

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 2. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; public defender grant
8 program. To provide for the expeditious and timely
9 implementation of Section 3-4014 of the Counties Code,
10 emergency rules implementing the public defender grant program
11 established under that Section may be adopted in accordance
12 with Section 5-45 by the Administrative Office of the Illinois
13 Courts. The adoption of emergency rules authorized by Section
14 5-45 and this Section is deemed to be necessary for the public
15 interest, safety, and welfare.

16 This Section is repealed one year after the effective date
17 of this amendatory Act of the 102nd General Assembly.

18 Section 5. The Freedom of Information Act is amended by
19 changing Section 2.15 as follows:

20 (5 ILCS 140/2.15)

21 (Text of Section before amendment by P.A. 101-652)

1 Sec. 2.15. Arrest reports and criminal history records.

2 (a) Arrest reports. The following chronologically
3 maintained arrest and criminal history information maintained
4 by State or local criminal justice agencies shall be furnished
5 as soon as practical, but in no event later than 72 hours after
6 the arrest, notwithstanding the time limits otherwise provided
7 for in Section 3 of this Act: (i) information that identifies
8 the individual, including the name, age, address, and
9 photograph, when and if available; (ii) information detailing
10 any charges relating to the arrest; (iii) the time and
11 location of the arrest; (iv) the name of the investigating or
12 arresting law enforcement agency; (v) if the individual is
13 incarcerated, the amount of any bail or bond; and (vi) if the
14 individual is incarcerated, the time and date that the
15 individual was received into, discharged from, or transferred
16 from the arresting agency's custody.

17 (b) Criminal history records. The following documents
18 maintained by a public body pertaining to criminal history
19 record information are public records subject to inspection
20 and copying by the public pursuant to this Act: (i) court
21 records that are public; (ii) records that are otherwise
22 available under State or local law; and (iii) records in which
23 the requesting party is the individual identified, except as
24 provided under Section 7(1)(d)(vi).

25 (c) Information described in items (iii) through (vi) of
26 subsection (a) may be withheld if it is determined that

1 disclosure would: (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings conducted
3 by any law enforcement agency; (ii) endanger the life or
4 physical safety of law enforcement or correctional personnel
5 or any other person; or (iii) compromise the security of any
6 correctional facility.

7 (d) The provisions of this Section do not supersede the
8 confidentiality provisions for law enforcement or arrest
9 records of the Juvenile Court Act of 1987.

10 (e) Notwithstanding the requirements of subsection (a), a
11 law enforcement agency may not publish booking photographs,
12 commonly known as "mugshots", on its social networking website
13 in connection with civil offenses, petty offenses, business
14 offenses, Class C misdemeanors, and Class B misdemeanors
15 unless the booking photograph is posted to the social
16 networking website to assist in the search for a missing
17 person or to assist in the search for a fugitive, person of
18 interest, or individual wanted in relation to a crime other
19 than a petty offense, business offense, Class C misdemeanor,
20 or Class B misdemeanor. As used in this subsection, "social
21 networking website" has the meaning provided in Section 10 of
22 the Right to Privacy in the Workplace Act.

23 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 2.15. Arrest reports and criminal history records.

1 (a) Arrest reports. The following chronologically
2 maintained arrest and criminal history information maintained
3 by State or local criminal justice agencies shall be furnished
4 as soon as practical, but in no event later than 72 hours after
5 the arrest, notwithstanding the time limits otherwise provided
6 for in Section 3 of this Act: (i) information that identifies
7 the individual, including the name, age, address, and
8 photograph, when and if available; (ii) information detailing
9 any charges relating to the arrest; (iii) the time and
10 location of the arrest; (iv) the name of the investigating or
11 arresting law enforcement agency; (v) (blank) ~~if the~~
12 ~~individual is incarcerated, the conditions of pretrial~~
13 ~~release;~~ and (vi) if the individual is incarcerated, the time
14 and date that the individual was received into, discharged
15 from, or transferred from the arresting agency's custody.

16 (b) Criminal history records. The following documents
17 maintained by a public body pertaining to criminal history
18 record information are public records subject to inspection
19 and copying by the public pursuant to this Act: (i) court
20 records that are public; (ii) records that are otherwise
21 available under State or local law; and (iii) records in which
22 the requesting party is the individual identified, except as
23 provided under Section 7(1)(d)(vi).

24 (c) Information described in items (iii) through (vi) of
25 subsection (a) may be withheld if it is determined that
26 disclosure would: (i) interfere with pending or actually and

1 reasonably contemplated law enforcement proceedings conducted
2 by any law enforcement agency; (ii) endanger the life or
3 physical safety of law enforcement or correctional personnel
4 or any other person; or (iii) compromise the security of any
5 correctional facility.

6 (d) The provisions of this Section do not supersede the
7 confidentiality provisions for law enforcement or arrest
8 records of the Juvenile Court Act of 1987.

9 (e) Notwithstanding the requirements of subsection (a), a
10 law enforcement agency may not publish booking photographs,
11 commonly known as "mugshots", on its social networking website
12 in connection with civil offenses, petty offenses, business
13 offenses, Class C misdemeanors, and Class B misdemeanors
14 unless the booking photograph is posted to the social
15 networking website to assist in the search for a missing
16 person or to assist in the search for a fugitive, person of
17 interest, or individual wanted in relation to a crime other
18 than a petty offense, business offense, Class C misdemeanor,
19 or Class B misdemeanor. As used in this subsection, "social
20 networking website" has the meaning provided in Section 10 of
21 the Right to Privacy in the Workplace Act.

22 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19;
23 101-652, eff. 1-1-23.)

24 Section 10. The State Records Act is amended by changing
25 Section 4a as follows:

1 (5 ILCS 160/4a)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 4a. Arrest records and reports.

4 (a) When an individual is arrested, the following
5 information must be made available to the news media for
6 inspection and copying:

7 (1) Information that identifies the individual,
8 including the name, age, address, and photograph, when and
9 if available.

10 (2) Information detailing any charges relating to the
11 arrest.

12 (3) The time and location of the arrest.

13 (4) The name of the investigating or arresting law
14 enforcement agency.

15 (5) If the individual is incarcerated, the amount of
16 any bail or bond.

17 (6) If the individual is incarcerated, the time and
18 date that the individual was received, discharged, or
19 transferred from the arresting agency's custody.

20 (b) The information required by this Section must be made
21 available to the news media for inspection and copying as soon
22 as practicable, but in no event shall the time period exceed 72
23 hours from the arrest. The information described in paragraphs
24 (3), (4), (5), and (6) of subsection (a), however, may be
25 withheld if it is determined that disclosure would:

1 (1) interfere with pending or actually and reasonably
2 contemplated law enforcement proceedings conducted by any
3 law enforcement or correctional agency;

4 (2) endanger the life or physical safety of law
5 enforcement or correctional personnel or any other person;
6 or

7 (3) compromise the security of any correctional
8 facility.

9 (c) For the purposes of this Section, the term "news
10 media" means personnel of a newspaper or other periodical
11 issued at regular intervals whether in print or electronic
12 format, a news service whether in print or electronic format,
13 a radio station, a television station, a television network, a
14 community antenna television service, or a person or
15 corporation engaged in making news reels or other motion
16 picture news for public showing.

17 (d) Each law enforcement or correctional agency may charge
18 fees for arrest records, but in no instance may the fee exceed
19 the actual cost of copying and reproduction. The fees may not
20 include the cost of the labor used to reproduce the arrest
21 record.

22 (e) The provisions of this Section do not supersede the
23 confidentiality provisions for arrest records of the Juvenile
24 Court Act of 1987.

25 (f) All information, including photographs, made available
26 under this Section is subject to the provisions of Section

1 2000 of the Consumer Fraud and Deceptive Business Practices
2 Act.

3 (g) Notwithstanding the requirements of subsection (a), a
4 law enforcement agency may not publish booking photographs,
5 commonly known as "mugshots", on its social networking website
6 in connection with civil offenses, petty offenses, business
7 offenses, Class C misdemeanors, and Class B misdemeanors
8 unless the booking photograph is posted to the social
9 networking website to assist in the search for a missing
10 person or to assist in the search for a fugitive, person of
11 interest, or individual wanted in relation to a crime other
12 than a petty offense, business offense, Class C misdemeanor,
13 or Class B misdemeanor. As used in this subsection, "social
14 networking website" has the meaning provided in Section 10 of
15 the Right to Privacy in the Workplace Act.

16 (Source: P.A. 101-433, eff. 8-20-19.)

17 (Text of Section after amendment by P.A. 101-652)

18 Sec. 4a. Arrest records and reports.

19 (a) When an individual is arrested, the following
20 information must be made available to the news media for
21 inspection and copying:

22 (1) Information that identifies the individual,
23 including the name, age, address, and photograph, when and
24 if available.

25 (2) Information detailing any charges relating to the

1 arrest.

2 (3) The time and location of the arrest.

3 (4) The name of the investigating or arresting law
4 enforcement agency.

5 (5) (Blank). ~~If the individual is incarcerated, the~~
6 ~~conditions of pretrial release.~~

7 (6) If the individual is incarcerated, the time and
8 date that the individual was received, discharged, or
9 transferred from the arresting agency's custody.

10 (b) The information required by this Section must be made
11 available to the news media for inspection and copying as soon
12 as practicable, but in no event shall the time period exceed 72
13 hours from the arrest. The information described in paragraphs
14 (3), (4), (5), and (6) of subsection (a), however, may be
15 withheld if it is determined that disclosure would:

16 (1) interfere with pending or actually and reasonably
17 contemplated law enforcement proceedings conducted by any
18 law enforcement or correctional agency;

19 (2) endanger the life or physical safety of law
20 enforcement or correctional personnel or any other person;
21 or

22 (3) compromise the security of any correctional
23 facility.

24 (c) For the purposes of this Section, the term "news
25 media" means personnel of a newspaper or other periodical
26 issued at regular intervals whether in print or electronic

1 format, a news service whether in print or electronic format,
2 a radio station, a television station, a television network, a
3 community antenna television service, or a person or
4 corporation engaged in making news reels or other motion
5 picture news for public showing.

6 (d) Each law enforcement or correctional agency may charge
7 fees for arrest records, but in no instance may the fee exceed
8 the actual cost of copying and reproduction. The fees may not
9 include the cost of the labor used to reproduce the arrest
10 record.

11 (e) The provisions of this Section do not supersede the
12 confidentiality provisions for arrest records of the Juvenile
13 Court Act of 1987.

14 (f) All information, including photographs, made available
15 under this Section is subject to the provisions of Section
16 2000 of the Consumer Fraud and Deceptive Business Practices
17 Act.

18 (g) Notwithstanding the requirements of subsection (a), a
19 law enforcement agency may not publish booking photographs,
20 commonly known as "mugshots", on its social networking website
21 in connection with civil offenses, petty offenses, business
22 offenses, Class C misdemeanors, and Class B misdemeanors
23 unless the booking photograph is posted to the social
24 networking website to assist in the search for a missing
25 person or to assist in the search for a fugitive, person of
26 interest, or individual wanted in relation to a crime other

1 than a petty offense, business offense, Class C misdemeanor,
2 or Class B misdemeanor. As used in this subsection, "social
3 networking website" has the meaning provided in Section 10 of
4 the Right to Privacy in the Workplace Act.

5 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23.)

6 Section 15. The Illinois State Police Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 2605-302 as follows:

9 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

10 (Text of Section before amendment by P.A. 101-652)

11 Sec. 2605-302. Arrest reports.

12 (a) When an individual is arrested, the following
13 information must be made available to the news media for
14 inspection and copying:

15 (1) Information that identifies the individual,
16 including the name, age, address, and photograph, when and
17 if available.

18 (2) Information detailing any charges relating to the
19 arrest.

20 (3) The time and location of the arrest.

21 (4) The name of the investigating or arresting law
22 enforcement agency.

23 (5) If the individual is incarcerated, the amount of
24 any bail or bond.

1 (6) If the individual is incarcerated, the time and
2 date that the individual was received, discharged, or
3 transferred from the arresting agency's custody.

4 (b) The information required by this Section must be made
5 available to the news media for inspection and copying as soon
6 as practicable, but in no event shall the time period exceed 72
7 hours from the arrest. The information described in items (3),
8 (4), (5), and (6) of subsection (a), however, may be withheld
9 if it is determined that disclosure would (i) interfere with
10 pending or actually and reasonably contemplated law
11 enforcement proceedings conducted by any law enforcement or
12 correctional agency; (ii) endanger the life or physical safety
13 of law enforcement or correctional personnel or any other
14 person; or (iii) compromise the security of any correctional
15 facility.

16 (c) For the purposes of this Section, the term "news
17 media" means personnel of a newspaper or other periodical
18 issued at regular intervals whether in print or electronic
19 format, a news service whether in print or electronic format,
20 a radio station, a television station, a television network, a
21 community antenna television service, or a person or
22 corporation engaged in making news reels or other motion
23 picture news for public showing.

24 (d) Each law enforcement or correctional agency may charge
25 fees for arrest records, but in no instance may the fee exceed
26 the actual cost of copying and reproduction. The fees may not

1 include the cost of the labor used to reproduce the arrest
2 record.

3 (e) The provisions of this Section do not supersede the
4 confidentiality provisions for arrest records of the Juvenile
5 Court Act of 1987.

6 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
7 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02.)

8 (Text of Section after amendment by P.A. 101-652)
9 Sec. 2605-302. Arrest reports.

10 (a) When an individual is arrested, the following
11 information must be made available to the news media for
12 inspection and copying:

13 (1) Information that identifies the individual,
14 including the name, age, address, and photograph, when and
15 if available.

16 (2) Information detailing any charges relating to the
17 arrest.

18 (3) The time and location of the arrest.

19 (4) The name of the investigating or arresting law
20 enforcement agency.

21 (5) (Blank). ~~If the individual is incarcerated, the~~
22 ~~conditions of pretrial release.~~

23 (6) If the individual is incarcerated, the time and
24 date that the individual was received, discharged, or
25 transferred from the arresting agency's custody.

1 (b) The information required by this Section must be made
2 available to the news media for inspection and copying as soon
3 as practicable, but in no event shall the time period exceed 72
4 hours from the arrest. The information described in items (3),
5 (4), (5), and (6) of subsection (a), however, may be withheld
6 if it is determined that disclosure would (i) interfere with
7 pending or actually and reasonably contemplated law
8 enforcement proceedings conducted by any law enforcement or
9 correctional agency; (ii) endanger the life or physical safety
10 of law enforcement or correctional personnel or any other
11 person; or (iii) compromise the security of any correctional
12 facility.

