real estate or~~
7 ~~securities as allowed by law, or the deposit of cash, at~~
8 ~~the option of the person.~~

9 Subsection (a) does not create a right in a person to
10 appear before the court for release ~~the setting of bail~~ or
11 prohibit a court from requiring any person charged with a
12 violent crime who is not described in subsection (a) from
13 appearing before the court for release ~~the setting of bail~~.

14 (d) As used in this Section:

15 (1) "Violent crime" has the meaning ascribed to it in
16 Section 3 of the Rights of Crime Victims and Witnesses Act.

17 (2) "Family or household member" has the meaning
18 ascribed to it in Section 112A-3 of this Code.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

20 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

21 Sec. 110-6. Modification of bail or conditions.

22 (a) Upon verified application by the State or the defendant
23 or on its own motion the court before which the proceeding is
24 pending ~~may increase or reduce the amount of bail or~~ may alter
25 the conditions of release ~~the bail bond~~ or grant release ~~bail~~

1 where it has been previously revoked or denied. If release bail
2 has been previously revoked pursuant to subsection (f) of this
3 Section or if release bail has been denied to the defendant
4 pursuant to subsection (e) of Section 110-6.1 or subsection (e)
5 of Section 110-6.3, the defendant shall be required to present
6 a verified application setting forth in detail any new facts
7 not known or obtainable at the time of the previous revocation
8 or denial of release bail proceedings. If the court grants
9 release bail where it has been previously revoked or denied,
10 the court shall state on the record of the proceedings the
11 findings of facts and conclusion of law upon which such order
12 is based.

13 (a-5) In addition to any other available motion or
14 procedure under this Code, a person in custody solely for a
15 Category B offense due to an inability to post monetary bail
16 shall be brought before the court at the next available court
17 date or 7 calendar days from the date bail was set, whichever
18 is earlier, for a rehearing on the amount or conditions of bail
19 or release pending further court proceedings. The court may
20 reconsider conditions of release for any other person whose
21 inability to post monetary bail is the sole reason for
22 continued incarceration, including a person in custody for a
23 Category A offense or a Category A offense and a Category B
24 offense. The court may deny the rehearing permitted under this
25 subsection (a-5) if the person has failed to appear as required
26 before the court and is incarcerated based on a warrant for

1 failure to appear on the same original criminal offense.

2 (b) Violation of the conditions of Section 110-10 of this
3 Code or any special conditions of release bail as ordered by
4 the court shall constitute grounds for the court to ~~increase~~
5 ~~the amount of bail, or~~ otherwise alter the conditions of
6 release bail, or, where the alleged offense committed on
7 release bail is a forcible felony in Illinois or a Class 2 or
8 greater offense under the Illinois Controlled Substances Act,
9 the Cannabis Control Act, or the Methamphetamine Control and
10 Community Protection Act, revoke release bail pursuant to the
11 appropriate provisions of subsection (e) of this Section.

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

14 (d) Reasonable notice of such application by the State
15 shall be given to the defendant, except as provided in
16 subsection (e).

17 (e) Upon verified application by the State stating facts or
18 circumstances constituting a violation or a threatened
19 violation of any of the conditions of release ~~the bail bond~~ the
20 court may issue a warrant commanding any peace officer to bring
21 the defendant without unnecessary delay before the court for a
22 hearing on the matters set forth in the application. If the
23 actual court before which the proceeding is pending is absent
24 or otherwise unavailable another court may issue a warrant
25 pursuant to this Section. When the defendant is charged with a
26 felony offense and while free on release bail is charged with a

1 subsequent felony offense and is the subject of a proceeding
2 set forth in Section 109-1 or 109-3 of this Code, upon the
3 filing of a verified petition by the State alleging a violation
4 of Section 110-10 (a) (4) of this Code, the court shall without
5 prior notice to the defendant, grant leave to file such
6 application and shall order the transfer of the defendant and
7 the application without unnecessary delay to the court before
8 which the previous felony matter is pending for a hearing as
9 provided in subsection (b) or this subsection of this Section.
10 The defendant shall be held without release bond pending
11 transfer to and a hearing before such court. At the conclusion
12 of the hearing based on a violation of the conditions of
13 Section 110-10 of this Code or any special conditions of
14 release bail as ordered by the court the court may enter an
15 order ~~to increasing the amount of bail or~~ alter the conditions
16 of release bail as deemed appropriate.

17 (f) Where the alleged violation consists of the violation
18 of one or more felony statutes of any jurisdiction which would
19 be a forcible felony in Illinois or a Class 2 or greater
20 offense under the Illinois Controlled Substances Act, the
21 Cannabis Control Act, or the Methamphetamine Control and
22 Community Protection Act and the defendant is on release bail
23 for the alleged commission of a felony, or where the defendant
24 is on release bail for a felony domestic battery (enhanced
25 pursuant to subsection (b) of Section 12-3.2 of the Criminal
26 Code of 1961 or the Criminal Code of 2012), aggravated domestic

1 battery, aggravated battery, unlawful restraint, aggravated
2 unlawful restraint or domestic battery in violation of item (1)
3 of subsection (a) of Section 12-3.2 of the Criminal Code of
4 1961 or the Criminal Code of 2012 against a family or household
5 member as defined in Section 112A-3 of this Code and the
6 violation is an offense of domestic battery against the same
7 victim the court shall, on the motion of the State or its own
8 motion, revoke release ~~bail~~ in accordance with the following
9 provisions:

10 (1) The court shall hold the defendant without release
11 ~~bail~~ pending the hearing on the alleged breach; however, if
12 the defendant is not release ~~admitted to bail the hearing~~
13 shall be commenced within 10 days from the date the
14 defendant is taken into custody or the defendant may not be
15 held any longer without release ~~bail~~, unless delay is
16 occasioned by the defendant. Where defendant occasions the
17 delay, the running of the 10 day period is temporarily
18 suspended and resumes at the termination of the period of
19 delay. Where defendant occasions the delay with 5 or fewer
20 days remaining in the 10 day period, the court may grant a
21 period of up to 5 additional days to the State for good
22 cause shown. The State, however, shall retain the right to
23 proceed to hearing on the alleged violation at any time,
24 upon reasonable notice to the defendant and the court.

25 (2) At a hearing on the alleged violation the State has
26 the burden of going forward and proving the violation by

1 clear and convincing evidence. The evidence shall be
2 presented in open court with the opportunity to testify, to
3 present witnesses in his behalf, and to cross-examine
4 witnesses if any are called by the State, and
5 representation by counsel and if the defendant is indigent
6 to have counsel appointed for him. The rules of evidence
7 applicable in criminal trials in this State shall not
8 govern the admissibility of evidence at such hearing.
9 Information used by the court in its findings or stated in
10 or offered in connection with hearings for increase or
11 revocation of release ~~bail~~ may be by way of proffer based
12 upon reliable information offered by the State or
13 defendant. All evidence shall be admissible if it is
14 relevant and reliable regardless of whether it would be
15 admissible under the rules of evidence applicable at
16 criminal trials. A motion by the defendant to suppress
17 evidence or to suppress a confession shall not be
18 entertained at such a hearing. Evidence that proof may have
19 been obtained as a result of an unlawful search and seizure
20 or through improper interrogation is not relevant to this
21 hearing.

22 (3) Upon a finding by the court that the State has
23 established by clear and convincing evidence that the
24 defendant has committed a forcible felony or a Class 2 or
25 greater offense under the Illinois Controlled Substances
26 Act, the Cannabis Control Act, or the Methamphetamine

1 Control and Community Protection Act while released
2 ~~admitted to bail~~, or where the defendant is on release bail
3 for a felony domestic battery (enhanced pursuant to
4 subsection (b) of Section 12-3.2 of the Criminal Code of
5 1961 or the Criminal Code of 2012), aggravated domestic
6 battery, aggravated battery, unlawful restraint,
7 aggravated unlawful restraint or domestic battery in
8 violation of item (1) of subsection (a) of Section 12-3.2
9 of the Criminal Code of 1961 or the Criminal Code of 2012
10 against a family or household member as defined in Section
11 112A-3 of this Code and the violation is an offense of
12 domestic battery, against the same victim, the court shall
13 revoke the release bail of the defendant and hold the
14 defendant for trial without release bail. Neither the
15 finding of the court nor any transcript or other record of
16 the hearing shall be admissible in the State's case in
17 chief, but shall be admissible for impeachment, or as
18 provided in Section 115-10.1 of this Code or in a perjury
19 proceeding.

20 (4) If the release bail of any defendant is revoked
21 pursuant to paragraph (f) (3) of this Section, the
22 defendant may demand and shall be entitled to be brought to
23 trial on the offense with respect to which he was formerly
24 released ~~on bail~~ within 90 days after the date on which his
25 release bail was revoked. If the defendant is not brought
26 to trial within the 90 day period required by the preceding

1 sentence, he shall not be held longer without release ~~bail~~.
2 In computing the 90 day period, the court shall omit any
3 period of delay resulting from a continuance granted at the
4 request of the defendant.