13 (c) For the purposes of this Section, the term "news
14 media" means personnel of a newspaper or other periodical
15 issued at regular intervals whether in print or electronic
16 format, a news service whether in print or electronic format,
17 a radio station, a television station, a television network, a
18 community antenna television service, or a person or
19 corporation engaged in making news reels or other motion
20 picture news for public showing.

21 (d) Each law enforcement or correctional agency may charge
22 fees for arrest records, but in no instance may the fee exceed
23 the actual cost of copying and reproduction. The fees may not
24 include the cost of the labor used to reproduce the arrest
25 record.

26 (e) The provisions of this Section do not supersede the

1 confidentiality provisions for arrest records of the Juvenile
2 Court Act of 1987.

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

4 Section 20. The Illinois Criminal Justice Information Act
5 is amended by changing Section 7.7 as follows:

6 (20 ILCS 3930/7.7)

7 Sec. 7.7. Pretrial data collection.

8 (a) The Administrative Director of the Administrative
9 Office of the Illinois Courts shall convene an oversight board
10 to be known as the Pretrial Practices Data Oversight Board to
11 oversee the collection and analysis of data regarding pretrial
12 practices in circuit court systems. The Board shall include,
13 but is not limited to, designees from the Administrative
14 Office of the Illinois Courts, the Illinois Criminal Justice
15 Information Authority, and other entities that possess
16 knowledge of pretrial practices and data collection issues.
17 Members of the Board shall serve without compensation.

18 (b) The Oversight Board shall:

19 (1) identify existing pretrial data collection
20 processes in local jurisdictions;

21 (2) define, gather and maintain records of pretrial
22 data relating to the topics listed in subsection (c) from
23 circuit clerks' offices, sheriff's departments, law
24 enforcement agencies, jails, pretrial departments,

1 probation department, prosecutors' ~~State's Attorneys'~~
2 offices, public defenders' offices and other applicable
3 criminal justice system agencies;

4 (3) identify resources necessary to systematically
5 collect and report data related to the topics listed in
6 subsection (c); and

7 (4) develop a plan to implement data collection
8 processes sufficient to collect data on the topics listed
9 in subsection (c) no later than one year after July 1, 2021
10 (the effective date of Public Act 101-652). The plan and,
11 once implemented, the reports and analysis shall be
12 published and made publicly available on the
13 Administrative Office of the Illinois Courts (AOIC)
14 website.

15 (c) The Pretrial Practices Data Oversight Board shall
16 develop a strategy to collect quarterly, county-level data on
17 the following topics; which collection of data shall begin
18 starting one year after July 1, 2021 (the effective date of
19 Public Act 101-652):

20 (1) information on all persons arrested and charged
21 with misdemeanor or felony charges, or both, including
22 information on persons released directly from law
23 enforcement custody;

24 (2) information on the outcomes of pretrial conditions
25 and pretrial detention hearings in the county courts,
26 including but not limited to the number of hearings held,

1 the number of defendants detained, the number of
2 defendants released, ~~and~~ the number of defendants released
3 with electronic monitoring, and, beginning January 1,
4 2023, information comparing detention hearing outcomes
5 when the hearing is held in person and by two-way
6 audio-visual communication;

7 (3) information regarding persons detained in the
8 county jail pretrial, including, but not limited to, the
9 number of persons detained in the jail pretrial and the
10 number detained in the jail for other reasons, the
11 demographics of the pretrial jail population, race, sex,
12 sexual orientation, gender identity, age, and ethnicity,
13 the charges including on which pretrial defendants are
14 detained, the average length of stay of pretrial
15 defendants;

16 (4) information regarding persons placed on electronic
17 monitoring programs pretrial, including, but not limited
18 to, the number of participants, the demographics of the
19 participant population, including race, sex, sexual
20 orientation, gender identity, age, and ethnicity, the
21 charges on which participants are ordered to the program,
22 and the average length of participation in the program;

23 (5) discharge data regarding persons detained pretrial
24 in the county jail, including, but not limited to, the
25 number who are sentenced to the Illinois Department of
26 Corrections, the number released after being sentenced to

1 time served, the number who are released on probation,
2 conditional discharge, or other community supervision, the
3 number found not guilty, the number whose cases are
4 dismissed, the number whose cases are dismissed as part of
5 diversion or deferred prosecution program, and the number
6 who are released pretrial after a hearing re-examining
7 their pretrial detention;

8 (6) information on the pretrial rearrest of
9 individuals released pretrial, including the number
10 arrested and charged with a new misdemeanor offense while
11 released, the number arrested and charged with a new
12 felony offense while released, and the number arrested and
13 charged with a new forcible felony offense while released,
14 and how long after release these arrests occurred;

15 (7) information on the pretrial failure to appear
16 rates of individuals released pretrial, including the
17 number who missed one or more court dates, how many
18 warrants for failures to appear were issued, and how many
19 individuals were detained pretrial or placed on electronic
20 monitoring pretrial after a failure to appear in court;

21 (8) what, if any, validated pretrial risk assessment
22 tools are in use in each jurisdiction, and comparisons of
23 the pretrial release and pretrial detention decisions of
24 judges as compared to and the risk assessment scores of
25 individuals; and

26 (9) any other information the Pretrial Practices Data

1 Oversight Board considers important and probative of the
2 effectiveness of pretrial practices in the State of
3 Illinois.

4 (d) Circuit clerks' offices, sheriff's departments, law
5 enforcement agencies, jails, pretrial departments, probation
6 department, State's Attorneys' offices, public defenders'
7 offices and other applicable criminal justice system agencies
8 are mandated to provide data to the Administrative Office of
9 the Illinois Courts as described in subsection (c).
10 (Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)

11 Section 22. The State Finance Act is amended by adding
12 Section 5.990 as follows:

13 (30 ILCS 105/5.990 new)

14 Sec. 5.990. The Public Defender Fund.

15 Section 25. The Local Records Act is amended by changing
16 Section 3b as follows:

17 (50 ILCS 205/3b)

18 (Text of Section before amendment by P.A. 101-652)

19 Sec. 3b. Arrest records and reports.

20 (a) When an individual is arrested, the following
21 information must be made available to the news media for
22 inspection and copying:

1 (1) Information that identifies the individual,
2 including the name, age, address, and photograph, when and
3 if available.

4 (2) Information detailing any charges relating to the
5 arrest.

6 (3) The time and location of the arrest.

7 (4) The name of the investigating or arresting law
8 enforcement agency.

9 (5) If the individual is incarcerated, the amount of
10 any bail or bond.

11 (6) If the individual is incarcerated, the time and
12 date that the individual was received, discharged, or
13 transferred from the arresting agency's custody.

14 (b) The information required by this Section must be made
15 available to the news media for inspection and copying as soon
16 as practicable, but in no event shall the time period exceed 72
17 hours from the arrest. The information described in paragraphs
18 (3), (4), (5), and (6) of subsection (a), however, may be
19 withheld if it is determined that disclosure would:

20 (1) interfere with pending or actually and reasonably
21 contemplated law enforcement proceedings conducted by any
22 law enforcement or correctional agency;

23 (2) endanger the life or physical safety of law
24 enforcement or correctional personnel or any other person;
25 or

26 (3) compromise the security of any correctional

1 facility.

2 (c) For the purposes of this Section the term "news media"
3 means personnel of a newspaper or other periodical issued at
4 regular intervals whether in print or electronic format, a
5 news service whether in print or electronic format, a radio
6 station, a television station, a television network, a
7 community antenna television service, or a person or
8 corporation engaged in making news reels or other motion
9 picture news for public showing.

10 (d) Each law enforcement or correctional agency may charge
11 fees for arrest records, but in no instance may the fee exceed
12 the actual cost of copying and reproduction. The fees may not
13 include the cost of the labor used to reproduce the arrest
14 record.

15 (e) The provisions of this Section do not supersede the
16 confidentiality provisions for arrest records of the Juvenile
17 Court Act of 1987.

18 (f) All information, including photographs, made available
19 under this Section is subject to the provisions of Section
20 2QQQ of the Consumer Fraud and Deceptive Business Practices
21 Act.

22 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

23 (Text of Section after amendment by P.A. 101-652)

24 Sec. 3b. Arrest records and reports.

25 (a) When an individual is arrested, the following

1 information must be made available to the news media for
2 inspection and copying:

3 (1) Information that identifies the individual,
4 including the name, age, address, and photograph, when and
5 if available.

6 (2) Information detailing any charges relating to the
7 arrest.

8 (3) The time and location of the arrest.

9 (4) The name of the investigating or arresting law
10 enforcement agency.

11 (5) (Blank). ~~If the individual is incarcerated, the~~
12 ~~conditions of pretrial release.~~

13 (6) If the individual is incarcerated, the time and
14 date that the individual was received, discharged, or
15 transferred from the arresting agency's custody.

16 (b) The information required by this Section must be made
17 available to the news media for inspection and copying as soon
18 as practicable, but in no event shall the time period exceed 72
19 hours from the arrest. The information described in paragraphs
20 (3), (4), (5), and (6) of subsection (a), however, may be
21 withheld if it is determined that disclosure would:

22 (1) interfere with pending or actually and reasonably
23 contemplated law enforcement proceedings conducted by any
24 law enforcement or correctional agency;

25 (2) endanger the life or physical safety of law
26 enforcement or correctional personnel or any other person;

1 or

2 (3) compromise the security of any correctional
3 facility.

4 (c) For the purposes of this Section the term "news media"
5 means personnel of a newspaper or other periodical issued at
6 regular intervals whether in print or electronic format, a
7 news service whether in print or electronic format, a radio
8 station, a television station, a television network, a
9 community antenna television service, or a person or
10 corporation engaged in making news reels or other motion
11 picture news for public showing.

12 (d) Each law enforcement or correctional agency may charge
13 fees for arrest records, but in no instance may the fee exceed
14 the actual cost of copying and reproduction. The fees may not
15 include the cost of the labor used to reproduce the arrest
16 record.

17 (e) The provisions of this Section do not supersede the
18 confidentiality provisions for arrest records of the Juvenile
19 Court Act of 1987.

20 (f) All information, including photographs, made available
21 under this Section is subject to the provisions of Section
22 2000 of the Consumer Fraud and Deceptive Business Practices
23 Act.

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

25 Section 30. The Law Enforcement Officer-Worn Body Camera

1 Act is amended by changing Sections 10-10, 10-15, 10-20, and
2 10-25 as follows:

3 (50 ILCS 706/10-10)

4 Sec. 10-10. Definitions. As used in this Act:

5 "Badge" means an officer's department issued
6 identification number associated with his or her position as a
7 police officer with that department.

8 "Board" means the Illinois Law Enforcement Training
9 Standards Board created by the Illinois Police Training Act.

10 "Business offense" means a petty offense for which the
11 fine is in excess of \$1,000.

12 "Community caretaking function" means a task undertaken by
13 a law enforcement officer in which the officer is performing
14 an articulable act unrelated to the investigation of a crime.

15 "Community caretaking function" includes, but is not limited
16 to, participating in town halls or other community outreach,
17 helping a child find his or her parents, providing death
18 notifications, and performing in-home or hospital well-being
19 checks on the sick, elderly, or persons presumed missing.

20 "Community caretaking function" excludes law
21 enforcement-related encounters or activities.

22 "Fund" means the Law Enforcement Camera Grant Fund.

23 "In uniform" means a law enforcement officer who is
24 wearing any officially authorized uniform designated by a law
25 enforcement agency, or a law enforcement officer who is

1 visibly wearing articles of clothing, a badge, tactical gear,
2 gun belt, a patch, or other insignia that he or she is a law
3 enforcement officer acting in the course of his or her duties.

4 "Law enforcement officer" or "officer" means any person
5 employed by a State, county, municipality, special district,
6 college, unit of government, or any other entity authorized by
7 law to employ peace officers or exercise police authority and
8 who is primarily responsible for the prevention or detection
9 of crime and the enforcement of the laws of this State.

10 "Law enforcement agency" means all State agencies with law
11 enforcement officers, county sheriff's offices, municipal,
12 special district, college, or unit of local government police
13 departments.

14 "Law enforcement-related encounters or activities"
15 include, but are not limited to, traffic stops, pedestrian
16 stops, arrests, searches, interrogations, investigations,
17 pursuits, crowd control, traffic control, non-community
18 caretaking interactions with an individual while on patrol, or
19 any other instance in which the officer is enforcing the laws
20 of the municipality, county, or State. "Law
21 enforcement-related encounter or activities" does not include
22 when the officer is completing paperwork alone, is
23 participating in training in a classroom setting, or is only
24 in the presence of another law enforcement officer.

25 "Minor traffic offense" means a petty offense, business
26 offense, or Class C misdemeanor under the Illinois Vehicle

1 Code or a similar provision of a municipal or local ordinance.

2 "Officer-worn body camera" means an electronic camera
3 system for creating, generating, sending, receiving, storing,
4 displaying, and processing audiovisual recordings that may be
5 worn about the person of a law enforcement officer.

6 "Peace officer" has the meaning provided in Section 2-13
7 of the Criminal Code of 2012.

8 "Petty offense" means any offense for which a sentence of
9 imprisonment is not an authorized disposition.

10 "Recording" means the process of capturing data or
11 information stored on a recording medium as required under
12 this Act.

13 "Recording medium" means any recording medium authorized
14 by the Board for the retention and playback of recorded audio
15 and video including, but not limited to, VHS, DVD, hard drive,
16 cloud storage, solid state, digital, flash memory technology,
17 or any other electronic medium.

18 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

19 (50 ILCS 706/10-15)

20 Sec. 10-15. Applicability.

21 (a) All law enforcement agencies must employ the use of
22 officer-worn body cameras in accordance with the provisions of
23 this Act, whether or not the agency receives or has received
24 monies from the Law Enforcement Camera Grant Fund.

25 (b) Except as provided in subsection (b-5), all ~~All~~ law

1 enforcement agencies must implement the use of body cameras
2 for all law enforcement officers, according to the following
3 schedule:

4 (1) for municipalities and counties with populations
5 of 500,000 or more, body cameras shall be implemented by
6 January 1, 2022;

7 (2) for municipalities and counties with populations
8 of 100,000 or more but under 500,000, body cameras shall
9 be implemented by January 1, 2023;

10 (3) for municipalities and counties with populations
11 of 50,000 or more but under 100,000, body cameras shall be
12 implemented by January 1, 2024;

13 (4) for municipalities and counties under 50,000, body
14 cameras shall be implemented by January 1, 2025; and

15 (5) for all State agencies with law enforcement
16 officers and other remaining law enforcement agencies,
17 body cameras shall be implemented by January 1, 2025.

18 (b-5) If a law enforcement agency that serves a
19 municipality with a population of at least 100,000 but not
20 more than 500,000 or a law enforcement agency that serves a
21 county with a population of at least 100,000 but not more than
22 500,000 has ordered by October 1, 2022 or purchased by that
23 date officer-worn body cameras for use by the law enforcement
24 agency, then the law enforcement agency may implement the use
25 of body cameras for all of its law enforcement officers by no
26 later than July 1, 2023. Records of purchase within this

1 timeline shall be submitted to the Illinois Law Enforcement
2 Training Standards Board by January 1, 2023.

3 (c) A law enforcement agency's compliance with the
4 requirements under this Section shall receive preference by
5 the Illinois Law Enforcement Training Standards Board in
6 awarding grant funding under the Law Enforcement Camera Grant
7 Act.

8 (d) This Section does not apply to court security
9 officers, State's Attorney investigators, and Attorney General
10 investigators.

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

12 (50 ILCS 706/10-20)

13 Sec. 10-20. Requirements.

14 (a) The Board shall develop basic guidelines for the use
15 of officer-worn body cameras by law enforcement agencies. The
16 guidelines developed by the Board shall be the basis for the
17 written policy which must be adopted by each law enforcement
18 agency which employs the use of officer-worn body cameras. The
19 written policy adopted by the law enforcement agency must
20 include, at a minimum, all of the following:

21 (1) Cameras must be equipped with pre-event recording,
22 capable of recording at least the 30 seconds prior to
23 camera activation, unless the officer-worn body camera was
24 purchased and acquired by the law enforcement agency prior
25 to July 1, 2015.

1 (2) Cameras must be capable of recording for a period
2 of 10 hours or more, unless the officer-worn body camera
3 was purchased and acquired by the law enforcement agency
4 prior to July 1, 2015.

5 (3) Cameras must be turned on at all times when the
6 officer is in uniform and is responding to calls for
7 service or engaged in any law enforcement-related
8 encounter or activity that occurs while the officer is on
9 duty.

10 (A) If exigent circumstances exist which prevent
11 the camera from being turned on, the camera must be
12 turned on as soon as practicable.

13 (B) Officer-worn body cameras may be turned off
14 when the officer is inside of a patrol car which is
15 equipped with a functioning in-car camera; however,
16 the officer must turn on the camera upon exiting the
17 patrol vehicle for law enforcement-related encounters.

18 (C) Officer-worn body cameras may be turned off
19 when the officer is inside a correctional facility or
20 courthouse which is equipped with a functioning camera
21 system.

22 (4) Cameras must be turned off when:

23 (A) the victim of a crime requests that the camera
24 be turned off, and unless impractical or impossible,
25 that request is made on the recording;

26 (B) a witness of a crime or a community member who

1 wishes to report a crime requests that the camera be
2 turned off, and unless impractical or impossible that
3 request is made on the recording;

4 (C) the officer is interacting with a confidential
5 informant used by the law enforcement agency; or

6 (D) an officer of the Department of Revenue enters
7 a Department of Revenue facility or conducts an
8 interview during which return information will be
9 discussed or visible.

10 However, an officer may continue to record or resume
11 recording a victim or a witness, if exigent circumstances
12 exist, or if the officer has reasonable articulable
13 suspicion that a victim or witness, or confidential
14 informant has committed or is in the process of committing
15 a crime. Under these circumstances, and unless impractical
16 or impossible, the officer must indicate on the recording
17 the reason for continuing to record despite the request of
18 the victim or witness.

19 (4.5) Cameras may be turned off when the officer is
20 engaged in community caretaking functions. However, the
21 camera must be turned on when the officer has reason to
22 believe that the person on whose behalf the officer is
23 performing a community caretaking function has committed
24 or is in the process of committing a crime. If exigent
25 circumstances exist which prevent the camera from being
26 turned on, the camera must be turned on as soon as

1 practicable.

2 (5) The officer must provide notice of recording to
3 any person if the person has a reasonable expectation of
4 privacy and proof of notice must be evident in the
5 recording. If exigent circumstances exist which prevent
6 the officer from providing notice, notice must be provided
7 as soon as practicable.

8 (6) (A) For the purposes of redaction,~~labeling,~~ or
9 duplicating recordings, access to camera recordings shall
10 be restricted to only those personnel responsible for
11 those purposes. The recording officer or his or her
12 supervisor may not redact, ~~label,~~ duplicate, or otherwise
13 alter the recording officer's camera recordings. Except as
14 otherwise provided in this Section, the recording officer
15 and his or her supervisor may access and review recordings
16 prior to completing incident reports or other
17 documentation, provided that the supervisor discloses that
18 fact in the report or documentation.

19 (i) A law enforcement officer shall not have
20 access to or review his or her body-worn camera
21 recordings or the body-worn camera recordings of
22 another officer prior to completing incident reports
23 or other documentation when the officer:

24 (a) has been involved in or is a witness to an
25 officer-involved shooting, use of deadly force
26 incident, or use of force incidents resulting in

1 great bodily harm;

2 (b) is ordered to write a report in response
3 to or during the investigation of a misconduct
4 complaint against the officer.

5 (ii) If the officer subject to subparagraph (i)
6 prepares a report, any report shall be prepared
7 without viewing body-worn camera recordings, and
8 subject to supervisor's approval, officers may file
9 amendatory reports after viewing body-worn camera
10 recordings. Supplemental reports under this provision
11 shall also contain documentation regarding access to
12 the video footage.

13 (B) The recording officer's assigned field
14 training officer may access and review recordings for
15 training purposes. Any detective or investigator
16 directly involved in the investigation of a matter may
17 access and review recordings which pertain to that
18 investigation but may not have access to delete or
19 alter such recordings.

20 (7) Recordings made on officer-worn cameras must be
21 retained by the law enforcement agency or by the camera
22 vendor used by the agency, on a recording medium for a
23 period of 90 days.

24 (A) Under no circumstances shall any recording,
25 except for a non-law enforcement related activity or
26 encounter, made with an officer-worn body camera be

1 altered, erased, or destroyed prior to the expiration
2 of the 90-day storage period. In the event any
3 recording made with an officer-worn body camera is
4 altered, erased, or destroyed prior to the expiration
5 of the 90-day storage period, the law enforcement
6 agency shall maintain, for a period of one year, a
7 written record including (i) the name of the
8 individual who made such alteration, erasure, or
9 destruction, and (ii) the reason for any such
10 alteration, erasure, or destruction.

11 (B) Following the 90-day storage period, any and
12 all recordings made with an officer-worn body camera
13 must be destroyed, unless any encounter captured on
14 the recording has been flagged. An encounter is deemed
15 to be flagged when:

16 (i) a formal or informal complaint has been
17 filed;

18 (ii) the officer discharged his or her firearm
19 or used force during the encounter;

20 (iii) death or great bodily harm occurred to
21 any person in the recording;

22 (iv) the encounter resulted in a detention or
23 an arrest, excluding traffic stops which resulted
24 in only a minor traffic offense or business
25 offense;

26 (v) the officer is the subject of an internal

1 investigation or otherwise being investigated for
2 possible misconduct;

3 (vi) the supervisor of the officer,
4 prosecutor, defendant, or court determines that
5 the encounter has evidentiary value in a criminal
6 prosecution; or

7 (vii) the recording officer requests that the
8 video be flagged for official purposes related to
9 his or her official duties or believes it may have
10 evidentiary value in a criminal prosecution.

11 (C) Under no circumstances shall any recording
12 made with an officer-worn body camera relating to a
13 flagged encounter be altered or destroyed prior to 2
14 years after the recording was flagged. If the flagged
15 recording was used in a criminal, civil, or
16 administrative proceeding, the recording shall not be
17 destroyed except upon a final disposition and order
18 from the court.

19 (D) Nothing in this Act prohibits law enforcement
20 agencies from labeling officer-worn body camera video
21 within the recording medium; provided that the
22 labeling does not alter the actual recording of the
23 incident captured on the officer-worn body camera. The
24 labels, titles, and tags shall not be construed as
25 altering the officer-worn body camera video in any
26 way.

1 (8) Following the 90-day storage period, recordings
2 may be retained if a supervisor at the law enforcement
3 agency designates the recording for training purposes. If
4 the recording is designated for training purposes, the
5 recordings may be viewed by officers, in the presence of a
6 supervisor or training instructor, for the purposes of
7 instruction, training, or ensuring compliance with agency
8 policies.

9 (9) Recordings shall not be used to discipline law
10 enforcement officers unless:

11 (A) a formal or informal complaint of misconduct
12 has been made;

13 (B) a use of force incident has occurred;

14 (C) the encounter on the recording could result in
15 a formal investigation under the Uniform Peace
16 Officers' Disciplinary Act; or

17 (D) as corroboration of other evidence of
18 misconduct.

19 Nothing in this paragraph (9) shall be construed to
20 limit or prohibit a law enforcement officer from being
21 subject to an action that does not amount to discipline.

22 (10) The law enforcement agency shall ensure proper
23 care and maintenance of officer-worn body cameras. Upon
24 becoming aware, officers must as soon as practical
25 document and notify the appropriate supervisor of any
26 technical difficulties, failures, or problems with the

1 officer-worn body camera or associated equipment. Upon
2 receiving notice, the appropriate supervisor shall make
3 every reasonable effort to correct and repair any of the
4 officer-worn body camera equipment.

5 (11) No officer may hinder or prohibit any person, not
6 a law enforcement officer, from recording a law
7 enforcement officer in the performance of his or her
8 duties in a public place or when the officer has no
9 reasonable expectation of privacy. The law enforcement
10 agency's written policy shall indicate the potential
11 criminal penalties, as well as any departmental
12 discipline, which may result from unlawful confiscation or
13 destruction of the recording medium of a person who is not
14 a law enforcement officer. However, an officer may take
15 reasonable action to maintain safety and control, secure
16 crime scenes and accident sites, protect the integrity and
17 confidentiality of investigations, and protect the public
18 safety and order.

19 (b) Recordings made with the use of an officer-worn body
20 camera are not subject to disclosure under the Freedom of
21 Information Act, except that:

22 (1) if the subject of the encounter has a reasonable
23 expectation of privacy, at the time of the recording, any
24 recording which is flagged, due to the filing of a
25 complaint, discharge of a firearm, use of force, arrest or
26 detention, or resulting death or bodily harm, shall be

1 disclosed in accordance with the Freedom of Information
2 Act if:

3 (A) the subject of the encounter captured on the
4 recording is a victim or witness; and

5 (B) the law enforcement agency obtains written
6 permission of the subject or the subject's legal
7 representative;

8 (2) except as provided in paragraph (1) of this
9 subsection (b), any recording which is flagged due to the
10 filing of a complaint, discharge of a firearm, use of
11 force, arrest or detention, or resulting death or bodily
12 harm shall be disclosed in accordance with the Freedom of
13 Information Act; and

14 (3) upon request, the law enforcement agency shall
15 disclose, in accordance with the Freedom of Information
16 Act, the recording to the subject of the encounter
17 captured on the recording or to the subject's attorney, or
18 the officer or his or her legal representative.

19 For the purposes of paragraph (1) of this subsection (b),
20 the subject of the encounter does not have a reasonable
21 expectation of privacy if the subject was arrested as a result
22 of the encounter. For purposes of subparagraph (A) of
23 paragraph (1) of this subsection (b), "witness" does not
24 include a person who is a victim or who was arrested as a
25 result of the encounter.

26 Only recordings or portions of recordings responsive to

1 the request shall be available for inspection or reproduction.
2 Any recording disclosed under the Freedom of Information Act
3 shall be redacted to remove identification of any person that
4 appears on the recording and is not the officer, a subject of
5 the encounter, or directly involved in the encounter. Nothing
6 in this subsection (b) shall require the disclosure of any
7 recording or portion of any recording which would be exempt
8 from disclosure under the Freedom of Information Act.

9 (c) Nothing in this Section shall limit access to a camera
10 recording for the purposes of complying with Supreme Court
11 rules or the rules of evidence.

12 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
13 102-687, eff. 12-17-21; 102-694, eff. 1-7-22.)

14 (50 ILCS 706/10-25)

15 Sec. 10-25. Reporting.

16 (a) Each law enforcement agency must provide an annual
17 report on the use of officer-worn body cameras to the Board, on
18 or before May 1 of the year. The report shall include:

19 (1) a brief overview of the makeup of the agency,
20 including the number of officers utilizing officer-worn
21 body cameras;

22 (2) the number of officer-worn body cameras utilized
23 by the law enforcement agency;

24 (3) any technical issues with the equipment and how
25 those issues were remedied;

1 (4) a brief description of the review process used by
2 supervisors within the law enforcement agency;⁺

3 (5) (blank); and ~~for each recording used in~~
4 ~~prosecutions of conservation, criminal, or traffic~~
5 ~~offenses or municipal ordinance violations;~~

6 ~~(A) the time, date, location, and precinct of the~~
7 ~~incident;~~

8 ~~(B) the offense charged and the date charges were~~
9 ~~filed; and~~

10 (6) any other information relevant to the
11 administration of the program.

12 (b) On or before July 30 of each year, the Board must
13 analyze the law enforcement agency reports and provide an
14 annual report to the General Assembly and the Governor.

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

16 Section 35. The Law Enforcement Camera Grant Act is
17 amended by changing Section 10 as follows:

18 (50 ILCS 707/10)

19 Sec. 10. Law Enforcement Camera Grant Fund; creation,
20 rules.

21 (a) The Law Enforcement Camera Grant Fund is created as a
22 special fund in the State treasury. From appropriations to the
23 Board from the Fund, the Board must make grants to units of
24 local government in Illinois and Illinois public universities

1 for the purpose of (1) purchasing in-car video cameras for use
2 in law enforcement vehicles, (2) purchasing officer-worn body
3 cameras and associated technology for law enforcement
4 officers, and (3) training for law enforcement officers in the
5 operation of the cameras. Grants under this Section may be
6 used to offset data storage costs for officer-worn body
7 cameras.

8 Moneys received for the purposes of this Section,
9 including, without limitation, fee receipts and gifts, grants,
10 and awards from any public or private entity, must be
11 deposited into the Fund. Any interest earned on moneys in the
12 Fund must be deposited into the Fund.