5 (5) If the defendant either is arrested on a warrant
6 issued pursuant to this Code or is arrested for an
7 unrelated offense and it is subsequently discovered that
8 the defendant is a subject of another warrant or warrants
9 issued pursuant to this Code, the defendant shall be
10 transferred promptly to the court which issued such
11 warrant. If, however, the defendant appears initially
12 before a court other than the court which issued such
13 warrant, the non-issuing court shall not alter the
14 conditions of release ~~amount of bail~~ set on such warrant
15 unless the court sets forth on the record of proceedings
16 the conclusions of law and facts which are the basis for
17 such altering of another court's release ~~bond~~. The
18 non-issuing court shall not alter another conditions of
19 release ~~courts bail~~ set on a warrant unless the interests
20 of justice and public safety are served by such action.

21 (g) The State may appeal any order where the court has
22 ~~increased or reduced the amount of bail or~~ altered the
23 conditions of release ~~the bail bond~~ or granted release ~~bail~~
24 where it has previously been revoked.

25 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

1 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

2 Sec. 110-6.1. Denial of release ~~bail~~ in non-probationable
3 felony offenses.

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

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

19 (2) The hearing shall be held immediately upon the
20 defendant's appearance before the court, unless for good
21 cause shown the defendant or the State seeks a continuance.
22 A continuance on motion of the defendant may not exceed 5
23 calendar days, and a continuance on the motion of the State
24 may not exceed 3 calendar days. The defendant may be held
25 in custody during such continuance.

26 (b) The court may deny release ~~bail~~ to the defendant where,

1 after the hearing, it is determined that:

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

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

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

19 (c) Conduct of the hearings.

20 (1) The hearing on the defendant's culpability and
21 dangerousness shall be conducted in accordance with the
22 following provisions:

23 (A) Information used by the court in its findings
24 or stated in or offered at such hearing may be by way
25 of proffer based upon reliable information offered by
26 the State or by defendant. Defendant has the right to

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

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

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

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

20 (d) Factors to be considered in making a determination of
21 dangerousness. The court may, in determining whether the
22 defendant poses a real and present threat to the physical
23 safety of any person or persons, consider but shall not be
24 limited to evidence or testimony concerning:

25 (1) The nature and circumstances of any offense
26 charged, including whether the offense is a crime of

1 violence, involving a weapon.

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

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

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

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

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

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

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

24 (7) 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 (8) 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, or
8 lack of such behavior.

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

11 (1) briefly summarize the evidence of the defendant's
12 culpability and its reasons for concluding that the
13 defendant should be held without release ~~bail~~;

14 (2) direct that the defendant be committed to the
15 custody of the sheriff for confinement in the county jail
16 pending trial;

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

21 (4) direct that the sheriff deliver the defendant as
22 required for appearances in connection with court
23 proceedings.

24 (f) If the court enters an order for the detention of the
25 defendant pursuant to subsection (e) of this Section, the
26 defendant shall be brought to trial on the offense for which he

1 is detained within 90 days after the date on which the order
2 for detention was entered. If the defendant is not brought to
3 trial within the 90 day period required by the preceding
4 sentence, he shall not be held longer without release ~~bail~~. In
5 computing the 90 day period, the court shall omit any period of
6 delay resulting from a continuance granted at the request of
7 the defendant.

8 (g) Rights of the defendant. Any person shall be entitled
9 to appeal any order entered under this Section denying release
10 ~~bail~~ to the defendant.

11 (h) The State may appeal any order entered under this
12 Section denying any motion for denial of release ~~bail~~.

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

16 (Source: P.A. 98-558, eff. 1-1-14.)

17 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

18 Sec. 110-6.2. Post-conviction Detention.

19 (a) The court may order that a person who has been found
20 guilty of an offense and who is waiting imposition or execution
21 of sentence be held without release ~~bond~~ unless the court finds
22 by clear and convincing evidence that the person is not likely
23 to flee or pose a danger to any other person or the community
24 if released under Sections 110-5 and 110-10 of 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 release ~~bond~~ 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. 96-1200, eff. 7-22-10.)

11 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

12 Sec. 110-6.3. Denial of release ~~bail~~ in stalking and
13 aggravated stalking offenses.

14 (a) Upon verified petition by the State, the court shall
15 hold a hearing to determine whether release ~~bail~~ should be
16 denied to a defendant who is charged with stalking or
17 aggravated stalking, when it is alleged that the defendant's
18 release ~~admission to bail~~ poses a real and present threat to
19 the physical safety of the alleged victim of the offense, and
20 denial of release ~~on bail~~ or personal recognizance is necessary
21 to prevent fulfillment of the threat upon which the charge is
22 based.

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

1 after arrest and release of the defendant upon reasonable
2 notice to defendant; provided that while the petition is
3 pending before the court, the defendant if previously
4 released shall not be detained.

5 (2) The hearing shall be held immediately upon the
6 defendant's appearance before the court, unless for good
7 cause shown the defendant or the State seeks a continuance.
8 A continuance on motion of the defendant may not exceed 5
9 calendar days, and the defendant may be held in custody
10 during the continuance. A continuance on the motion of the
11 State may not exceed 3 calendar days; however, the
12 defendant may be held in custody during the continuance
13 under this provision if the defendant has been previously
14 found to have violated an order of protection or has been
15 previously convicted of, or granted court supervision for,
16 any of the offenses set forth in Sections 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
18 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code
20 of 2012, against the same person as the alleged victim of
21 the stalking or aggravated stalking offense.

22 (b) The court may deny release ~~bail~~ to the defendant when,
23 after the hearing, it is determined that:

24 (1) the proof is evident or the presumption great that
25 the defendant has committed the offense of stalking or
26 aggravated stalking; and

1 (2) the defendant poses a real and present threat to
2 the physical safety of the alleged victim of the offense;
3 and

4 (3) the denial of release ~~on bail~~ or personal
5 recognizance is necessary to prevent fulfillment of the
6 threat upon which the charge is based; and

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

13 (c) Conduct of the hearings.

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

17 (A) Information used by the court in its findings
18 or stated in or offered at the hearing may be by way of
19 proffer based upon reliable information offered by the
20 State or by defendant. Defendant has the right to be
21 represented by counsel, and if he is indigent, to have
22 counsel appointed for him. Defendant shall have the
23 opportunity to testify, to present witnesses in his own
24 behalf, and to cross-examine witnesses if any are
25 called by the State. The defendant has the right to
26 present witnesses in his favor. When the ends of

1 justice so require, the court may exercise its
2 discretion and compel the appearance of a complaining
3 witness. The court shall state on the record reasons
4 for granting a defense request to compel the presence
5 of a complaining witness. Cross-examination of a
6 complaining witness at the pretrial detention hearing
7 for the purpose of impeaching the witness' credibility
8 is insufficient reason to compel the presence of the
9 witness. In deciding whether to compel the appearance
10 of a complaining witness, the court shall be
11 considerate of the emotional and physical well-being
12 of the witness. The pretrial detention hearing is not
13 to be used for the purposes of discovery, and the post
14 arraignment rules of discovery do not apply. The State
15 shall tender to the defendant, prior to the hearing,
16 copies of defendant's criminal history, if any, if
17 available, and any written or recorded statements and
18 the substance of any oral statements made by any
19 person, if relied upon by the State. The rules
20 concerning the admissibility of evidence in criminal
21 trials do not apply to the presentation and
22 consideration of information at the hearing. At the
23 trial concerning the offense for which the hearing was
24 conducted 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 (B) A motion by the defendant to suppress evidence
4 or to suppress a confession shall not be entertained.
5 Evidence that proof may have been obtained as the
6 result of an unlawful search and seizure or through
7 improper interrogation is not relevant to this state of
8 the prosecution.

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

11 (A) the defendant poses a real and present threat
12 to the physical safety of the alleged victim of the
13 offense; and

14 (B) the denial of release ~~on bail~~ or personal
15 recognizance is necessary to prevent fulfillment of
16 the threat upon which the charge is based;

17 shall be supported by clear and convincing evidence
18 presented by the State.

19 (d) Factors to be considered in making a determination of
20 the threat to the alleged victim of the offense. The court may,
21 in determining whether the defendant poses, at the time of the
22 hearing, a real and present threat to the physical safety of
23 the alleged victim of the offense, consider but shall not be
24 limited to evidence or testimony concerning:

25 (1) The nature and circumstances of the offense
26 charged;

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 that behavior. The 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 that tends
11 to indicate a violent, abusive, or assaultive nature,
12 or lack of any such history.

13 (3) The nature of the threat which is the basis of the
14 charge against the defendant;

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

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

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

22 (7) Whether, at the time of the current offense or any
23 other offense or arrest, the defendant was on probation,
24 parole, aftercare release, mandatory supervised release or
25 other release from custody pending trial, sentencing,
26 appeal or completion of sentence for an offense under

1 federal or state law;

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

7 (e) The court shall, in any order denying release ~~bail~~ to a
8 person charged with stalking or aggravated stalking:

9 (1) briefly summarize the evidence of the defendant's
10 culpability and its reasons for concluding that the
11 defendant should be held without release ~~bail~~;

12 (2) direct that the defendant be committed to the
13 custody of the sheriff for confinement in the county jail
14 pending trial;

15 (3) direct that the defendant be given a reasonable
16 opportunity for private consultation with counsel, and for
17 communication with others of his choice by visitation, mail
18 and telephone; and

19 (4) direct that the sheriff deliver the defendant as
20 required for appearances in connection with court
21 proceedings.