13 (b) The Board may set requirements for the distribution of
14 grant moneys and determine which law enforcement agencies are
15 eligible.

16 (b-5) The Board shall consider compliance with the Uniform
17 Crime Reporting Act as a factor in awarding grant moneys.

18 (c) (Blank).

19 (d) (Blank).

20 (e) (Blank).

21 (f) (Blank).

22 (g) (Blank).

23 (h) (Blank).

24 (Source: P.A. 102-16, eff. 6-17-21.)

25 Section 37. The Counties Code is amended by changing

1 Section 3-4013 and by adding Section 3-4014 as follows:

2 (55 ILCS 5/3-4013)

3 (Section scheduled to be repealed on December 31, 2023)

4 Sec. 3-4013. Public Defender Quality Defense Task Force.

5 (a) The Public Defender Quality Defense Task Force is
6 established to: (i) examine the current caseload and determine
7 the optimal caseload for public defenders in the State; (ii)
8 examine the quality of legal services being offered to
9 defendants by public defenders of the State; ~~and~~ (iii) make
10 recommendations to improve the caseload of public defenders
11 and quality of legal services offered by public defenders; and
12 (iv) provide recommendations to the General Assembly and
13 Governor on legislation to provide for an effective public
14 defender system throughout the State and encourage the active
15 and substantial participation of the private bar in the
16 representation of accused people.

17 (b) The following members shall be appointed to the Task
18 Force by the Governor no later than 30 days after the effective
19 date of this amendatory Act of the 102nd General Assembly:

20 (1) 2 assistant public defenders from the Office of
21 the Cook County Public Defender.

22 (2) 5 public defenders or assistant public defenders
23 from 5 counties other than Cook County.

24 (3) One Cook County circuit judge experienced in the
25 litigation of criminal law matters.

1 (4) One circuit judge from outside of Cook County
2 experienced in the litigation of criminal law matters.

3 (5) One representative from the Office of the State
4 Appellate Defender.

5 Task Force members shall serve without compensation but
6 may be reimbursed for their expenses incurred in performing
7 their duties. If a vacancy occurs in the Task Force
8 membership, the vacancy shall be filled in the same manner as
9 the original appointment for the remainder of the Task Force.

10 (c) The Task Force shall hold a minimum of 2 public
11 hearings. At the public hearings, the Task Force shall take
12 testimony of public defenders, former criminal defendants
13 represented by public defenders, and any other person the Task
14 Force believes would aid the Task Force's examination and
15 recommendations under subsection (a). The Task may meet as
16 such other times as it deems appropriate.

17 (d) The Office of the State Appellate Defender shall
18 provide administrative and other support to the Task Force.

19 (e) The Task Force shall prepare a report that summarizes
20 its work and makes recommendations resulting from its study.
21 The Task Force shall submit the report of its findings and
22 recommendations to the Governor and the General Assembly no
23 later than December 31, 2023 ~~2022~~.

24 (f) This Section is repealed on December 31, 2024 ~~2023~~.

25 (Source: P.A. 102-430, eff. 8-20-21.)

1 (55 ILCS 5/3-4014 new)

2 Sec. 3-4014. Public defender grant program.

3 (a) Subject to appropriation, the Administrative Office of
4 the Illinois Courts shall establish a grant program for
5 counties with a population of 3,000,000 or less for the
6 purpose of training and hiring attorneys on contract to assist
7 the county public defender in pretrial detention hearings. The
8 Administrative Office of the Illinois Courts may establish, by
9 rule, administrative procedures for the grant program,
10 including application procedures and requirements concerning
11 grant agreements, certifications, payment methodologies, and
12 other accountability measures that may be imposed upon
13 participants in the program. Emergency rules may be adopted to
14 implement the program in accordance with Section 5-45 of the
15 Illinois Administrative Procedure Act.

16 (b) The Public Defender Fund is created as a special fund
17 in the State treasury. All money in the Public Defender Fund
18 shall be used, subject to appropriation, to provide funding to
19 counties for public defenders and public defender services
20 pursuant to this Section 3-4014.

21 Section 40. The Campus Security Enhancement Act of 2008 is
22 amended by changing Section 15 as follows:

23 (110 ILCS 12/15)

24 (Text of Section before amendment by P.A. 101-652)

1 Sec. 15. Arrest reports.

2 (a) When an individual is arrested, the following
3 information must be made available to the news media for
4 inspection and copying:

5 (1) Information that identifies the individual,
6 including the name, age, address, and photograph, when and
7 if available.

8 (2) Information detailing any charges relating to the
9 arrest.

10 (3) The time and location of the arrest.

11 (4) The name of the investigating or arresting law
12 enforcement agency.

13 (5) If the individual is incarcerated, the amount of
14 any bail or bond.

15 (6) If the individual is incarcerated, the time and
16 date that the individual was received, discharged, or
17 transferred from the arresting agency's custody.

18 (b) The information required by this Section must be made
19 available to the news media for inspection and copying as soon
20 as practicable, but in no event shall the time period exceed 72
21 hours from the arrest. The information described in paragraphs
22 (3), (4), (5), and (6) of subsection (a), however, may be
23 withheld if it is determined that disclosure would:

24 (1) interfere with pending or actually and reasonably
25 contemplated law enforcement proceedings conducted by any
26 law enforcement or correctional agency;

1 (2) endanger the life or physical safety of law
2 enforcement or correctional personnel or any other person;
3 or

4 (3) compromise the security of any correctional
5 facility.

6 (c) For the purposes of this Section the term "news media"
7 means personnel of a newspaper or other periodical issued at
8 regular intervals whether in print or electronic format, a
9 news service whether in print or electronic format, a radio
10 station, a television station, a television network, a
11 community antenna television service, or a person or
12 corporation engaged in making news reels or other motion
13 picture news for public showing.

14 (d) Each law enforcement or correctional agency may charge
15 fees for arrest records, but in no instance may the fee exceed
16 the actual cost of copying and reproduction. The fees may not
17 include the cost of the labor used to reproduce the arrest
18 record.

19 (e) The provisions of this Section do not supersede the
20 confidentiality provisions for arrest records of the Juvenile
21 Court Act of 1987.

22 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
23 92-335, eff. 8-10-01.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 15. Arrest reports.

1 (a) When an individual is arrested, the following
2 information must be made available to the news media for
3 inspection and copying:

4 (1) Information that identifies the individual,
5 including the name, age, address, and photograph, when and
6 if available.

7 (2) Information detailing any charges relating to the
8 arrest.

9 (3) The time and location of the arrest.

10 (4) The name of the investigating or arresting law
11 enforcement agency.

12 (5) (Blank). ~~If the individual is incarcerated, the~~
13 ~~conditions of pretrial release.~~

14 (6) If the individual is incarcerated, the time and
15 date that the individual was received, discharged, or
16 transferred from the arresting agency's custody.

17 (b) The information required by this Section must be made
18 available to the news media for inspection and copying as soon
19 as practicable, but in no event shall the time period exceed 72
20 hours from the arrest. The information described in paragraphs
21 (3), (4), (5), and (6) of subsection (a), however, may be
22 withheld if it is determined that disclosure would:

23 (1) interfere with pending or actually and reasonably
24 contemplated law enforcement proceedings conducted by any
25 law enforcement or correctional agency;

26 (2) endanger the life or physical safety of law

1 enforcement or correctional personnel or any other person;

2 or

3 (3) compromise the security of any correctional
4 facility.

5 (c) For the purposes of this Section the term "news media"
6 means personnel of a newspaper or other periodical issued at
7 regular intervals whether in print or electronic format, a
8 news service whether in print or electronic format, a radio
9 station, a television station, a television network, a
10 community antenna television service, or a person or
11 corporation engaged in making news reels or other motion
12 picture news for public showing.

13 (d) Each law enforcement or correctional agency may charge
14 fees for arrest records, but in no instance may the fee exceed
15 the actual cost of copying and reproduction. The fees may not
16 include the cost of the labor used to reproduce the arrest
17 record.

18 (e) The provisions of this Section do not supersede the
19 confidentiality provisions for arrest records of the Juvenile
20 Court Act of 1987.

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

22 Section 45. The Illinois Insurance Code is amended by
23 changing Section 143.19 as follows:

24 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

1 (Text of Section before amendment by P.A. 101-652 and P.A.
2 102-982)

3 Sec. 143.19. Cancellation of automobile insurance policy;
4 grounds. After a policy of automobile insurance as defined in
5 Section 143.13(a) has been effective for 60 days, or if such
6 policy is a renewal policy, the insurer shall not exercise its
7 option to cancel such policy except for one or more of the
8 following reasons:

9 a. Nonpayment of premium;

10 b. The policy was obtained through a material
11 misrepresentation;

12 c. Any insured violated any of the terms and
13 conditions of the policy;

14 d. The named insured failed to disclose fully his
15 motor vehicle accidents and moving traffic violations for
16 the preceding 36 months if called for in the application;

17 e. Any insured made a false or fraudulent claim or
18 knowingly aided or abetted another in the presentation of
19 such a claim;

20 f. The named insured or any other operator who either
21 resides in the same household or customarily operates an
22 automobile insured under such policy:

23 1. has, within the 12 months prior to the notice of
24 cancellation, had his driver's license under
25 suspension or revocation;

26 2. is or becomes subject to epilepsy or heart

1 attacks, and such individual does not produce a
2 certificate from a physician testifying to his
3 unqualified ability to operate a motor vehicle safely;

4 3. has an accident record, conviction record
5 (criminal or traffic), physical, or mental condition
6 which is such that his operation of an automobile
7 might endanger the public safety;

8 4. has, within the 36 months prior to the notice of
9 cancellation, been addicted to the use of narcotics or
10 other drugs; or

11 5. has been convicted, or forfeited bail, during
12 the 36 months immediately preceding the notice of
13 cancellation, for any felony, criminal negligence
14 resulting in death, homicide or assault arising out of
15 the operation of a motor vehicle, operating a motor
16 vehicle while in an intoxicated condition or while
17 under the influence of drugs, being intoxicated while
18 in, or about, an automobile or while having custody of
19 an automobile, leaving the scene of an accident
20 without stopping to report, theft or unlawful taking
21 of a motor vehicle, making false statements in an
22 application for an operator's or chauffeur's license
23 or has been convicted or forfeited bail for 3 or more
24 violations within the 12 months immediately preceding
25 the notice of cancellation, of any law, ordinance, or
26 regulation limiting the speed of motor vehicles or any

1 of the provisions of the motor vehicle laws of any
2 state, violation of which constitutes a misdemeanor,
3 whether or not the violations were repetitions of the
4 same offense or different offenses;

5 g. The insured automobile is:

6 1. so mechanically defective that its operation
7 might endanger public safety;

8 2. used in carrying passengers for hire or
9 compensation (the use of an automobile for a car pool
10 shall not be considered use of an automobile for hire
11 or compensation);

12 3. used in the business of transportation of
13 flammables or explosives;

14 4. an authorized emergency vehicle;

15 5. changed in shape or condition during the policy
16 period so as to increase the risk substantially; or

17 6. subject to an inspection law and has not been
18 inspected or, if inspected, has failed to qualify.

19 Nothing in this Section shall apply to nonrenewal.

20 (Source: P.A. 100-201, eff. 8-18-17.)

21 (Text of Section after amendment by P.A. 101-652 but
22 before amendment by P.A. 102-982)

23 Sec. 143.19. Cancellation of automobile insurance policy;
24 grounds. After a policy of automobile insurance as defined in
25 Section 143.13(a) has been effective for 60 days, or if such

1 policy is a renewal policy, the insurer shall not exercise its
2 option to cancel such policy except for one or more of the
3 following reasons:

4 a. Nonpayment of premium;

5 b. The policy was obtained through a material
6 misrepresentation;

7 c. Any insured violated any of the terms and
8 conditions of the policy;

9 d. The named insured failed to disclose fully his
10 motor vehicle accidents and moving traffic violations for
11 the preceding 36 months if called for in the application;

12 e. Any insured made a false or fraudulent claim or
13 knowingly aided or abetted another in the presentation of
14 such a claim;

15 f. The named insured or any other operator who either
16 resides in the same household or customarily operates an
17 automobile insured under such policy:

18 1. has, within the 12 months prior to the notice of
19 cancellation, had his driver's license under
20 suspension or revocation;

21 2. is or becomes subject to epilepsy or heart
22 attacks, and such individual does not produce a
23 certificate from a physician testifying to his
24 unqualified ability to operate a motor vehicle safely;

25 3. has an accident record, conviction record
26 (criminal or traffic), physical, or mental condition

1 which is such that his operation of an automobile
2 might endanger the public safety;

3 4. has, within the 36 months prior to the notice of
4 cancellation, been addicted to the use of narcotics or
5 other drugs; or

6 5. has been convicted, or had pretrial release
7 revoked ~~violated conditions of pretrial release,~~
8 during the 36 months immediately preceding the notice
9 of cancellation, for any felony, criminal negligence
10 resulting in death, homicide or assault arising out of
11 the operation of a motor vehicle, operating a motor
12 vehicle while in an intoxicated condition or while
13 under the influence of drugs, being intoxicated while
14 in, or about, an automobile or while having custody of
15 an automobile, leaving the scene of an accident
16 without stopping to report, theft or unlawful taking
17 of a motor vehicle, making false statements in an
18 application for an operator's or chauffeur's license
19 or has been convicted or pretrial release has been
20 revoked for 3 or more violations within the 12 months
21 immediately preceding the notice of cancellation, of
22 any law, ordinance, or regulation limiting the speed
23 of motor vehicles or any of the provisions of the motor
24 vehicle laws of any state, violation of which
25 constitutes a misdemeanor, whether or not the
26 violations were repetitions of the same offense or

1 different offenses;

2 g. The insured automobile is:

3 1. so mechanically defective that its operation
4 might endanger public safety;

5 2. used in carrying passengers for hire or
6 compensation (the use of an automobile for a car pool
7 shall not be considered use of an automobile for hire
8 or compensation);

9 3. used in the business of transportation of
10 flammables or explosives;

11 4. an authorized emergency vehicle;

12 5. changed in shape or condition during the policy
13 period so as to increase the risk substantially; or

14 6. subject to an inspection law and has not been
15 inspected or, if inspected, has failed to qualify.