22 (f) If the court enters an order for the detention of the
23 defendant under subsection (e) of this Section, the defendant
24 shall be brought to trial on the offense for which he is
25 detained within 90 days after the date on which the order for
26 detention was entered. If the defendant is not brought to trial

1 within the 90 day period required by this subsection (f), he
2 shall not be held longer without release ~~bail~~. In computing the
3 90 day period, the court shall omit any period of delay
4 resulting from a continuance granted at the request of the
5 defendant. The court shall immediately notify the alleged
6 victim of the offense that the defendant has been released
7 ~~admitted to bail~~ under this subsection.

8 (g) Any person shall be entitled to appeal any order
9 entered under this Section denying release ~~bail~~ to the
10 defendant.

11 (h) The State may appeal any order entered under this
12 Section denying any motion for denial of release ~~bail~~.

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

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
17 98-558, eff. 1-1-14.)

18 (725 ILCS 5/110-6.5)

19 Sec. 110-6.5. Drug testing program. The Chief Judge of the
20 circuit may establish a drug testing program as provided by
21 this Section in any county in the circuit if the county board
22 has approved the establishment of the program and the county
23 probation department or pretrial services agency has consented
24 to administer it. The drug testing program shall be conducted
25 under the following provisions:

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

4 (1) not consider the release of the defendant on his or
5 her own recognizance, unless the defendant consents to
6 periodic drug testing during the period of release on his
7 or her own recognizance, in accordance with this Section;

8 (2) consider the consent of the defendant to periodic
9 drug testing during the period of release ~~on bail~~ in
10 accordance with this Section as a favorable factor for the
11 defendant in determining ~~the amount of bail~~, the conditions
12 of release ~~or in considering the defendant's motion to~~
13 ~~reduce the amount of bail~~.

14 (b) The drug testing shall be conducted by the pretrial
15 services agency or under the direction of the probation
16 department when a pretrial services agency does not exist in
17 accordance with this Section.

18 (c) A defendant who consents to periodic drug testing as
19 set forth in this Section shall sign an agreement with the
20 court that, during the period of release, the defendant shall
21 refrain from using illegal drugs and that the defendant will
22 comply with the conditions of the testing program. The
23 agreement shall be on a form prescribed by the court and shall
24 be executed at the time of the release ~~bail~~ hearing. This
25 agreement shall be made a specific condition of release ~~bail~~.

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

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

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

6 (3) Samples shall be collected and tested with due
7 regard for the privacy of the individual being tested and
8 in a manner reasonably calculated to prevent substitutions
9 or interference with the collection or testing of reliable
10 samples.

11 (4) Sample collection shall be documented, and the
12 documentation procedures shall include:

13 (i) Labeling of samples so as to reasonably
14 preclude the probability of erroneous identification
15 of test results; and

16 (ii) An opportunity for the defendant to provide
17 information on the identification of prescription or
18 nonprescription drugs used in connection with a
19 medical condition.

20 (5) Sample collection, storage, and transportation to
21 the place of testing shall be performed so as to reasonably
22 preclude the probability of sample contamination or
23 adulteration.

24 (6) Sample testing shall conform to scientifically
25 accepted analytical methods and procedures. Testing shall
26 include verification or confirmation of any positive test

1 result by a reliable analytical method before the result of
2 any test may be used as a basis for any action by the
3 court.

4 (e) The initial sample shall be collected before the
5 defendant's release ~~on bail~~. Thereafter, the defendant shall
6 report to the pretrial services agency or probation department
7 as required by the agency or department. The pretrial services
8 agency or probation department shall immediately notify the
9 court of any defendant who fails to report for testing.

10 (f) After the initial test, a subsequent confirmed positive
11 test result indicative of continued drug use shall result in
12 the following:

13 (1) Upon the first confirmed positive test result, the
14 pretrial services agency or probation department, shall
15 place the defendant on a more frequent testing schedule and
16 shall warn the defendant of the consequences of continued
17 drug use.

18 (2) A second confirmed positive test result shall be
19 grounds for a hearing before the judge who authorized the
20 release of the defendant in accordance with the provisions
21 of subsection (g) of this Section.

22 (g) The court shall, upon motion of the State or upon its
23 own motion, conduct a hearing in connection with any defendant
24 who fails to appear for testing, fails to cooperate with the
25 persons conducting the testing program, attempts to submit a
26 sample not his or her own or has had a confirmed positive test

1 result indicative of continued drug use for the second or
2 subsequent time after the initial test. The hearing shall be
3 conducted in accordance with the procedures of Section 110-6.

4 Upon a finding by the court that the State has established
5 by clear and convincing evidence that the defendant has
6 violated the drug testing conditions ~~of bail~~, the court may
7 consider any of the following sanctions:

8 (1) ~~increase the amount of the defendant's bail or~~
9 alter the conditions of release;

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

11 (3) revoke the defendant's release ~~bail~~; or

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

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

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

19 (Source: P.A. 88-677, eff. 12-15-94.)

20 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

21 Sec. 110-7. Process ~~Deposit of bail security~~.

22 (a) ~~The person for whom bail has been set shall execute the~~
23 ~~bail bond and deposit with the clerk of the court before which~~
24 ~~the proceeding is pending a sum of money equal to 10% of the~~
25 ~~bail, but in no event shall such deposit be less than \$25. The~~

1 ~~clerk of the court shall provide a space on each form for a~~
2 ~~person other than the accused who has provided the money for~~
3 ~~the posting of bail to so indicate and a space signed by an~~
4 ~~accused who has executed the bail bond indicating whether a~~
5 ~~person other than the accused has provided the money for the~~
6 ~~posting of bail. The form shall also include a written notice~~
7 ~~to such person who has provided the defendant with the money~~
8 ~~for the posting of bail indicating that the bail may be used to~~
9 ~~pay costs, attorney's fees, fines, or other purposes authorized~~
10 ~~by the court and if the defendant fails to comply with the~~
11 ~~conditions of the bail bond, the court shall enter an order~~
12 ~~declaring the bail to be forfeited. The written notice must be:~~
13 ~~(1) distinguishable from the surrounding text; (2) in bold type~~
14 ~~or underlined; and (3) in a type size at least 2 points larger~~
15 ~~than the surrounding type. When a person for whom bail has been~~
16 ~~set is charged with an offense under the Illinois Controlled~~
17 ~~Substances Act or the Methamphetamine Control and Community~~
18 ~~Protection Act which is a Class X felony, or making a terrorist~~
19 ~~threat in violation of Section 29D-20 of the Criminal Code of~~
20 ~~1961 or the Criminal Code of 2012 or an attempt to commit the~~
21 ~~offense of making a terrorist threat, the court may require the~~
22 ~~defendant to deposit a sum equal to 100% of the bail. Where any~~
23 ~~person is charged with a forcible felony is released while free~~
24 ~~on bail~~ and is the subject of proceedings under Section 109-3
25 of this Code the judge conducting the preliminary examination
26 may also conduct a hearing upon the application of the State

1 pursuant to the provisions of Section 110-6 of this Code to
2 alter conditions of release ~~increase or revoke the bail~~ for
3 that person's prior alleged offense.

4 (b) (Blank). ~~Upon depositing this sum and any bond fee~~
5 ~~authorized by law, the person shall be released from custody~~
6 ~~subject to the conditions of the bail bond.~~

7 (c) Once release bail has been given and a charge is
8 pending or is thereafter filed in or transferred to a court of
9 competent jurisdiction the latter court shall continue the
10 conditions of release ~~original bail~~ in that court subject to
11 the provisions of Section 110-6 of this Code.

12 (d) After conviction the court may order that the original
13 conditions of release bail stand ~~as bail~~ pending appeal or may
14 alter the conditions of release ~~deny, increase or reduce bail~~
15 subject to the provisions of Section 110-6.2.

16 (e) After the entry of an order by the trial court allowing
17 or denying release bail pending appeal either party may apply
18 to the reviewing court having jurisdiction or to a justice
19 thereof sitting in vacation for an order altering the
20 conditions of release ~~increasing or decreasing the amount of~~
21 ~~bail~~ or allowing or denying release bail pending appeal subject
22 to the provisions of Section 110-6.2.