16 Nothing in this Section shall apply to nonrenewal.

17 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

18 (Text of Section after amendment by P.A. 102-982)

19 Sec. 143.19. Cancellation of automobile insurance policy;
20 grounds. After a policy of automobile insurance as defined in
21 Section 143.13(a) has been effective for 60 days, or if such
22 policy is a renewal policy, the insurer shall not exercise its
23 option to cancel such policy except for one or more of the
24 following reasons:

25 a. Nonpayment of premium;

1 b. The policy was obtained through a material
2 misrepresentation;

3 c. Any insured violated any of the terms and
4 conditions of the policy;

5 d. The named insured failed to disclose fully his
6 motor vehicle crashes and moving traffic violations for
7 the preceding 36 months if called for in the application;

8 e. Any insured made a false or fraudulent claim or
9 knowingly aided or abetted another in the presentation of
10 such a claim;

11 f. The named insured or any other operator who either
12 resides in the same household or customarily operates an
13 automobile insured under such policy:

14 1. has, within the 12 months prior to the notice of
15 cancellation, had his driver's license under
16 suspension or revocation;

17 2. is or becomes subject to epilepsy or heart
18 attacks, and such individual does not produce a
19 certificate from a physician testifying to his
20 unqualified ability to operate a motor vehicle safely;

21 3. has a crash record, conviction record (criminal
22 or traffic), physical, or mental condition which is
23 such that his operation of an automobile might
24 endanger the public safety;

25 4. has, within the 36 months prior to the notice of
26 cancellation, been addicted to the use of narcotics or

1 other drugs; or

2 5. has been convicted, or had pretrial release
3 revoked ~~violated conditions of pretrial release,~~
4 during the 36 months immediately preceding the notice
5 of cancellation, for any felony, criminal negligence
6 resulting in death, homicide or assault arising out of
7 the operation of a motor vehicle, operating a motor
8 vehicle while in an intoxicated condition or while
9 under the influence of drugs, being intoxicated while
10 in, or about, an automobile or while having custody of
11 an automobile, leaving the scene of a crash without
12 stopping to report, theft or unlawful taking of a
13 motor vehicle, making false statements in an
14 application for an operator's or chauffeur's license
15 or has been convicted or pretrial release has been
16 revoked for 3 or more violations within the 12 months
17 immediately preceding the notice of cancellation, of
18 any law, ordinance, or regulation limiting the speed
19 of motor vehicles or any of the provisions of the motor
20 vehicle laws of any state, violation of which
21 constitutes a misdemeanor, whether or not the
22 violations were repetitions of the same offense or
23 different offenses;

24 g. The insured automobile is:

25 1. so mechanically defective that its operation
26 might endanger public safety;

1 2. used in carrying passengers for hire or
2 compensation (the use of an automobile for a car pool
3 shall not be considered use of an automobile for hire
4 or compensation);

5 3. used in the business of transportation of
6 flammables or explosives;

7 4. an authorized emergency vehicle;

8 5. changed in shape or condition during the policy
9 period so as to increase the risk substantially; or

10 6. subject to an inspection law and has not been
11 inspected or, if inspected, has failed to qualify.

12 Nothing in this Section shall apply to nonrenewal.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23.)

14 Section 50. The Illinois Vehicle Code is amended by
15 changing Sections 6-204 and 6-500 as follows:

16 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 6-204. When court to forward license and reports.

19 (a) For the purpose of providing to the Secretary of State
20 the records essential to the performance of the Secretary's
21 duties under this Code to cancel, revoke or suspend the
22 driver's license and privilege to drive motor vehicles of
23 certain minors and of persons found guilty of the criminal
24 offenses or traffic violations which this Code recognizes as

1 evidence relating to unfitness to safely operate motor
2 vehicles, the following duties are imposed upon public
3 officials:

4 (1) Whenever any person is convicted of any offense
5 for which this Code makes mandatory the cancellation or
6 revocation of the driver's license or permit of such
7 person by the Secretary of State, the judge of the court in
8 which such conviction is had shall require the surrender
9 to the clerk of the court of all driver's licenses or
10 permits then held by the person so convicted, and the
11 clerk of the court shall, within 5 days thereafter,
12 forward the same, together with a report of such
13 conviction, to the Secretary.

14 (2) Whenever any person is convicted of any offense
15 under this Code or similar offenses under a municipal
16 ordinance, other than regulations governing standing,
17 parking or weights of vehicles, and excepting the
18 following enumerated Sections of this Code: Sections
19 11-1406 (obstruction to driver's view or control), 11-1407
20 (improper opening of door into traffic), 11-1410 (coasting
21 on downgrade), 11-1411 (following fire apparatus),
22 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
23 vehicle which is in unsafe condition or improperly
24 equipped), 12-201(a) (daytime lights on motorcycles),
25 12-202 (clearance, identification and side marker lamps),
26 12-204 (lamp or flag on projecting load), 12-205 (failure

1 to display the safety lights required), 12-401
2 (restrictions as to tire equipment), 12-502 (mirrors),
3 12-503 (windshields must be unobstructed and equipped with
4 wipers), 12-601 (horns and warning devices), 12-602
5 (mufflers, prevention of noise or smoke), 12-603 (seat
6 safety belts), 12-702 (certain vehicles to carry flares or
7 other warning devices), 12-703 (vehicles for oiling roads
8 operated on highways), 12-710 (splash guards and
9 replacements), 13-101 (safety tests), 15-101 (size, weight
10 and load), 15-102 (width), 15-103 (height), 15-104 (name
11 and address on second division vehicles), 15-107 (length
12 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
13 (weights), 15-112 (weights), 15-301 (weights), 15-316
14 (weights), 15-318 (weights), and also excepting the
15 following enumerated Sections of the Chicago Municipal
16 Code: Sections 27-245 (following fire apparatus), 27-254
17 (obstruction of traffic), 27-258 (driving vehicle which is
18 in unsafe condition), 27-259 (coasting on downgrade),
19 27-264 (use of horns and signal devices), 27-265
20 (obstruction to driver's view or driver mechanism), 27-267
21 (dimming of headlights), 27-268 (unattended motor
22 vehicle), 27-272 (illegal funeral procession), 27-273
23 (funeral procession on boulevard), 27-275 (driving freight
24 hauling vehicles on boulevard), 27-276 (stopping and
25 standing of buses or taxicabs), 27-277 (cruising of public
26 passenger vehicles), 27-305 (parallel parking), 27-306

1 (diagonal parking), 27-307 (parking not to obstruct
2 traffic), 27-308 (stopping, standing or parking
3 regulated), 27-311 (parking regulations), 27-312 (parking
4 regulations), 27-313 (parking regulations), 27-314
5 (parking regulations), 27-315 (parking regulations),
6 27-316 (parking regulations), 27-317 (parking
7 regulations), 27-318 (parking regulations), 27-319
8 (parking regulations), 27-320 (parking regulations),
9 27-321 (parking regulations), 27-322 (parking
10 regulations), 27-324 (loading and unloading at an angle),
11 27-333 (wheel and axle loads), 27-334 (load restrictions
12 in the downtown district), 27-335 (load restrictions in
13 residential areas), 27-338 (width of vehicles), 27-339
14 (height of vehicles), 27-340 (length of vehicles), 27-352
15 (reflectors on trailers), 27-353 (mufflers), 27-354
16 (display of plates), 27-355 (display of city vehicle tax
17 sticker), 27-357 (identification of vehicles), 27-358
18 (projecting of loads), and also excepting the following
19 enumerated paragraphs of Section 2-201 of the Rules and
20 Regulations of the Illinois State Toll Highway Authority:
21 (l) (driving unsafe vehicle on tollway), (m) (vehicles
22 transporting dangerous cargo not properly indicated), it
23 shall be the duty of the clerk of the court in which such
24 conviction is had within 5 days thereafter to forward to
25 the Secretary of State a report of the conviction and the
26 court may recommend the suspension of the driver's license

1 or permit of the person so convicted.

2 The reporting requirements of this subsection shall
3 apply to all violations stated in paragraphs (1) and (2)
4 of this subsection when the individual has been
5 adjudicated under the Juvenile Court Act or the Juvenile
6 Court Act of 1987. Such reporting requirements shall also
7 apply to individuals adjudicated under the Juvenile Court
8 Act or the Juvenile Court Act of 1987 who have committed a
9 violation of Section 11-501 of this Code, or similar
10 provision of a local ordinance, or Section 9-3 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 relating to the offense of reckless homicide, or Section
13 5-7 of the Snowmobile Registration and Safety Act or
14 Section 5-16 of the Boat Registration and Safety Act,
15 relating to the offense of operating a snowmobile or a
16 watercraft while under the influence of alcohol, other
17 drug or drugs, intoxicating compound or compounds, or
18 combination thereof. These reporting requirements also
19 apply to individuals adjudicated under the Juvenile Court
20 Act of 1987 based on any offense determined to have been
21 committed in furtherance of the criminal activities of an
22 organized gang, as provided in Section 5-710 of that Act,
23 if those activities involved the operation or use of a
24 motor vehicle. It shall be the duty of the clerk of the
25 court in which adjudication is had within 5 days
26 thereafter to forward to the Secretary of State a report

1 of the adjudication and the court order requiring the
2 Secretary of State to suspend the minor's driver's license
3 and driving privilege for such time as determined by the
4 court, but only until he or she attains the age of 18
5 years. All juvenile court dispositions reported to the
6 Secretary of State under this provision shall be processed
7 by the Secretary of State as if the cases had been
8 adjudicated in traffic or criminal court. However,
9 information reported relative to the offense of reckless
10 homicide, or Section 11-501 of this Code, or a similar
11 provision of a local ordinance, shall be privileged and
12 available only to the Secretary of State, courts, and
13 police officers.

14 The reporting requirements of this subsection (a)
15 apply to all violations listed in paragraphs (1) and (2)
16 of this subsection (a), excluding parking violations, when
17 the driver holds a CLP or CDL, regardless of the type of
18 vehicle in which the violation occurred, or when any
19 driver committed the violation in a commercial motor
20 vehicle as defined in Section 6-500 of this Code.

21 (3) Whenever an order is entered vacating the
22 forfeiture of any bail, security or bond given to secure
23 appearance for any offense under this Code or similar
24 offenses under municipal ordinance, it shall be the duty
25 of the clerk of the court in which such vacation was had or
26 the judge of such court if such court has no clerk, within

1 5 days thereafter to forward to the Secretary of State a
2 report of the vacation.

3 (4) A report of any disposition of court supervision
4 for a violation of Sections 6-303, 11-401, 11-501 or a
5 similar provision of a local ordinance, 11-503, 11-504,
6 and 11-506 of this Code, Section 5-7 of the Snowmobile
7 Registration and Safety Act, and Section 5-16 of the Boat
8 Registration and Safety Act shall be forwarded to the
9 Secretary of State. A report of any disposition of court
10 supervision for a violation of an offense defined as a
11 serious traffic violation in this Code or a similar
12 provision of a local ordinance committed by a person under
13 the age of 21 years shall be forwarded to the Secretary of
14 State.

15 (5) Reports of conviction under this Code and
16 sentencing hearings under the Juvenile Court Act of 1987
17 in an electronic format or a computer processible medium
18 shall be forwarded to the Secretary of State via the
19 Supreme Court in the form and format required by the
20 Illinois Supreme Court and established by a written
21 agreement between the Supreme Court and the Secretary of
22 State. In counties with a population over 300,000, instead
23 of forwarding reports to the Supreme Court, reports of
24 conviction under this Code and sentencing hearings under
25 the Juvenile Court Act of 1987 in an electronic format or a
26 computer processible medium may be forwarded to the

1 Secretary of State by the Circuit Court Clerk in a form and
2 format required by the Secretary of State and established
3 by written agreement between the Circuit Court Clerk and
4 the Secretary of State. Failure to forward the reports of
5 conviction or sentencing hearing under the Juvenile Court
6 Act of 1987 as required by this Section shall be deemed an
7 omission of duty and it shall be the duty of the several
8 State's Attorneys to enforce the requirements of this
9 Section.

10 (b) Whenever a restricted driving permit is forwarded to a
11 court, as a result of confiscation by a police officer
12 pursuant to the authority in Section 6-113(f), it shall be the
13 duty of the clerk, or judge, if the court has no clerk, to
14 forward such restricted driving permit and a facsimile of the
15 officer's citation to the Secretary of State as expeditiously
16 as practicable.

17 (c) For the purposes of this Code, a forfeiture of bail or
18 collateral deposited to secure a defendant's appearance in
19 court when forfeiture has not been vacated, or the failure of a
20 defendant to appear for trial after depositing his driver's
21 license in lieu of other bail, shall be equivalent to a
22 conviction.

23 (d) For the purpose of providing the Secretary of State
24 with records necessary to properly monitor and assess driver
25 performance and assist the courts in the proper disposition of
26 repeat traffic law offenders, the clerk of the court shall

1 forward to the Secretary of State, on a form prescribed by the
2 Secretary, records of a driver's participation in a driver
3 remedial or rehabilitative program which was required, through
4 a court order or court supervision, in relation to the
5 driver's arrest for a violation of Section 11-501 of this Code
6 or a similar provision of a local ordinance. The clerk of the
7 court shall also forward to the Secretary, either on paper or
8 in an electronic format or a computer processible medium as
9 required under paragraph (5) of subsection (a) of this
10 Section, any disposition of court supervision for any traffic
11 violation, excluding those offenses listed in paragraph (2) of
12 subsection (a) of this Section. These reports shall be sent
13 within 5 days after disposition, or, if the driver is referred
14 to a driver remedial or rehabilitative program, within 5 days
15 of the driver's referral to that program. These reports
16 received by the Secretary of State, including those required
17 to be forwarded under paragraph (a)(4), shall be privileged
18 information, available only (i) to the affected driver, (ii)
19 to the parent or guardian of a person under the age of 18 years
20 holding an instruction permit or a graduated driver's license,
21 and (iii) for use by the courts, police officers, prosecuting
22 authorities, the Secretary of State, and the driver licensing
23 administrator of any other state. In accordance with 49 C.F.R.
24 Part 384, all reports of court supervision, except violations
25 related to parking, shall be forwarded to the Secretary of
26 State for all holders of a CLP or CDL or any driver who commits

1 an offense while driving a commercial motor vehicle. These
2 reports shall be recorded to the driver's record as a
3 conviction for use in the disqualification of the driver's
4 commercial motor vehicle privileges and shall not be
5 privileged information.