23 (f) (Blank). ~~When the conditions of the bail bond have been~~
24 ~~performed and the accused has been discharged from all~~
25 ~~obligations in the cause the clerk of the court shall return to~~
26 ~~the accused or to the defendant's designee by an assignment~~

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

26 ~~At the request of the defendant the court may order such~~

1 ~~90% of defendant's bail deposit, or whatever amount is~~
2 ~~repayable to defendant from such deposit, to be paid to~~
3 ~~defendant's attorney of record.~~

4 (g) (Blank). ~~If the accused does not comply with the~~
5 ~~conditions of the bail bond the court having jurisdiction shall~~
6 ~~enter an order declaring the bail to be forfeited. Notice of~~
7 ~~such order of forfeiture shall be mailed forthwith to the~~
8 ~~accused at his last known address. If the accused does not~~
9 ~~appear and surrender to the court having jurisdiction within 30~~
10 ~~days from the date of the forfeiture or within such period~~
11 ~~satisfy the court that appearance and surrender by the accused~~
12 ~~is impossible and without his fault the court shall enter~~
13 ~~judgment for the State if the charge for which the bond was~~
14 ~~given was a felony or misdemeanor, or if the charge was~~
15 ~~quasi-criminal or traffic, judgment for the political~~
16 ~~subdivision of the State which prosecuted the case, against the~~
17 ~~accused for the amount of the bail and costs of the court~~
18 ~~proceedings; however, in counties with a population of less~~
19 ~~than 3,000,000, instead of the court entering a judgment for~~
20 ~~the full amount of the bond the court may, in its discretion,~~
21 ~~enter judgment for the cash deposit on the bond, less costs,~~
22 ~~retain the deposit for further disposition or, if a cash bond~~
23 ~~was posted for failure to appear in a matter involving~~
24 ~~enforcement of child support or maintenance, the amount of the~~
25 ~~cash deposit on the bond, less outstanding costs, may be~~
26 ~~awarded to the person or entity to whom the child support or~~

1 ~~maintenance is due. The deposit made in accordance with~~
2 ~~paragraph (a) shall be applied to the payment of costs. If~~
3 ~~judgment is entered and any amount of such deposit remains~~
4 ~~after the payment of costs it shall be applied to payment of~~
5 ~~the judgment and transferred to the treasury of the municipal~~
6 ~~corporation wherein the bond was taken if the offense was a~~
7 ~~violation of any penal ordinance of a political subdivision of~~
8 ~~this State, or to the treasury of the county wherein the bond~~
9 ~~was taken if the offense was a violation of any penal statute~~
10 ~~of this State. The balance of the judgment may be enforced and~~
11 ~~collected in the same manner as a judgment entered in a civil~~
12 ~~action.~~

13 (h) (Blank). ~~After a judgment for a fine and court costs or~~
14 ~~either is entered in the prosecution of a cause in which a~~
15 ~~deposit had been made in accordance with paragraph (a) the~~
16 ~~balance of such deposit, after deduction of bail bond costs,~~
17 ~~shall be applied to the payment of the judgment.~~

18 (i) When a court appearance is required for an alleged
19 violation of the Criminal Code of 1961, the Criminal Code of
20 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
21 and Aquatic Life Code, the Child Passenger Protection Act, or a
22 comparable offense of a unit of local government as specified
23 in Supreme Court Rule 551, and if the accused does not appear
24 in court on the date set for appearance or any date to which
25 the case may be continued and the court issues an arrest
26 warrant for the accused, based upon his or her failure to

1 appear when having so previously been ordered to appear by the
2 court, the accused upon his or her release ~~admission to bail~~
3 shall be assessed by the court a fee of \$75. Payment of the fee
4 shall be a condition of release unless otherwise ordered by the
5 court. ~~The fee shall be in addition to any bail that the~~
6 ~~accused is required to deposit for the offense for which the~~
7 ~~accused has been charged and may not be used for the payment of~~
8 ~~court costs or fines assessed for the offense.~~ The clerk of the
9 court shall remit \$70 of the fee assessed to the arresting
10 agency who brings the offender in on the arrest warrant. If the
11 Department of State Police is the arresting agency, \$70 of the
12 fee assessed shall be remitted by the clerk of the court to the
13 State Treasurer within one month after receipt for deposit into
14 the State Police Operations Assistance Fund. The clerk of the
15 court shall remit \$5 of the fee assessed to the Circuit Court
16 Clerk Operation and Administrative Fund as provided in Section
17 27.3d of the Clerks of Courts Act.

18 (Source: P.A. 99-412, eff. 1-1-16.)

19 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

20 Sec. 110-9. Release ~~Taking of bail~~ by peace officer. A
21 peace officer may ~~When bail has been set by a judicial officer~~
22 ~~for a particular offense or offender any sheriff or other peace~~
23 ~~officer may take bail in accordance with the provisions of~~
24 ~~Section 110-7 or 110-8 of this Code and release the offender to~~
25 appear in accordance with the conditions of release, ~~the bail~~

1 ~~bond,~~ the Notice to Appear, or the Summons. ~~The officer shall~~
2 ~~give a receipt to the offender for the bail so taken and within~~
3 ~~a reasonable time deposit such bail with the clerk of the court~~
4 ~~having jurisdiction of the offense. A sheriff or other peace~~
5 ~~officer taking bail in accordance with the provisions of~~
6 ~~Section 110-7 or 110-8 of this Code shall accept payments made~~
7 ~~in the form of currency, and may accept other forms of payment~~
8 ~~as the sheriff shall by rule authorize. For purposes of this~~
9 ~~Section, "currency" has the meaning provided in subsection (a)~~
10 ~~of Section 3 of the Currency Reporting Act.~~

11 (Source: P.A. 99-618, eff. 1-1-17.)

12 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

13 Sec. 110-10. Conditions of release ~~bail bond~~.

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

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

21 (2) Submit himself or herself to the orders and process
22 of the court;

23 (3) Not depart this State without leave of the 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 custody
4 of and impound the firearms and physically surrender his or
5 her Firearm Owner's Identification Card to the clerk of the
6 circuit court when the offense the person has been charged
7 with is a forcible felony, stalking, aggravated stalking,
8 domestic battery, any violation of the Illinois Controlled
9 Substances Act, the Methamphetamine Control and Community
10 Protection Act, or the Cannabis Control Act that is
11 classified as a Class 2 or greater felony, or any felony
12 violation of Article 24 of the Criminal Code of 1961 or the
13 Criminal Code of 2012; the court may, however, forgo the
14 imposition of this condition when the circumstances of the
15 case clearly do not warrant it or when its imposition would
16 be impractical; if the Firearm Owner's Identification Card
17 is confiscated, the clerk of the circuit court shall mail
18 the confiscated card to the Illinois State Police; all
19 legally possessed firearms shall be returned to the person
20 upon the charges being dismissed, or if the person is found
21 not guilty, unless the finding of not guilty is by reason
22 of insanity; and

23 (6) At a time and place designated by the court, submit
24 to a psychological evaluation when the person has been
25 charged with a violation of item (4) of subsection (a) of
26 Section 24-1 of the Criminal Code of 1961 or the Criminal

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

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

26 (b) The court may impose other conditions, such as the

1 following, if the court finds that such conditions are
2 reasonably necessary to assure the defendant's appearance in
3 court, protect the public from the defendant, or prevent the
4 defendant's unlawful interference with the orderly
5 administration of justice:

6 (1) Report to or appear in person before such person or
7 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
13 geographical areas or premises;

14 (5) Refrain from engaging in certain activities or
15 indulging in intoxicating liquors or in certain drugs;

16 (6) Undergo treatment for drug addiction or
17 alcoholism;

18 (7) Undergo medical or psychiatric treatment;

19 (8) Work or pursue a course of study or vocational
20 training;

21 (9) Attend or reside in a facility designated by the
22 court;

23 (10) Support his or her dependents;

24 (11) If a minor resides with his or her parents or in a
25 foster home, attend school, attend a non-residential
26 program for youths, and contribute to his or her own

1 support at home or in a foster home;

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

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

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

16 (14.1) The court shall impose upon a defendant who is
17 charged with any alcohol, cannabis, methamphetamine, or
18 controlled substance violation and is placed under direct
19 supervision of the Pretrial Services Agency, Probation
20 Department or Court Services Department in a pretrial ~~bond~~
21 home supervision capacity with the use of an approved
22 monitoring device, as a condition of release ~~such bail~~
23 ~~bond~~, a fee that represents costs incidental to the
24 electronic monitoring for each day of ~~such bail~~ supervision
25 ordered by the court, unless after determining the
26 inability of the defendant to pay the fee, the court

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

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

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

23 (14.2) The court shall impose upon all defendants,
24 including those defendants subject to paragraph (14.1)
25 above, placed under direct supervision of the Pretrial
26 Services Agency, Probation Department or Court Services

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

19 The Chief Judge of the circuit court of the county may
20 by administrative order establish a program for electronic
21 monitoring of offenders with regard to drug-related and
22 alcohol-related offenses, in which a vendor supplies and
23 monitors the operation of the electronic monitoring
24 device, and collects the fees on behalf of the county. The
25 program shall include provisions for indigent offenders
26 and the collection of unpaid fees. The program shall not

1 unduly burden the offender and shall be subject to review
2 by the Chief Judge.

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

6 (14.3) The Chief Judge of the Judicial Circuit may
7 establish reasonable fees to be paid by a person receiving
8 pretrial services while under supervision of a pretrial
9 services agency, probation department, or court services
10 department. Reasonable fees may be charged for pretrial
11 services including, but not limited to, pretrial
12 supervision, diversion programs, electronic monitoring,
13 victim impact services, drug and alcohol testing, DNA
14 testing, GPS electronic monitoring, assessments and
15 evaluations related to domestic violence and other
16 victims, and victim mediation services. The person
17 receiving pretrial services may be ordered to pay all costs
18 incidental to pretrial services in accordance with his or
19 her ability to pay those costs;

20 (14.4) For persons charged with violating Section
21 11-501 of the Illinois Vehicle Code, refrain from operating
22 a 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 allow

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

5 (15) 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 (16) Under Section 110-6.5 comply with the conditions
11 of the drug testing program; and

12 (17) Such other reasonable conditions as the court may
13 impose.

14 (c) When a person is charged with an offense under Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
16 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, involving a victim who is a minor under
18 18 years of age living in the same household with the defendant
19 at the time of the offense, in granting release ~~bail~~ or
20 releasing the defendant on his or her own recognizance, the
21 judge shall impose conditions to restrict the defendant's
22 access to the victim which may include, but are not limited to
23 conditions that he or she will:

- 24 1. Vacate the household.
- 25 2. Make payment of temporary support to his dependents.
- 26 3. Refrain from contact or communication with the child

1 victim, except as ordered by the court.

2 (d) When a person is charged with a criminal offense and
3 the victim is a family or household member as defined in
4 Article 112A, conditions shall be imposed at the time of the
5 defendant's release ~~on bond~~ that restrict the defendant's
6 access to the victim. Unless provided otherwise by the court,
7 the restrictions shall include requirements that the defendant
8 do the following:

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

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

15 (e) Local law enforcement agencies shall develop
16 standardized release ~~bond~~ forms for use in cases involving
17 family or household members as defined in Article 112A,
18 including specific conditions of release ~~bond~~ as provided in
19 subsection (d). Failure of any law enforcement department to
20 develop or use those forms shall in no way limit the
21 applicability and enforcement of subsections (d) and (f).

22 (f) If the defendant is released ~~admitted to bail~~ after
23 conviction the conditions of release ~~the bail bond~~ shall be
24 that he or she will, in addition to the conditions set forth in
25 subsections (a) and (b) hereof:

26 (1) Duly prosecute his appeal;

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

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

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

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

9 (g) Upon a finding of guilty for any felony offense, the
10 defendant shall physically surrender, at a time and place
11 designated by the court, any and all firearms in his or her
12 possession and his or her Firearm Owner's Identification Card
13 as a condition of release ~~remaining on bond~~ pending sentencing.
14 (Source: P.A. 99-797, eff. 8-12-16.)

15 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

16 Sec. 110-11. Release ~~Bail~~ on a new trial. If the judgment
17 of conviction is reversed and the cause remanded for a new
18 trial the trial court may order that the release ~~bail~~ stand
19 pending such trial, or alter the conditions of release imposed
20 ~~reduce or increase bail~~.

21 (Source: Laws 1963, p. 2836.)

22 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

23 Sec. 110-12. Notice of change of address.

24 A defendant who has been released ~~admitted to bail~~ shall

1 file a written notice with the clerk of the court before which
2 the proceeding is pending of any change in his or her address
3 within 24 hours after such change, except that a defendant who
4 has been released and the offense is ~~admitted to bail~~ for a
5 forcible felony as defined in Section 2-8 of the Criminal Code
6 of 2012 shall file a written notice with the clerk of the court
7 before which the proceeding is pending and the clerk shall
8 immediately deliver a time stamped copy of the written notice
9 to the State's Attorney charged with the prosecution within 24
10 hours prior to such change. The address of a defendant who has
11 been released ~~admitted to bail~~ shall at all times remain a
12 matter of public record with the clerk of the court.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

15 Sec. 110-16. Release ~~Bail bond~~ forfeiture in same case or
16 absents self during trial-not eligible for release ~~bailable~~.

17 If a person released ~~admitted to bail~~ on a felony charge
18 forfeits his or her release ~~bond~~ and fails to appear in court
19 during the 30 days immediately after such forfeiture, on being
20 taken into custody thereafter he or she shall not be released
21 ~~bailable~~ in the case in question, unless the court finds that
22 his or her absence was not for the purpose of obstructing
23 justice or avoiding prosecution.

24 (Source: P.A. 77-1447.)

1 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

2 Sec. 110-18. Reimbursement. The sheriff of each county
3 shall certify to the treasurer of each county the number of
4 days that persons had been detained in the custody of the
5 sheriff without release ~~a bond being set~~ as a result of an
6 order entered pursuant to Section 110-6.1 of this Code. The
7 county treasurer shall, no later than January 1, annually
8 certify to the Supreme Court the number of days that persons
9 had been detained without release ~~bond~~ during the twelve-month
10 period ending November 30. The Supreme Court shall reimburse,
11 from funds appropriated to it by the General Assembly for such
12 purposes, the treasurer of each county an amount of money for
13 deposit in the county general revenue fund at a rate of \$50 per
14 day for each day that persons were detained in custody without
15 bail as a result of an order entered pursuant to Section
16 110-6.1 of this Code.

17 (Source: P.A. 85-892.)

18 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

19 Sec. 112A-23. Enforcement of protective orders.

20 (a) When violation is crime. A violation of any protective
21 order, whether issued in a civil, quasi-criminal proceeding,
22 shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of a
24 domestic violence order of protection pursuant to Section
25 12-3.4 or 12-30 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, by having knowingly violated:

2 (i) remedies described in paragraphs (1), (2),
3 (3), (14), or (14.5) of subsection (b) of Section
4 112A-14 of this Code,

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14), or (14.5) of subsection (b) of Section 214
8 of the Illinois Domestic Violence Act of 1986, in a
9 valid order of protection, which is authorized under
10 the laws of another state, tribe or United States
11 territory,

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

15 Prosecution for a violation of a domestic violence
16 order of protection shall not bar concurrent prosecution
17 for any other crime, including any crime that may have been
18 committed at the time of the violation of the domestic
19 violence order of protection; or

20 (2) The respondent commits the crime of child abduction
21 pursuant to Section 10-5 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, by having knowingly violated:

23 (i) remedies described in paragraphs (5), (6), or
24 (8) of subsection (b) of Section 112A-14 of this Code,
25 or

26 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraphs (1), (5),
2 (6), or (8) of subsection (b) of Section 214 of the
3 Illinois Domestic Violence Act of 1986, in a valid
4 domestic violence order of protection, which is
5 authorized under the laws of another state, tribe or
6 United States territory.

7 (3) The respondent commits the crime of violation of a
8 civil no contact order when the respondent violates Section
9 12-3.8 of the Criminal Code of 2012. Prosecution for a
10 violation of a civil no contact order shall not bar
11 concurrent prosecution for any other crime, including any
12 crime that may have been committed at the time of the
13 violation of the civil no contact order.

14 (4) The respondent commits the crime of violation of a
15 stalking no contact order when the respondent violates
16 Section 12-3.9 of the Criminal Code of 2012. Prosecution
17 for a violation of a stalking no contact order shall not
18 bar concurrent prosecution for any other crime, including
19 any crime that may have been committed at the time of the
20 violation of the stalking no contact order.

21 (b) When violation is contempt of court. A violation of any
22 valid protective order, whether issued in a civil or criminal
23 proceeding, may be enforced through civil or criminal contempt
24 procedures, as appropriate, by any court with jurisdiction,
25 regardless where the act or acts which violated the protective
26 order were committed, to the extent consistent with the venue

1 provisions of this Article. Nothing in this Article shall
2 preclude any Illinois court from enforcing any valid protective
3 order issued in another state. Illinois courts may enforce
4 protective orders through both criminal prosecution and
5 contempt proceedings, unless the action which is second in time
6 is barred by collateral estoppel or the constitutional
7 prohibition against double jeopardy.

8 (1) In a contempt proceeding where the petition for a
9 rule to show cause sets forth facts evidencing an immediate
10 danger that the respondent will flee the jurisdiction,
11 conceal a child, or inflict physical abuse on the
12 petitioner or minor children or on dependent adults in
13 petitioner's care, the court may order the attachment of
14 the respondent without prior service of the rule to show
15 cause or the petition for a rule to show cause. Release
16 ~~Bond~~ shall be set unless specifically denied in writing.

17 (2) A petition for a rule to show cause for violation
18 of a protective order shall be treated as an expedited
19 proceeding.

20 (c) Violation of custody, allocation of parental
21 responsibility, or support orders. A violation of remedies
22 described in paragraphs (5), (6), (8), or (9) of subsection (b)
23 of Section 112A-14 of this Code may be enforced by any remedy
24 provided by Section 607.5 of the Illinois Marriage and
25 Dissolution of Marriage Act. The court may enforce any order
26 for support issued under paragraph (12) of subsection (b) of

1 Section 112A-14 of this Code in the manner provided for under
2 Parts V and VII of the Illinois Marriage and Dissolution of
3 Marriage Act.

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

8 (1) (Blank).

9 (2) (Blank).

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

12 (4) By other means demonstrating actual knowledge of
13 the contents of the order.

14 (e) The enforcement of a protective order in civil or
15 criminal court shall not be affected by either of the
16 following:

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

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

21 (f) Circumstances. The court, when determining whether or
22 not a violation of a protective order has occurred, shall not
23 require physical manifestations of abuse on the person of the
24 victim.

25 (g) Penalties.

26 (1) Except as provided in paragraph (3) of this

1 subsection (g), where the court finds the commission of a
2 crime or contempt of court under subsections (a) or (b) of
3 this Section, the penalty shall be the penalty that
4 generally applies in such criminal or contempt
5 proceedings, and may include one or more of the following:
6 incarceration, payment of restitution, a fine, payment of
7 attorneys' fees and costs, or community service.

8 (2) The court shall hear and take into account evidence
9 of any factors in aggravation or mitigation before deciding
10 an appropriate penalty under paragraph (1) of this
11 subsection (g).

12 (3) To the extent permitted by law, the court is
13 encouraged to:

14 (i) increase the penalty for the knowing violation
15 of any protective order over any penalty previously
16 imposed by any court for respondent's violation of any
17 protective order or penal statute involving petitioner
18 as victim and respondent as defendant;

19 (ii) impose a minimum penalty of 24 hours
20 imprisonment for respondent's first violation of any
21 protective order; and

22 (iii) impose a minimum penalty of 48 hours
23 imprisonment for respondent's second or subsequent
24 violation of a protective order

25 unless the court explicitly finds that an increased penalty
26 or that period of imprisonment would be manifestly unjust.