6 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

7 (Text of Section after amendment by P.A. 101-652)

8 Sec. 6-204. When court to forward license and reports.

9 (a) For the purpose of providing to the Secretary of State
10 the records essential to the performance of the Secretary's
11 duties under this Code to cancel, revoke or suspend the
12 driver's license and privilege to drive motor vehicles of
13 certain minors and of persons found guilty of the criminal
14 offenses or traffic violations which this Code recognizes as
15 evidence relating to unfitness to safely operate motor
16 vehicles, the following duties are imposed upon public
17 officials:

18 (1) Whenever any person is convicted of any offense
19 for which this Code makes mandatory the cancellation or
20 revocation of the driver's license or permit of such
21 person by the Secretary of State, the judge of the court in
22 which such conviction is had shall require the surrender
23 to the clerk of the court of all driver's licenses or
24 permits then held by the person so convicted, and the
25 clerk of the court shall, within 5 days thereafter,

1 forward the same, together with a report of such
2 conviction, to the Secretary.

3 (2) Whenever any person is convicted of any offense
4 under this Code or similar offenses under a municipal
5 ordinance, other than regulations governing standing,
6 parking or weights of vehicles, and excepting the
7 following enumerated Sections of this Code: Sections
8 11-1406 (obstruction to driver's view or control), 11-1407
9 (improper opening of door into traffic), 11-1410 (coasting
10 on downgrade), 11-1411 (following fire apparatus),
11 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
12 vehicle which is in unsafe condition or improperly
13 equipped), 12-201(a) (daytime lights on motorcycles),
14 12-202 (clearance, identification and side marker lamps),
15 12-204 (lamp or flag on projecting load), 12-205 (failure
16 to display the safety lights required), 12-401
17 (restrictions as to tire equipment), 12-502 (mirrors),
18 12-503 (windshields must be unobstructed and equipped with
19 wipers), 12-601 (horns and warning devices), 12-602
20 (mufflers, prevention of noise or smoke), 12-603 (seat
21 safety belts), 12-702 (certain vehicles to carry flares or
22 other warning devices), 12-703 (vehicles for oiling roads
23 operated on highways), 12-710 (splash guards and
24 replacements), 13-101 (safety tests), 15-101 (size, weight
25 and load), 15-102 (width), 15-103 (height), 15-104 (name
26 and address on second division vehicles), 15-107 (length

1 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
2 (weights), 15-112 (weights), 15-301 (weights), 15-316
3 (weights), 15-318 (weights), and also excepting the
4 following enumerated Sections of the Chicago Municipal
5 Code: Sections 27-245 (following fire apparatus), 27-254
6 (obstruction of traffic), 27-258 (driving vehicle which is
7 in unsafe condition), 27-259 (coasting on downgrade),
8 27-264 (use of horns and signal devices), 27-265
9 (obstruction to driver's view or driver mechanism), 27-267
10 (dimming of headlights), 27-268 (unattended motor
11 vehicle), 27-272 (illegal funeral procession), 27-273
12 (funeral procession on boulevard), 27-275 (driving freight
13 hauling vehicles on boulevard), 27-276 (stopping and
14 standing of buses or taxicabs), 27-277 (cruising of public
15 passenger vehicles), 27-305 (parallel parking), 27-306
16 (diagonal parking), 27-307 (parking not to obstruct
17 traffic), 27-308 (stopping, standing or parking
18 regulated), 27-311 (parking regulations), 27-312 (parking
19 regulations), 27-313 (parking regulations), 27-314
20 (parking regulations), 27-315 (parking regulations),
21 27-316 (parking regulations), 27-317 (parking
22 regulations), 27-318 (parking regulations), 27-319
23 (parking regulations), 27-320 (parking regulations),
24 27-321 (parking regulations), 27-322 (parking
25 regulations), 27-324 (loading and unloading at an angle),
26 27-333 (wheel and axle loads), 27-334 (load restrictions

1 in the downtown district), 27-335 (load restrictions in
2 residential areas), 27-338 (width of vehicles), 27-339
3 (height of vehicles), 27-340 (length of vehicles), 27-352
4 (reflectors on trailers), 27-353 (mufflers), 27-354
5 (display of plates), 27-355 (display of city vehicle tax
6 sticker), 27-357 (identification of vehicles), 27-358
7 (projecting of loads), and also excepting the following
8 enumerated paragraphs of Section 2-201 of the Rules and
9 Regulations of the Illinois State Toll Highway Authority:
10 (l) (driving unsafe vehicle on tollway), (m) (vehicles
11 transporting dangerous cargo not properly indicated), it
12 shall be the duty of the clerk of the court in which such
13 conviction is had within 5 days thereafter to forward to
14 the Secretary of State a report of the conviction and the
15 court may recommend the suspension of the driver's license
16 or permit of the person so convicted.

17 The reporting requirements of this subsection shall
18 apply to all violations stated in paragraphs (1) and (2)
19 of this subsection when the individual has been
20 adjudicated under the Juvenile Court Act or the Juvenile
21 Court Act of 1987. Such reporting requirements shall also
22 apply to individuals adjudicated under the Juvenile Court
23 Act or the Juvenile Court Act of 1987 who have committed a
24 violation of Section 11-501 of this Code, or similar
25 provision of a local ordinance, or Section 9-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide, or Section
2 5-7 of the Snowmobile Registration and Safety Act or
3 Section 5-16 of the Boat Registration and Safety Act,
4 relating to the offense of operating a snowmobile or a
5 watercraft while under the influence of alcohol, other
6 drug or drugs, intoxicating compound or compounds, or
7 combination thereof. These reporting requirements also
8 apply to individuals adjudicated under the Juvenile Court
9 Act of 1987 based on any offense determined to have been
10 committed in furtherance of the criminal activities of an
11 organized gang, as provided in Section 5-710 of that Act,
12 if those activities involved the operation or use of a
13 motor vehicle. It shall be the duty of the clerk of the
14 court in which adjudication is had within 5 days
15 thereafter to forward to the Secretary of State a report
16 of the adjudication and the court order requiring the
17 Secretary of State to suspend the minor's driver's license
18 and driving privilege for such time as determined by the
19 court, but only until he or she attains the age of 18
20 years. All juvenile court dispositions reported to the
21 Secretary of State under this provision shall be processed
22 by the Secretary of State as if the cases had been
23 adjudicated in traffic or criminal court. However,
24 information reported relative to the offense of reckless
25 homicide, or Section 11-501 of this Code, or a similar
26 provision of a local ordinance, shall be privileged and

1 available only to the Secretary of State, courts, and
2 police officers.

3 The reporting requirements of this subsection (a)
4 apply to all violations listed in paragraphs (1) and (2)
5 of this subsection (a), excluding parking violations, when
6 the driver holds a CLP or CDL, regardless of the type of
7 vehicle in which the violation occurred, or when any
8 driver committed the violation in a commercial motor
9 vehicle as defined in Section 6-500 of this Code.

10 (3) Whenever an order is entered revoking ~~vacating the~~
11 ~~conditions of~~ pretrial release given to secure appearance
12 for any offense under this Code or similar offenses under
13 municipal ordinance, it shall be the duty of the clerk of
14 the court in which such revocation ~~vacation~~ was had or the
15 judge of such court if such court has no clerk, within 5
16 days thereafter to forward to the Secretary of State a
17 report of the revocation ~~vacation~~.

18 (4) A report of any disposition of court supervision
19 for a violation of Sections 6-303, 11-401, 11-501 or a
20 similar provision of a local ordinance, 11-503, 11-504,
21 and 11-506 of this Code, Section 5-7 of the Snowmobile
22 Registration and Safety Act, and Section 5-16 of the Boat
23 Registration and Safety Act shall be forwarded to the
24 Secretary of State. A report of any disposition of court
25 supervision for a violation of an offense defined as a
26 serious traffic violation in this Code or a similar

1 provision of a local ordinance committed by a person under
2 the age of 21 years shall be forwarded to the Secretary of
3 State.

4 (5) Reports of conviction under this Code and
5 sentencing hearings under the Juvenile Court Act of 1987
6 in an electronic format or a computer processible medium
7 shall be forwarded to the Secretary of State via the
8 Supreme Court in the form and format required by the
9 Illinois Supreme Court and established by a written
10 agreement between the Supreme Court and the Secretary of
11 State. In counties with a population over 300,000, instead
12 of forwarding reports to the Supreme Court, reports of
13 conviction under this Code and sentencing hearings under
14 the Juvenile Court Act of 1987 in an electronic format or a
15 computer processible medium may be forwarded to the
16 Secretary of State by the Circuit Court Clerk in a form and
17 format required by the Secretary of State and established
18 by written agreement between the Circuit Court Clerk and
19 the Secretary of State. Failure to forward the reports of
20 conviction or sentencing hearing under the Juvenile Court
21 Act of 1987 as required by this Section shall be deemed an
22 omission of duty and it shall be the duty of the several
23 State's Attorneys to enforce the requirements of this
24 Section.

25 (b) Whenever a restricted driving permit is forwarded to a
26 court, as a result of confiscation by a police officer

1 pursuant to the authority in Section 6-113(f), it shall be the
2 duty of the clerk, or judge, if the court has no clerk, to
3 forward such restricted driving permit and a facsimile of the
4 officer's citation to the Secretary of State as expeditiously
5 as practicable.

6 (c) For the purposes of this Code, a revocation of
7 pretrial release that has ~~violation of the conditions of~~
8 ~~pretrial release when the conditions of pretrial release have~~
9 not been vacated, or the failure of a defendant to appear for
10 trial after depositing his driver's license ~~in lieu of other~~
11 ~~bail~~, shall be equivalent to a conviction.

12 (d) For the purpose of providing the Secretary of State
13 with records necessary to properly monitor and assess driver
14 performance and assist the courts in the proper disposition of
15 repeat traffic law offenders, the clerk of the court shall
16 forward to the Secretary of State, on a form prescribed by the
17 Secretary, records of a driver's participation in a driver
18 remedial or rehabilitative program which was required, through
19 a court order or court supervision, in relation to the
20 driver's arrest for a violation of Section 11-501 of this Code
21 or a similar provision of a local ordinance. The clerk of the
22 court shall also forward to the Secretary, either on paper or
23 in an electronic format or a computer processible medium as
24 required under paragraph (5) of subsection (a) of this
25 Section, any disposition of court supervision for any traffic
26 violation, excluding those offenses listed in paragraph (2) of

1 subsection (a) of this Section. These reports shall be sent
2 within 5 days after disposition, or, if the driver is referred
3 to a driver remedial or rehabilitative program, within 5 days
4 of the driver's referral to that program. These reports
5 received by the Secretary of State, including those required
6 to be forwarded under paragraph (a)(4), shall be privileged
7 information, available only (i) to the affected driver, (ii)
8 to the parent or guardian of a person under the age of 18 years
9 holding an instruction permit or a graduated driver's license,
10 and (iii) for use by the courts, police officers, prosecuting
11 authorities, the Secretary of State, and the driver licensing
12 administrator of any other state. In accordance with 49 C.F.R.
13 Part 384, all reports of court supervision, except violations
14 related to parking, shall be forwarded to the Secretary of
15 State for all holders of a CLP or CDL or any driver who commits
16 an offense while driving a commercial motor vehicle. These
17 reports shall be recorded to the driver's record as a
18 conviction for use in the disqualification of the driver's
19 commercial motor vehicle privileges and shall not be
20 privileged information.

21 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20;
22 101-652, eff. 1-1-23.)

23 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

24 (Text of Section before amendment by P.A. 101-652 and P.A.
25 102-982)

1 Sec. 6-500. Definitions of words and phrases.
2 Notwithstanding the definitions set forth elsewhere in this
3 Code, for purposes of the Uniform Commercial Driver's License
4 Act (UCDLA), the words and phrases listed below have the
5 meanings ascribed to them as follows:

6 (1) Alcohol. "Alcohol" means any substance containing any
7 form of alcohol, including but not limited to ethanol,
8 methanol, propanol, and isopropanol.

9 (2) Alcohol concentration. "Alcohol concentration" means:

10 (A) the number of grams of alcohol per 210 liters of
11 breath; or

12 (B) the number of grams of alcohol per 100 milliliters
13 of blood; or

14 (C) the number of grams of alcohol per 67 milliliters
15 of urine.

16 Alcohol tests administered within 2 hours of the driver
17 being "stopped or detained" shall be considered that driver's
18 "alcohol concentration" for the purposes of enforcing this
19 UCDLA.

20 (3) (Blank).

21 (4) (Blank).

22 (5) (Blank).

23 (5.3) CDLIS driver record. "CDLIS driver record" means the
24 electronic record of the individual CDL driver's status and
25 history stored by the State-of-Record as part of the
26 Commercial Driver's License Information System, or CDLIS,

1 established under 49 U.S.C. 31309.

2 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
3 record" or "CDLIS MVR" means a report generated from the CDLIS
4 driver record meeting the requirements for access to CDLIS
5 information and provided by states to users authorized in 49
6 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
7 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (5.7) Commercial driver's license downgrade. "Commercial
9 driver's license downgrade" or "CDL downgrade" means either:

10 (A) a state allows the driver to change his or her
11 self-certification to interstate, but operating
12 exclusively in transportation or operation excepted from
13 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
14 391.2, 391.68, or 398.3;

15 (B) a state allows the driver to change his or her
16 self-certification to intrastate only, if the driver
17 qualifies under that state's physical qualification
18 requirements for intrastate only;

19 (C) a state allows the driver to change his or her
20 certification to intrastate, but operating exclusively in
21 transportation or operations excepted from all or part of
22 the state driver qualification requirements; or

23 (D) a state removes the CDL privilege from the driver
24 license.

25 (6) Commercial Motor Vehicle.

26 (A) "Commercial motor vehicle" or "CMV" means a motor

1 vehicle or combination of motor vehicles used in commerce,
2 except those referred to in subdivision (B), designed to
3 transport passengers or property if the motor vehicle:

4 (i) has a gross combination weight rating or gross
5 combination weight of 11,794 kilograms or more (26,001
6 pounds or more), whichever is greater, inclusive of
7 any towed unit with a gross vehicle weight rating or
8 gross vehicle weight of more than 4,536 kilograms
9 (10,000 pounds), whichever is greater; or

10 (i-5) has a gross vehicle weight rating or gross
11 vehicle weight of 11,794 or more kilograms (26,001
12 pounds or more), whichever is greater; or

13 (ii) is designed to transport 16 or more persons,
14 including the driver; or

15 (iii) is of any size and is used in transporting
16 hazardous materials as defined in 49 C.F.R. 383.5.