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

4 (i) to alter the conditions of release ~~increase,~~
5 ~~revoke, or modify the bail bond~~ on an underlying
6 criminal charge pursuant to Section 110-6 of this Code;

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

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

13 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
14 100-597, eff. 6-29-18.)

15 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

16 Sec. 115-4.1. Absence of defendant.

17 (a) When a defendant after arrest and an initial court
18 appearance for a non-capital felony or a misdemeanor, fails to
19 appear for trial, at the request of the State and after the
20 State has affirmatively proven through substantial evidence
21 that the defendant is willfully avoiding trial, the court may
22 commence trial in the absence of the defendant. Absence of a
23 defendant as specified in this Section shall not be a bar to
24 indictment of a defendant, return of information against a
25 defendant, or arraignment of a defendant for the charge for

1 which release ~~bail~~ has been granted. If a defendant fails to
2 appear at arraignment, the court may enter a plea of "not
3 guilty" on his behalf. If a defendant absents himself before
4 trial on a capital felony, trial may proceed as specified in
5 this Section provided that the State certifies that it will not
6 seek a death sentence following conviction. Trial in the
7 defendant's absence shall be by jury unless the defendant had
8 previously waived trial by jury. The absent defendant must be
9 represented by retained or appointed counsel. ~~The court, at the~~
10 ~~conclusion of all of the proceedings, may order the clerk of~~
11 ~~the circuit court to pay counsel such sum as the court deems~~
12 ~~reasonable, from any bond monies which were posted by the~~
13 ~~defendant with the clerk, after the clerk has first deducted~~
14 ~~all court costs.~~ If trial had previously commenced in the
15 presence of the defendant and the defendant willfully absents
16 himself for two successive court days, the court shall proceed
17 to trial. All procedural rights guaranteed by the United States
18 Constitution, Constitution of the State of Illinois, statutes
19 of the State of Illinois, and rules of court shall apply to the
20 proceedings the same as if the defendant were present in court
21 ~~and had not either forfeited his bail bond or escaped from~~
22 ~~custody.~~ The court may set the case for a trial which may be
23 conducted under this Section despite the failure of the
24 defendant to appear at the hearing at which the trial date is
25 set. When such trial date is set the clerk shall send to the
26 defendant, by certified mail at his or her last known address

1 ~~indicated on his bond slip,~~ notice of the new date which has
2 been set for trial. Such notification shall be required when
3 the defendant was not personally present in open court at the
4 time when the case was set for trial.

5 (b) The absence of a defendant from a trial conducted
6 pursuant to this Section does not operate as a bar to
7 concluding the trial, to a judgment of conviction resulting
8 therefrom, or to a final disposition of the trial in favor of
9 the defendant.

10 (c) Upon a verdict of not guilty, the court shall enter
11 judgment for the defendant. Upon a verdict of guilty, the court
12 shall set a date for the hearing of post-trial motions and
13 shall hear such motion in the absence of the defendant. If
14 post-trial motions are denied, the court shall proceed to
15 conduct a sentencing hearing and to impose a sentence upon the
16 defendant.

17 (d) A defendant who is absent for part of the proceedings
18 of trial, post-trial motions, or sentencing, does not thereby
19 forfeit his right to be present at all remaining proceedings.

20 (e) When a defendant who in his absence has been either
21 convicted or sentenced or both convicted and sentenced appears
22 before the court, he must be granted a new trial or new
23 sentencing hearing if the defendant can establish that his
24 failure to appear in court was both without his fault and due
25 to circumstances beyond his control. A hearing with notice to
26 the State's Attorney on the defendant's request for a new trial

1 or a new sentencing hearing must be held before any such
2 request may be granted. At any such hearing both the defendant
3 and the State may present evidence.

4 (f) If the court grants only the defendant's request for a
5 new sentencing hearing, then a new sentencing hearing shall be
6 held in accordance with the provisions of the Unified Code of
7 Corrections. At any such hearing, both the defendant and the
8 State may offer evidence of the defendant's conduct during his
9 period of absence from the court. The court may impose any
10 sentence authorized by the Unified Code of Corrections and is
11 not in any way limited or restricted by any sentence previously
12 imposed.

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

18 (Source: P.A. 90-787, eff. 8-14-98.)

19 (725 ILCS 5/102-7 rep.)

20 (725 ILCS 5/110-8 rep.)

21 (725 ILCS 5/110-13 rep.)

22 (725 ILCS 5/110-14 rep.)

23 (725 ILCS 5/110-15 rep.)

24 (725 ILCS 5/110-17 rep.)

25 Section 25. The Code of Criminal Procedure of 1963 is

1 amended by repealing Sections 102-7, 110-8, 110-13, 110-14,
2 110-15, and 110-17.

3 Section 30. The Pretrial Services Act is amended by
4 changing Sections 20, 22, and 34 as follows:

5 (725 ILCS 185/20) (from Ch. 38, par. 320)

6 Sec. 20. In preparing and presenting its written reports
7 under Sections 17 and 19, pretrial services agencies shall in
8 appropriate cases include specific recommendations for
9 conditions of release ~~the setting, increase, or decrease of~~
10 ~~bail~~; the release of the interviewee on his or her own
11 recognizance ~~in sums certain~~; and the imposition of pretrial
12 conditions of release ~~to bail~~ or recognizance designed to
13 minimize the risks of nonappearance, the commission of new
14 offenses while awaiting trial, and other potential
15 interference with the orderly administration of justice. In
16 establishing objective internal criteria of any such
17 recommendation policies, the agency may utilize so-called
18 "point scales" for evaluating the aforementioned risks, but no
19 interviewee shall be considered as ineligible for particular
20 agency recommendations by sole reference to such procedures.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (725 ILCS 185/22) (from Ch. 38, par. 322)

23 Sec. 22. If so ordered by the court, the pretrial services

1 agency shall prepare and submit for the court's approval and
2 signature a uniform release order on the uniform form
3 established by the Supreme Court in all cases where an
4 interviewee may be released from custody under conditions
5 contained in an agency report. Such conditions shall become
6 part of the conditions of release ~~the bail bond~~. A copy of the
7 uniform release order shall be provided to the defendant and
8 defendant's attorney of record, and the prosecutor.

9 (Source: P.A. 84-1449.)

10 (725 ILCS 185/34)

11 Sec. 34. Probation and court services departments
12 considered pretrial services agencies. For the purposes of
13 administering the provisions of Public Act 95-773, known as the
14 Cindy Bischof Law, all probation and court services departments
15 are to be considered pretrial services agencies under this Act
16 and under the release ~~bail bond~~ provisions of the Code of
17 Criminal Procedure of 1963.

18 (Source: P.A. 96-341, eff. 8-11-09.)

19 Section 35. The Uniform Criminal Extradition Act is amended
20 by changing Section 16 as follows:

21 (725 ILCS 225/16) (from Ch. 60, par. 33)

22 Sec. 16. Bail; in what cases; conditions of bond.

23 Unless the offense with which the prisoner is charged is

1 shown to be an offense punishable by death or life imprisonment
2 under the laws of the state in which it was committed, a judge
3 in this State may admit the person arrested to bail by bond,
4 with sufficient sureties, and in such sum as he deems proper,
5 conditioned for his appearance before him at a time specified
6 in such bond, and for his surrender, to be arrested upon the
7 warrant of the Governor of this State. Bail under this Act and
8 the procedures for it shall be as provided by Supreme Court
9 Rule.

10 (Source: P.A. 77-1256.)

11 Section 40. The Unified Code of Corrections is amended by
12 changing Section 5-6-4 as follows:

13 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

14 Sec. 5-6-4. Violation, Modification or Revocation of
15 Probation, of Conditional Discharge or Supervision or of a
16 sentence of county impact incarceration - Hearing.

17 (a) Except in cases where conditional discharge or
18 supervision was imposed for a petty offense as defined in
19 Section 5-1-17, when a petition is filed charging a violation
20 of a condition, the court may:

21 (1) in the case of probation violations, order the
22 issuance of a notice to the offender to be present by the
23 County Probation Department or such other agency
24 designated by the court to handle probation matters; and in

1 the case of conditional discharge or supervision
2 violations, such notice to the offender shall be issued by
3 the Circuit Court Clerk; and in the case of a violation of
4 a sentence of county impact incarceration, such notice
5 shall be issued by the Sheriff;

6 (2) order a summons to the offender to be present for
7 hearing; or

8 (3) order a warrant for the offender's arrest where
9 there is danger of his fleeing the jurisdiction or causing
10 serious harm to others or when the offender fails to answer
11 a summons or notice from the clerk of the court or Sheriff.

12 Personal service of the petition for violation of probation
13 or the issuance of such warrant, summons or notice shall toll
14 the period of probation, conditional discharge, supervision,
15 or sentence of county impact incarceration until the final
16 determination of the charge, and the term of probation,
17 conditional discharge, supervision, or sentence of county
18 impact incarceration shall not run until the hearing and
19 disposition of the petition for violation.

20 (b) The court shall conduct a hearing of the alleged
21 violation. The court shall release the defendant ~~admit the~~
22 ~~offender to bail~~ pending the hearing unless the alleged
23 violation is itself a criminal offense in which case the
24 offender shall be released ~~admitted to bail~~ on such terms as
25 are provided in the Code of Criminal Procedure of 1963, as
26 amended. In any case where an offender remains incarcerated

1 only as a result of his alleged violation of the court's
2 earlier order of probation, supervision, conditional
3 discharge, or county impact incarceration such hearing shall be
4 held within 14 days of the onset of said incarceration, unless
5 the alleged violation is the commission of another offense by
6 the offender during the period of probation, supervision or
7 conditional discharge in which case such hearing shall be held
8 within the time limits described in Section 103-5 of the Code
9 of Criminal Procedure of 1963, as amended.

10 (c) The State has the burden of going forward with the
11 evidence and proving the violation by the preponderance of the
12 evidence. The evidence shall be presented in open court with
13 the right of confrontation, cross-examination, and
14 representation by counsel.

15 (d) Probation, conditional discharge, periodic
16 imprisonment and supervision shall not be revoked for failure
17 to comply with conditions of a sentence or supervision, which
18 imposes financial obligations upon the offender unless such
19 failure is due to his willful refusal to pay.

20 (e) If the court finds that the offender has violated a
21 condition at any time prior to the expiration or termination of
22 the period, it may continue him on the existing sentence, with
23 or without modifying or enlarging the conditions, or may impose
24 any other sentence that was available under Article 4.5 of
25 Chapter V of this Code or Section 11-501 of the Illinois
26 Vehicle Code at the time of initial sentencing. If the court

1 finds that the person has failed to successfully complete his
2 or her sentence to a county impact incarceration program, the
3 court may impose any other sentence that was available under
4 Article 4.5 of Chapter V of this Code or Section 11-501 of the
5 Illinois Vehicle Code at the time of initial sentencing, except
6 for a sentence of probation or conditional discharge. If the
7 court finds that the offender has violated paragraph (8.6) of
8 subsection (a) of Section 5-6-3, the court shall revoke the
9 probation of the offender. If the court finds that the offender
10 has violated subsection (o) of Section 5-6-3.1, the court shall
11 revoke the supervision of the offender.

12 (f) The conditions of probation, of conditional discharge,
13 of supervision, or of a sentence of county impact incarceration
14 may be modified by the court on motion of the supervising
15 agency or on its own motion or at the request of the offender
16 after notice and a hearing.

17 (g) A judgment revoking supervision, probation,
18 conditional discharge, or a sentence of county impact
19 incarceration is a final appealable order.

20 (h) Resentencing after revocation of probation,
21 conditional discharge, supervision, or a sentence of county
22 impact incarceration shall be under Article 4. The term on
23 probation, conditional discharge or supervision shall not be
24 credited by the court against a sentence of imprisonment or
25 periodic imprisonment unless the court orders otherwise. The
26 amount of credit to be applied against a sentence of

1 imprisonment or periodic imprisonment when the defendant
2 served a term or partial term of periodic imprisonment shall be
3 calculated upon the basis of the actual days spent in
4 confinement rather than the duration of the term.

5 (i) Instead of filing a violation of probation, conditional
6 discharge, supervision, or a sentence of county impact
7 incarceration, an agent or employee of the supervising agency
8 with the concurrence of his or her supervisor may serve on the
9 defendant a Notice of Intermediate Sanctions. The Notice shall
10 contain the technical violation or violations involved, the
11 date or dates of the violation or violations, and the
12 intermediate sanctions to be imposed. Upon receipt of the
13 Notice, the defendant shall immediately accept or reject the
14 intermediate sanctions. If the sanctions are accepted, they
15 shall be imposed immediately. If the intermediate sanctions are
16 rejected or the defendant does not respond to the Notice, a
17 violation of probation, conditional discharge, supervision, or
18 a sentence of county impact incarceration shall be immediately
19 filed with the court. The State's Attorney and the sentencing
20 court shall be notified of the Notice of Sanctions. Upon
21 successful completion of the intermediate sanctions, a court
22 may not revoke probation, conditional discharge, supervision,
23 or a sentence of county impact incarceration or impose
24 additional sanctions for the same violation. A notice of
25 intermediate sanctions may not be issued for any violation of
26 probation, conditional discharge, supervision, or a sentence

1 of county impact incarceration which could warrant an
2 additional, separate felony charge. The intermediate sanctions
3 shall include a term of home detention as provided in Article
4 8A of Chapter V of this Code for multiple or repeat violations
5 of the terms and conditions of a sentence of probation,
6 conditional discharge, or supervision.

7 (j) When an offender is re-sentenced after revocation of
8 probation that was imposed in combination with a sentence of
9 imprisonment for the same offense, the aggregate of the
10 sentences may not exceed the maximum term authorized under
11 Article 4.5 of Chapter V.

12 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
13 96-1200, eff. 7-22-10.)

14 Section 45. The County Jail Good Behavior Allowance Act is
15 amended by changing Section 3 as follows:

16 (730 ILCS 130/3) (from Ch. 75, par. 32)

17 Sec. 3. The good behavior of any person who commences a
18 sentence of confinement in a county jail for a fixed term of
19 imprisonment after January 1, 1987 shall entitle such person to
20 a good behavior allowance, except that: (1) a person who
21 inflicted physical harm upon another person in committing the
22 offense for which he is confined shall receive no good behavior
23 allowance; and (2) a person sentenced for an offense for which
24 the law provides a mandatory minimum sentence shall not receive

1 any portion of a good behavior allowance that would reduce the
2 sentence below the mandatory minimum; and (3) a person
3 sentenced to a county impact incarceration program; and (4) a
4 person who is convicted of criminal sexual assault under
5 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of
6 Section 12-13 of the Criminal Code of 1961 or the Criminal Code
7 of 2012, criminal sexual abuse, or aggravated criminal sexual
8 abuse shall receive no good behavior allowance. The good
9 behavior allowance provided for in this Section shall not apply
10 to individuals sentenced for a felony to probation or
11 conditional discharge where a condition of such probation or
12 conditional discharge is that the individual serve a sentence
13 of periodic imprisonment or to individuals sentenced under an
14 order of court for civil contempt.

15 Such good behavior allowance shall be cumulative and
16 awarded as provided in this Section.

17 The good behavior allowance rate shall be cumulative and
18 awarded on the following basis:

19 The prisoner shall receive one day of good behavior
20 allowance for each day of service of sentence in the county
21 jail, and one day of good behavior allowance for each day of
22 incarceration in the county jail before sentencing for the
23 offense that he or she is currently serving sentence ~~but was~~
24 ~~unable to post bail before sentencing~~, except that a prisoner
25 serving a sentence of periodic imprisonment under Section 5-7-1
26 of the Unified Code of Corrections shall only be eligible to

1 receive good behavior allowance if authorized by the sentencing
2 judge. Each day of good behavior allowance shall reduce by one
3 day the prisoner's period of incarceration set by the court.
4 For the purpose of calculating a prisoner's good behavior
5 allowance, a fractional part of a day shall not be calculated
6 as a day of service of sentence in the county jail unless the
7 fractional part of the day is over 12 hours in which case a
8 whole day shall be credited on the good behavior allowance.

9 If consecutive sentences are served and the time served
10 amounts to a total of one year or more, the good behavior
11 allowance shall be calculated on a continuous basis throughout
12 the entire time served beginning on the first date of sentence
13 or incarceration, as the case may be.

14 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

15 Section 50. The Civil No Contact Order Act is amended by
16 changing Section 220 as follows:

17 (740 ILCS 22/220)

18 Sec. 220. Enforcement of a civil no contact order.

19 (a) Nothing in this Act shall preclude any Illinois court
20 from enforcing a valid protective order issued in another
21 state.

22 (b) Illinois courts may enforce civil no contact orders
23 through both criminal proceedings and civil contempt
24 proceedings, unless the action which is second in time is

1 barred by collateral estoppel or the constitutional
2 prohibition against double jeopardy.

3 (b-1) The court shall not hold a school district or private
4 or non-public school or any of its employees in civil or
5 criminal contempt unless the school district or private or
6 non-public school has been allowed to intervene.

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian directed,
12 encouraged, or assisted the respondent minor in such conduct.

13 (c) Criminal prosecution. A violation of any civil no
14 contact order, whether issued in a civil or criminal
15 proceeding, shall be enforced by a criminal court when the
16 respondent commits the crime of violation of a civil no contact
17 order pursuant to Section 219 by having knowingly violated:

18 (1) remedies described in Section 213 and included in a
19 civil no contact order; or

20 (2) a provision of an order, which is substantially
21 similar to provisions of Section 213, in a valid civil no
22 contact order which is authorized under the laws of another
23 state, tribe, or United States territory.

24 Prosecution for a violation of a civil no contact order
25 shall not bar a concurrent prosecution for any other crime,
26 including any crime that may have been committed at the time of

1 the violation of the civil no contact order.

2 (d) Contempt of court. A violation of any valid Illinois
3 civil no contact order, whether issued in a civil or criminal
4 proceeding, may be enforced through civil or criminal contempt
5 procedures, as appropriate, by any court with jurisdiction,
6 regardless of where the act or acts which violated the civil no
7 contact order were committed, to the extent consistent with the
8 venue provisions of this Act.