17 (B) Pursuant to the interpretation of the Commercial
18 Motor Vehicle Safety Act of 1986 by the Federal Highway
19 Administration, the definition of "commercial motor
20 vehicle" does not include:

21 (i) recreational vehicles, when operated primarily
22 for personal use;

23 (ii) vehicles owned by or operated under the
24 direction of the United States Department of Defense
25 or the United States Coast Guard only when operated by
26 non-civilian personnel. This includes any operator on

1 active military duty; members of the Reserves;
2 National Guard; personnel on part-time training; and
3 National Guard military technicians (civilians who are
4 required to wear military uniforms and are subject to
5 the Code of Military Justice); or

6 (iii) firefighting, police, and other emergency
7 equipment (including, without limitation, equipment
8 owned or operated by a HazMat or technical rescue team
9 authorized by a county board under Section 5-1127 of
10 the Counties Code), with audible and visual signals,
11 owned or operated by or for a governmental entity,
12 which is necessary to the preservation of life or
13 property or the execution of emergency governmental
14 functions which are normally not subject to general
15 traffic rules and regulations.

16 (7) Controlled Substance. "Controlled substance" shall
17 have the same meaning as defined in Section 102 of the Illinois
18 Controlled Substances Act, and shall also include cannabis as
19 defined in Section 3 of the Cannabis Control Act and
20 methamphetamine as defined in Section 10 of the
21 Methamphetamine Control and Community Protection Act.

22 (8) Conviction. "Conviction" means an unvacated
23 adjudication of guilt or a determination that a person has
24 violated or failed to comply with the law in a court of
25 original jurisdiction or by an authorized administrative
26 tribunal; an unvacated forfeiture of bail or collateral

1 deposited to secure the person's appearance in court; a plea
2 of guilty or nolo contendere accepted by the court; the
3 payment of a fine or court cost regardless of whether the
4 imposition of sentence is deferred and ultimately a judgment
5 dismissing the underlying charge is entered; or a violation of
6 a condition of release without bail, regardless of whether or
7 not the penalty is rebated, suspended or probated.

8 (8.5) Day. "Day" means calendar day.

9 (9) (Blank).

10 (10) (Blank).

11 (11) (Blank).

12 (12) (Blank).

13 (13) Driver. "Driver" means any person who drives,
14 operates, or is in physical control of a commercial motor
15 vehicle, any person who is required to hold a CDL, or any
16 person who is a holder of a CDL while operating a
17 non-commercial motor vehicle.

18 (13.5) Driver applicant. "Driver applicant" means an
19 individual who applies to a state or other jurisdiction to
20 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
21 a CLP.

22 (13.8) Electronic device. "Electronic device" includes,
23 but is not limited to, a cellular telephone, personal digital
24 assistant, pager, computer, or any other device used to input,
25 write, send, receive, or read text.

26 (14) Employee. "Employee" means a person who is employed

1 as a commercial motor vehicle driver. A person who is
2 self-employed as a commercial motor vehicle driver must comply
3 with the requirements of this UCCLA pertaining to employees.
4 An owner-operator on a long-term lease shall be considered an
5 employee.

6 (15) Employer. "Employer" means a person (including the
7 United States, a State or a local authority) who owns or leases
8 a commercial motor vehicle or assigns employees to operate
9 such a vehicle. A person who is self-employed as a commercial
10 motor vehicle driver must comply with the requirements of this
11 UCCLA.

12 (15.1) Endorsement. "Endorsement" means an authorization
13 to an individual's CLP or CDL required to permit the
14 individual to operate certain types of commercial motor
15 vehicles.

16 (15.2) Entry-level driver training. "Entry-level driver
17 training" means the training an entry-level driver receives
18 from an entity listed on the Federal Motor Carrier Safety
19 Administration's Training Provider Registry prior to: (i)
20 taking the CDL skills test required to receive the Class A or
21 Class B CDL for the first time; (ii) taking the CDL skills test
22 required to upgrade to a Class A or Class B CDL; or (iii)
23 taking the CDL skills test required to obtain a passenger or
24 school bus endorsement for the first time or the CDL knowledge
25 test required to obtain a hazardous materials endorsement for
26 the first time.

1 (15.3) Excepted interstate. "Excepted interstate" means a
2 person who operates or expects to operate in interstate
3 commerce, but engages exclusively in transportation or
4 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
5 or 398.3 from all or part of the qualification requirements of
6 49 C.F.R. Part 391 and is not required to obtain a medical
7 examiner's certificate by 49 C.F.R. 391.45.

8 (15.5) Excepted intrastate. "Excepted intrastate" means a
9 person who operates in intrastate commerce but engages
10 exclusively in transportation or operations excepted from all
11 or parts of the state driver qualification requirements.

12 (16) (Blank).

13 (16.5) Fatality. "Fatality" means the death of a person as
14 a result of a motor vehicle accident.

15 (16.7) Foreign commercial driver. "Foreign commercial
16 driver" means a person licensed to operate a commercial motor
17 vehicle by an authority outside the United States, or a
18 citizen of a foreign country who operates a commercial motor
19 vehicle in the United States.

20 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
21 sovereign jurisdiction that does not fall within the
22 definition of "State".

23 (18) (Blank).

24 (19) (Blank).

25 (20) Hazardous materials. "Hazardous material" means any
26 material that has been designated under 49 U.S.C. 5103 and is

1 required to be placarded under subpart F of 49 C.F.R. part 172
2 or any quantity of a material listed as a select agent or toxin
3 in 42 C.F.R. part 73.

4 (20.5) Imminent Hazard. "Imminent hazard" means the
5 existence of any condition of a vehicle, employee, or
6 commercial motor vehicle operations that substantially
7 increases the likelihood of serious injury or death if not
8 discontinued immediately; or a condition relating to hazardous
9 material that presents a substantial likelihood that death,
10 serious illness, severe personal injury, or a substantial
11 endangerment to health, property, or the environment may occur
12 before the reasonably foreseeable completion date of a formal
13 proceeding begun to lessen the risk of that death, illness,
14 injury or endangerment.

15 (20.6) Issuance. "Issuance" means initial issuance,
16 transfer, renewal, or upgrade of a CLP or CDL and
17 non-domiciled CLP or CDL.

18 (20.7) Issue. "Issue" means initial issuance, transfer,
19 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
20 non-domiciled CDL.

21 (21) Long-term lease. "Long-term lease" means a lease of a
22 commercial motor vehicle by the owner-lessor to a lessee, for
23 a period of more than 29 days.

24 (21.01) Manual transmission. "Manual transmission" means a
25 transmission utilizing a driver-operated clutch that is
26 activated by a pedal or lever and a gear-shift mechanism

1 operated either by hand or foot including those known as a
2 stick shift, stick, straight drive, or standard transmission.
3 All other transmissions, whether semi-automatic or automatic,
4 shall be considered automatic for the purposes of the
5 standardized restriction code.

6 (21.1) Medical examiner. "Medical examiner" means an
7 individual certified by the Federal Motor Carrier Safety
8 Administration and listed on the National Registry of
9 Certified Medical Examiners in accordance with Federal Motor
10 Carrier Safety Regulations, 49 CFR 390.101 et seq.

11 (21.2) Medical examiner's certificate. "Medical examiner's
12 certificate" means either (1) prior to June 22, 2021, a
13 document prescribed or approved by the Secretary of State that
14 is issued by a medical examiner to a driver to medically
15 qualify him or her to drive; or (2) beginning June 22, 2021, an
16 electronic submission of results of an examination conducted
17 by a medical examiner listed on the National Registry of
18 Certified Medical Examiners to the Federal Motor Carrier
19 Safety Administration of a driver to medically qualify him or
20 her to drive.

21 (21.5) Medical variance. "Medical variance" means a driver
22 has received one of the following from the Federal Motor
23 Carrier Safety Administration which allows the driver to be
24 issued a medical certificate: (1) an exemption letter
25 permitting operation of a commercial motor vehicle pursuant to
26 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a

1 skill performance evaluation (SPE) certificate permitting
2 operation of a commercial motor vehicle pursuant to 49 C.F.R.
3 391.49.

4 (21.7) Mobile telephone. "Mobile telephone" means a mobile
5 communication device that falls under or uses any commercial
6 mobile radio service, as defined in regulations of the Federal
7 Communications Commission, 47 CFR 20.3. It does not include
8 two-way or citizens band radio services.

9 (22) Motor Vehicle. "Motor vehicle" means every vehicle
10 which is self-propelled, and every vehicle which is propelled
11 by electric power obtained from over head trolley wires but
12 not operated upon rails, except vehicles moved solely by human
13 power and motorized wheel chairs.

14 (22.2) Motor vehicle record. "Motor vehicle record" means
15 a report of the driving status and history of a driver
16 generated from the driver record provided to users, such as
17 drivers or employers, and is subject to the provisions of the
18 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

19 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
20 combination of motor vehicles not defined by the term
21 "commercial motor vehicle" or "CMV" in this Section.

22 (22.7) Non-excepted interstate. "Non-excepted interstate"
23 means a person who operates or expects to operate in
24 interstate commerce, is subject to and meets the qualification
25 requirements under 49 C.F.R. Part 391, and is required to
26 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

1 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
2 means a person who operates only in intrastate commerce and is
3 subject to State driver qualification requirements.

4 (23) Non-domiciled CLP or Non-domiciled CDL.
5 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
6 respectively, issued by a state or other jurisdiction under
7 either of the following two conditions:

8 (i) to an individual domiciled in a foreign country
9 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
10 of the Federal Motor Carrier Safety Administration.

11 (ii) to an individual domiciled in another state
12 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
13 of the Federal Motor Carrier Safety Administration.

14 (24) (Blank).

15 (25) (Blank).

16 (25.5) Railroad-Highway Grade Crossing Violation.
17 "Railroad-highway grade crossing violation" means a violation,
18 while operating a commercial motor vehicle, of any of the
19 following:

20 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

21 (B) Any other similar law or local ordinance of any
22 state relating to railroad-highway grade crossing.

23 (25.7) School Bus. "School bus" means a commercial motor
24 vehicle used to transport pre-primary, primary, or secondary
25 school students from home to school, from school to home, or to
26 and from school-sponsored events. "School bus" does not

1 include a bus used as a common carrier.

2 (26) Serious Traffic Violation. "Serious traffic
3 violation" means:

4 (A) a conviction when operating a commercial motor
5 vehicle, or when operating a non-CMV while holding a CLP
6 or CDL, of:

7 (i) a violation relating to excessive speeding,
8 involving a single speeding charge of 15 miles per
9 hour or more above the legal speed limit; or

10 (ii) a violation relating to reckless driving; or

11 (iii) a violation of any State law or local
12 ordinance relating to motor vehicle traffic control
13 (other than parking violations) arising in connection
14 with a fatal traffic accident; or

15 (iv) a violation of Section 6-501, relating to
16 having multiple driver's licenses; or

17 (v) a violation of paragraph (a) of Section 6-507,
18 relating to the requirement to have a valid CLP or CDL;
19 or

20 (vi) a violation relating to improper or erratic
21 traffic lane changes; or

22 (vii) a violation relating to following another
23 vehicle too closely; or

24 (viii) a violation relating to texting while
25 driving; or

26 (ix) a violation relating to the use of a

1 hand-held mobile telephone while driving; or

2 (B) any other similar violation of a law or local
3 ordinance of any state relating to motor vehicle traffic
4 control, other than a parking violation, which the
5 Secretary of State determines by administrative rule to be
6 serious.

7 (27) State. "State" means a state of the United States,
8 the District of Columbia and any province or territory of
9 Canada.

10 (28) (Blank).

11 (29) (Blank).

12 (30) (Blank).

13 (31) (Blank).

14 (32) Texting. "Texting" means manually entering
15 alphanumeric text into, or reading text from, an electronic
16 device.

17 (1) Texting includes, but is not limited to, short
18 message service, emailing, instant messaging, a command or
19 request to access a World Wide Web page, pressing more
20 than a single button to initiate or terminate a voice
21 communication using a mobile telephone, or engaging in any
22 other form of electronic text retrieval or entry for
23 present or future communication.

24 (2) Texting does not include:

25 (i) inputting, selecting, or reading information
26 on a global positioning system or navigation system;

1 or

2 (ii) pressing a single button to initiate or
3 terminate a voice communication using a mobile
4 telephone; or

5 (iii) using a device capable of performing
6 multiple functions (for example, a fleet management
7 system, dispatching device, smart phone, citizens band
8 radio, or music player) for a purpose that is not
9 otherwise prohibited by Part 392 of the Federal Motor
10 Carrier Safety Regulations.

11 (32.3) Third party skills test examiner. "Third party
12 skills test examiner" means a person employed by a third party
13 tester who is authorized by the State to administer the CDL
14 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

15 (32.5) Third party tester. "Third party tester" means a
16 person (including, but not limited to, another state, a motor
17 carrier, a private driver training facility or other private
18 institution, or a department, agency, or instrumentality of a
19 local government) authorized by the State to employ skills
20 test examiners to administer the CDL skills tests specified in
21 49 C.F.R. Part 383, subparts G and H.

22 (32.7) United States. "United States" means the 50 states
23 and the District of Columbia.

24 (33) Use a hand-held mobile telephone. "Use a hand-held
25 mobile telephone" means:

26 (1) using at least one hand to hold a mobile telephone

1 to conduct a voice communication;

2 (2) dialing or answering a mobile telephone by
3 pressing more than a single button; or

4 (3) reaching for a mobile telephone in a manner that
5 requires a driver to maneuver so that he or she is no
6 longer in a seated driving position, restrained by a seat
7 belt that is installed in accordance with 49 CFR 393.93
8 and adjusted in accordance with the vehicle manufacturer's
9 instructions.

10 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

11 (Text of Section after amendment by P.A. 101-652 but
12 before amendment by P.A. 102-982)

13 Sec. 6-500. Definitions of words and phrases.
14 Notwithstanding the definitions set forth elsewhere in this
15 Code, for purposes of the Uniform Commercial Driver's License
16 Act (UCDLA), the words and phrases listed below have the
17 meanings ascribed to them as follows:

18 (1) Alcohol. "Alcohol" means any substance containing any
19 form of alcohol, including but not limited to ethanol,
20 methanol, propanol, and isopropanol.

21 (2) Alcohol concentration. "Alcohol concentration" means:

22 (A) the number of grams of alcohol per 210 liters of
23 breath; or

24 (B) the number of grams of alcohol per 100 milliliters
25 of blood; or

1 (C) the number of grams of alcohol per 67 milliliters
2 of urine.