9 (1) In a contempt proceeding where the petition for a
10 rule to show cause or petition for adjudication of criminal
11 contempt sets forth facts evidencing an immediate danger
12 that the respondent will flee the jurisdiction or inflict
13 physical abuse on the petitioner or minor children or on
14 dependent adults in the petitioner's care, the court may
15 order the attachment of the respondent without prior
16 service of the petition for a rule to show cause, the rule
17 to show cause, the petition for adjudication of criminal
18 contempt or the adjudication of criminal contempt. Bond
19 shall be set unless specifically denied in writing.

20 (2) A petition for a rule to show cause or a petition
21 for adjudication of criminal contempt for violation of a
22 civil no contact order shall be treated as an expedited
23 proceeding.

24 (e) Actual knowledge. A civil no contact order may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

2 (1) by service, delivery, or notice under Section 208;

3 (2) by notice under Section 218;

4 (3) by service of a civil no contact order under
5 Section 218; or

6 (4) by other means demonstrating actual knowledge of
7 the contents of the order.

8 (f) The enforcement of a civil no contact order in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) the existence of a separate, correlative order,
12 entered under Section 202; or

13 (2) any finding or order entered in a conjoined
14 criminal proceeding.

15 (g) Circumstances. The court, when determining whether or
16 not a violation of a civil no contact order has occurred, shall
17 not require physical manifestations of abuse on the person of
18 the victim.

19 (h) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection, where the court finds the commission of a crime
22 or contempt of court under subsection (a) or (b) of this
23 Section, the penalty shall be the penalty that generally
24 applies in such criminal or contempt proceedings, and may
25 include one or more of the following: incarceration,
26 payment of restitution, a fine, payment of attorneys' fees

1 and costs, or community service.

2 (2) The court shall hear and take into account evidence
3 of any factors in aggravation or mitigation before deciding
4 an appropriate penalty under paragraph (1) of this
5 subsection.

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any civil no contact order over any penalty
10 previously imposed by any court for respondent's
11 violation of any civil no contact order or penal
12 statute involving petitioner as victim and respondent
13 as defendant;

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 civil no contact order; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of a civil no contact order unless the court
20 explicitly finds that an increased penalty or that
21 period of imprisonment would be manifestly unjust.

22 (4) In addition to any other penalties imposed for a
23 violation of a civil no contact order, a criminal court may
24 consider evidence of any previous violations of a civil no
25 contact order:

26 (i) to alter the conditions of release ~~increase,~~

1 ~~revoke or modify the bail bond~~ on an underlying
2 criminal charge pursuant to Section 110-6 of the Code
3 of Criminal Procedure of 1963;

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

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

10 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

11 Section 55. The Illinois Domestic Violence Act of 1986 is
12 amended by changing Section 223 as follows:

13 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

14 Sec. 223. Enforcement of orders of protection.

15 (a) When violation is crime. A violation of any order of
16 protection, whether issued in a civil or criminal proceeding,
17 shall be enforced by a criminal court when:

18 (1) The respondent commits the crime of violation of an
19 order of protection pursuant to Section 12-3.4 or 12-30 of
20 the Criminal Code of 1961 or the Criminal Code of 2012, by
21 having knowingly violated:

22 (i) remedies described in paragraphs (1), (2),
23 (3), (14), or (14.5) of subsection (b) of Section 214
24 of this Act; or

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraphs (1), (2),
3 (3), (14), and (14.5) of subsection (b) of Section 214
4 of this Act, in a valid order of protection which is
5 authorized under the laws of another state, tribe, or
6 United States territory; or

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

10 Prosecution for a violation of an order of protection
11 shall not bar concurrent prosecution for any other crime,
12 including any crime that may have been committed at the
13 time of the violation of the order of protection; or

14 (2) The respondent commits the crime of child abduction
15 pursuant to Section 10-5 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, by having knowingly violated:

17 (i) remedies described in paragraphs (5), (6) or
18 (8) of subsection (b) of Section 214 of this Act; or

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (5), (6), or
21 (8) of subsection (b) of Section 214 of this Act, in a
22 valid order of protection which is authorized under the
23 laws of another state, tribe, or United States
24 territory.

25 (b) When violation is contempt of court. A violation of any
26 valid Illinois order of protection, whether issued in a civil

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

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

21 (2) A petition for a rule to show cause for violation
22 of an order of protection shall be treated as an expedited
23 proceeding.

24 (b-1) The court shall not hold a school district or private
25 or non-public school or any of its employees in civil or
26 criminal contempt unless the school district or private or

1 non-public school has been allowed to intervene.

2 (b-2) The court may hold the parents, guardian, or legal
3 custodian of a minor respondent in civil or criminal contempt
4 for a violation of any provision of any order entered under
5 this Act for conduct of the minor respondent in violation of
6 this Act if the parents, guardian, or legal custodian directed,
7 encouraged, or assisted the respondent minor in such conduct.

8 (c) Violation of custody or support orders or temporary or
9 final judgments allocating parental responsibilities. A
10 violation of remedies described in paragraphs (5), (6), (8), or
11 (9) of subsection (b) of Section 214 of this Act may be
12 enforced by any remedy provided by Section 607.5 of the
13 Illinois Marriage and Dissolution of Marriage Act. The court
14 may enforce any order for support issued under paragraph (12)
15 of subsection (b) of Section 214 in the manner provided for
16 under Parts V and VII of the Illinois Marriage and Dissolution
17 of Marriage Act.

18 (d) Actual knowledge. An order of protection may be
19 enforced pursuant to this Section if the respondent violates
20 the order after the respondent has actual knowledge of its
21 contents as shown through one of the following means:

22 (1) By service, delivery, or notice under Section 210.

23 (2) By notice under Section 210.1 or 211.

24 (3) By service of an order of protection under Section
25 222.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of an order of protection in civil or
3 criminal court shall not be affected by either of the
4 following:

5 (1) The existence of a separate, correlative order,
6 entered under Section 215.

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

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

13 (g) Penalties.

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

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

26 (3) To the extent permitted by law, the court is

1 encouraged to:

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

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

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

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

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

19 (i) to alter the conditions of release ~~increase,~~
20 ~~revoke or modify the bail bond~~ on an underlying
21 criminal charge pursuant to Section 110-6 of the Code
22 of Criminal Procedure of 1963;

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

26 (iii) to revoke or modify a sentence of periodic

1 imprisonment, pursuant to Section 5-7-2 of the Unified
2 Code of Corrections.

3 (5) In addition to any other penalties, the court shall
4 impose an additional fine of \$20 as authorized by Section
5 5-9-1.11 of the Unified Code of Corrections upon any person
6 convicted of or placed on supervision for a violation of an
7 order of protection. The additional fine shall be imposed
8 for each violation of this Section.

9 (Source: P.A. 99-90, eff. 1-1-16.)

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Statutes amended in order of appearance

3	625 ILCS 5/16-103	from Ch. 95 1/2, par. 16-103
4	705 ILCS 105/27.3a	
5	705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
6	705 ILCS 105/27.5	from Ch. 25, par. 27.5
7	705 ILCS 105/27.6	
8	720 ILCS 5/32-10	from Ch. 38, par. 32-10
9	725 ILCS 5/103-5	from Ch. 38, par. 103-5
10	725 ILCS 5/103-7	from Ch. 38, par. 103-7
11	725 ILCS 5/104-17	from Ch. 38, par. 104-17
12	725 ILCS 5/106D-1	
13	725 ILCS 5/107-4	from Ch. 38, par. 107-4
14	725 ILCS 5/109-1	from Ch. 38, par. 109-1
15	725 ILCS 5/109-2	from Ch. 38, par. 109-2
16	725 ILCS 5/110-1	from Ch. 38, par. 110-1
17	725 ILCS 5/110-1.5 new	
18	725 ILCS 5/110-2	from Ch. 38, par. 110-2
19	725 ILCS 5/110-3	from Ch. 38, par. 110-3
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24	725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
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1	725 ILCS 5/110-6.3	from Ch. 38, par. 110-6.3
2	725 ILCS 5/110-6.5	
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4	725 ILCS 5/110-9	from Ch. 38, par. 110-9
5	725 ILCS 5/110-10	from Ch. 38, par. 110-10
6	725 ILCS 5/110-11	from Ch. 38, par. 110-11
7	725 ILCS 5/110-12	from Ch. 38, par. 110-12
8	725 ILCS 5/110-16	from Ch. 38, par. 110-16
9	725 ILCS 5/110-18	from Ch. 38, par. 110-18
10	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
11	725 ILCS 5/115-4.1	from Ch. 38, par. 115-4.1
12	725 ILCS 5/102-7 rep.	
13	725 ILCS 5/110-8 rep.	
14	725 ILCS 5/110-13 rep.	
15	725 ILCS 5/110-14 rep.	
16	725 ILCS 5/110-15 rep.	
17	725 ILCS 5/110-17 rep.	
18	725 ILCS 185/20	from Ch. 38, par. 320
19	725 ILCS 185/22	from Ch. 38, par. 322
20	725 ILCS 185/34	
21	725 ILCS 225/16	from Ch. 60, par. 33
22	730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
23	730 ILCS 130/3	from Ch. 75, par. 32
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25	750 ILCS 60/223	from Ch. 40, par. 2312-23