3 Alcohol tests administered within 2 hours of the driver
4 being "stopped or detained" shall be considered that driver's
5 "alcohol concentration" for the purposes of enforcing this
6 UCDLA.

7 (3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.3) CDLIS driver record. "CDLIS driver record" means the
11 electronic record of the individual CDL driver's status and
12 history stored by the State-of-Record as part of the
13 Commercial Driver's License Information System, or CDLIS,
14 established under 49 U.S.C. 31309.

15 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
16 record" or "CDLIS MVR" means a report generated from the CDLIS
17 driver record meeting the requirements for access to CDLIS
18 information and provided by states to users authorized in 49
19 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (5.7) Commercial driver's license downgrade. "Commercial
22 driver's license downgrade" or "CDL downgrade" means either:

23 (A) a state allows the driver to change his or her
24 self-certification to interstate, but operating
25 exclusively in transportation or operation excepted from
26 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),

1 391.2, 391.68, or 398.3;

2 (B) a state allows the driver to change his or her
3 self-certification to intrastate only, if the driver
4 qualifies under that state's physical qualification
5 requirements for intrastate only;

6 (C) a state allows the driver to change his or her
7 certification to intrastate, but operating exclusively in
8 transportation or operations excepted from all or part of
9 the state driver qualification requirements; or

10 (D) a state removes the CDL privilege from the driver
11 license.

12 (6) Commercial Motor Vehicle.

13 (A) "Commercial motor vehicle" or "CMV" means a motor
14 vehicle or combination of motor vehicles used in commerce,
15 except those referred to in subdivision (B), designed to
16 transport passengers or property if the motor vehicle:

17 (i) has a gross combination weight rating or gross
18 combination weight of 11,794 kilograms or more (26,001
19 pounds or more), whichever is greater, inclusive of
20 any towed unit with a gross vehicle weight rating or
21 gross vehicle weight of more than 4,536 kilograms
22 (10,000 pounds), whichever is greater; or

23 (i-5) has a gross vehicle weight rating or gross
24 vehicle weight of 11,794 or more kilograms (26,001
25 pounds or more), whichever is greater; or

26 (ii) is designed to transport 16 or more persons,

1 including the driver; or

2 (iii) is of any size and is used in transporting
3 hazardous materials as defined in 49 C.F.R. 383.5.

4 (B) Pursuant to the interpretation of the Commercial
5 Motor Vehicle Safety Act of 1986 by the Federal Highway
6 Administration, the definition of "commercial motor
7 vehicle" does not include:

8 (i) recreational vehicles, when operated primarily
9 for personal use;

10 (ii) vehicles owned by or operated under the
11 direction of the United States Department of Defense
12 or the United States Coast Guard only when operated by
13 non-civilian personnel. This includes any operator on
14 active military duty; members of the Reserves;
15 National Guard; personnel on part-time training; and
16 National Guard military technicians (civilians who are
17 required to wear military uniforms and are subject to
18 the Code of Military Justice); or

19 (iii) firefighting, police, and other emergency
20 equipment (including, without limitation, equipment
21 owned or operated by a HazMat or technical rescue team
22 authorized by a county board under Section 5-1127 of
23 the Counties Code), with audible and visual signals,
24 owned or operated by or for a governmental entity,
25 which is necessary to the preservation of life or
26 property or the execution of emergency governmental

1 functions which are normally not subject to general
2 traffic rules and regulations.

3 (7) Controlled Substance. "Controlled substance" shall
4 have the same meaning as defined in Section 102 of the Illinois
5 Controlled Substances Act, and shall also include cannabis as
6 defined in Section 3 of the Cannabis Control Act and
7 methamphetamine as defined in Section 10 of the
8 Methamphetamine Control and Community Protection Act.

9 (8) Conviction. "Conviction" means an unvacated
10 adjudication of guilt or a determination that a person has
11 violated or failed to comply with the law in a court of
12 original jurisdiction or by an authorized administrative
13 tribunal; an unvacated revocation of pretrial release ~~or~~
14 ~~forfeiture of bail or collateral deposited to secure the~~
15 ~~person's appearance in court;~~ a plea of guilty or nolo
16 contendere accepted by the court; or the payment of a fine or
17 court cost regardless of whether the imposition of sentence is
18 deferred and ultimately a judgment dismissing the underlying
19 charge is entered; ~~or a violation of a condition of pretrial~~
20 ~~release without bail, regardless of whether or not the penalty~~
21 ~~is rebated, suspended or probated.~~

22 (8.5) Day. "Day" means calendar day.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) (Blank).

1 (13) Driver. "Driver" means any person who drives,
2 operates, or is in physical control of a commercial motor
3 vehicle, any person who is required to hold a CDL, or any
4 person who is a holder of a CDL while operating a
5 non-commercial motor vehicle.

6 (13.5) Driver applicant. "Driver applicant" means an
7 individual who applies to a state or other jurisdiction to
8 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
9 a CLP.

10 (13.8) Electronic device. "Electronic device" includes,
11 but is not limited to, a cellular telephone, personal digital
12 assistant, pager, computer, or any other device used to input,
13 write, send, receive, or read text.

14 (14) Employee. "Employee" means a person who is employed
15 as a commercial motor vehicle driver. A person who is
16 self-employed as a commercial motor vehicle driver must comply
17 with the requirements of this UCCLA pertaining to employees.
18 An owner-operator on a long-term lease shall be considered an
19 employee.

20 (15) Employer. "Employer" means a person (including the
21 United States, a State or a local authority) who owns or leases
22 a commercial motor vehicle or assigns employees to operate
23 such a vehicle. A person who is self-employed as a commercial
24 motor vehicle driver must comply with the requirements of this
25 UCCLA.

26 (15.1) Endorsement. "Endorsement" means an authorization

1 to an individual's CLP or CDL required to permit the
2 individual to operate certain types of commercial motor
3 vehicles.

4 (15.2) Entry-level driver training. "Entry-level driver
5 training" means the training an entry-level driver receives
6 from an entity listed on the Federal Motor Carrier Safety
7 Administration's Training Provider Registry prior to: (i)
8 taking the CDL skills test required to receive the Class A or
9 Class B CDL for the first time; (ii) taking the CDL skills test
10 required to upgrade to a Class A or Class B CDL; or (iii)
11 taking the CDL skills test required to obtain a passenger or
12 school bus endorsement for the first time or the CDL knowledge
13 test required to obtain a hazardous materials endorsement for
14 the first time.

15 (15.3) Excepted interstate. "Excepted interstate" means a
16 person who operates or expects to operate in interstate
17 commerce, but engages exclusively in transportation or
18 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
19 or 398.3 from all or part of the qualification requirements of
20 49 C.F.R. Part 391 and is not required to obtain a medical
21 examiner's certificate by 49 C.F.R. 391.45.

22 (15.5) Excepted intrastate. "Excepted intrastate" means a
23 person who operates in intrastate commerce but engages
24 exclusively in transportation or operations excepted from all
25 or parts of the state driver qualification requirements.

26 (16) (Blank).

1 (16.5) Fatality. "Fatality" means the death of a person as
2 a result of a motor vehicle accident.

3 (16.7) Foreign commercial driver. "Foreign commercial
4 driver" means a person licensed to operate a commercial motor
5 vehicle by an authority outside the United States, or a
6 citizen of a foreign country who operates a commercial motor
7 vehicle in the United States.

8 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
9 sovereign jurisdiction that does not fall within the
10 definition of "State".

11 (18) (Blank).

12 (19) (Blank).

13 (20) Hazardous materials. "Hazardous material" means any
14 material that has been designated under 49 U.S.C. 5103 and is
15 required to be placarded under subpart F of 49 C.F.R. part 172
16 or any quantity of a material listed as a select agent or toxin
17 in 42 C.F.R. part 73.

18 (20.5) Imminent Hazard. "Imminent hazard" means the
19 existence of any condition of a vehicle, employee, or
20 commercial motor vehicle operations that substantially
21 increases the likelihood of serious injury or death if not
22 discontinued immediately; or a condition relating to hazardous
23 material that presents a substantial likelihood that death,
24 serious illness, severe personal injury, or a substantial
25 endangerment to health, property, or the environment may occur
26 before the reasonably foreseeable completion date of a formal

1 proceeding begun to lessen the risk of that death, illness,
2 injury or endangerment.

3 (20.6) Issuance. "Issuance" means initial issuance,
4 transfer, renewal, or upgrade of a CLP or CDL and
5 non-domiciled CLP or CDL.

6 (20.7) Issue. "Issue" means initial issuance, transfer,
7 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
8 non-domiciled CDL.

9 (21) Long-term lease. "Long-term lease" means a lease of a
10 commercial motor vehicle by the owner-lessor to a lessee, for
11 a period of more than 29 days.

12 (21.01) Manual transmission. "Manual transmission" means a
13 transmission utilizing a driver-operated clutch that is
14 activated by a pedal or lever and a gear-shift mechanism
15 operated either by hand or foot including those known as a
16 stick shift, stick, straight drive, or standard transmission.
17 All other transmissions, whether semi-automatic or automatic,
18 shall be considered automatic for the purposes of the
19 standardized restriction code.

20 (21.1) Medical examiner. "Medical examiner" means an
21 individual certified by the Federal Motor Carrier Safety
22 Administration and listed on the National Registry of
23 Certified Medical Examiners in accordance with Federal Motor
24 Carrier Safety Regulations, 49 CFR 390.101 et seq.

25 (21.2) Medical examiner's certificate. "Medical examiner's
26 certificate" means either (1) prior to June 22, 2021, a

1 document prescribed or approved by the Secretary of State that
2 is issued by a medical examiner to a driver to medically
3 qualify him or her to drive; or (2) beginning June 22, 2021, an
4 electronic submission of results of an examination conducted
5 by a medical examiner listed on the National Registry of
6 Certified Medical Examiners to the Federal Motor Carrier
7 Safety Administration of a driver to medically qualify him or
8 her to drive.

9 (21.5) Medical variance. "Medical variance" means a driver
10 has received one of the following from the Federal Motor
11 Carrier Safety Administration which allows the driver to be
12 issued a medical certificate: (1) an exemption letter
13 permitting operation of a commercial motor vehicle pursuant to
14 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
15 skill performance evaluation (SPE) certificate permitting
16 operation of a commercial motor vehicle pursuant to 49 C.F.R.
17 391.49.

18 (21.7) Mobile telephone. "Mobile telephone" means a mobile
19 communication device that falls under or uses any commercial
20 mobile radio service, as defined in regulations of the Federal
21 Communications Commission, 47 CFR 20.3. It does not include
22 two-way or citizens band radio services.

23 (22) Motor Vehicle. "Motor vehicle" means every vehicle
24 which is self-propelled, and every vehicle which is propelled
25 by electric power obtained from over head trolley wires but
26 not operated upon rails, except vehicles moved solely by human

1 power and motorized wheel chairs.

2 (22.2) Motor vehicle record. "Motor vehicle record" means
3 a report of the driving status and history of a driver
4 generated from the driver record provided to users, such as
5 drivers or employers, and is subject to the provisions of the
6 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

7 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
8 combination of motor vehicles not defined by the term
9 "commercial motor vehicle" or "CMV" in this Section.

10 (22.7) Non-excepted interstate. "Non-excepted interstate"
11 means a person who operates or expects to operate in
12 interstate commerce, is subject to and meets the qualification
13 requirements under 49 C.F.R. Part 391, and is required to
14 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

15 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
16 means a person who operates only in intrastate commerce and is
17 subject to State driver qualification requirements.

18 (23) Non-domiciled CLP or Non-domiciled CDL.
19 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
20 respectively, issued by a state or other jurisdiction under
21 either of the following two conditions:

22 (i) to an individual domiciled in a foreign country
23 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
24 of the Federal Motor Carrier Safety Administration.

25 (ii) to an individual domiciled in another state
26 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.

1 of the Federal Motor Carrier Safety Administration.

2 (24) (Blank).

3 (25) (Blank).

4 (25.5) Railroad-Highway Grade Crossing Violation.

5 "Railroad-highway grade crossing violation" means a violation,
6 while operating a commercial motor vehicle, of any of the
7 following:

8 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

9 (B) Any other similar law or local ordinance of any
10 state relating to railroad-highway grade crossing.

11 (25.7) School Bus. "School bus" means a commercial motor
12 vehicle used to transport pre-primary, primary, or secondary
13 school students from home to school, from school to home, or to
14 and from school-sponsored events. "School bus" does not
15 include a bus used as a common carrier.

16 (26) Serious Traffic Violation. "Serious traffic
17 violation" means:

18 (A) a conviction when operating a commercial motor
19 vehicle, or when operating a non-CMV while holding a CLP
20 or CDL, of:

21 (i) a violation relating to excessive speeding,
22 involving a single speeding charge of 15 miles per
23 hour or more above the legal speed limit; or

24 (ii) a violation relating to reckless driving; or

25 (iii) a violation of any State law or local
26 ordinance relating to motor vehicle traffic control

1 (other than parking violations) arising in connection
2 with a fatal traffic accident; or

3 (iv) a violation of Section 6-501, relating to
4 having multiple driver's licenses; or

5 (v) a violation of paragraph (a) of Section 6-507,
6 relating to the requirement to have a valid CLP or CDL;
7 or

8 (vi) a violation relating to improper or erratic
9 traffic lane changes; or

10 (vii) a violation relating to following another
11 vehicle too closely; or

12 (viii) a violation relating to texting while
13 driving; or

14 (ix) a violation relating to the use of a
15 hand-held mobile telephone while driving; or

16 (B) any other similar violation of a law or local
17 ordinance of any state relating to motor vehicle traffic
18 control, other than a parking violation, which the
19 Secretary of State determines by administrative rule to be
20 serious.

21 (27) State. "State" means a state of the United States,
22 the District of Columbia and any province or territory of
23 Canada.

24 (28) (Blank).

25 (29) (Blank).

26 (30) (Blank).

1 (31) (Blank).

2 (32) Texting. "Texting" means manually entering
3 alphanumeric text into, or reading text from, an electronic
4 device.

5 (1) Texting includes, but is not limited to, short
6 message service, emailing, instant messaging, a command or
7 request to access a World Wide Web page, pressing more
8 than a single button to initiate or terminate a voice
9 communication using a mobile telephone, or engaging in any
10 other form of electronic text retrieval or entry for
11 present or future communication.

12 (2) Texting does not include:

13 (i) inputting, selecting, or reading information
14 on a global positioning system or navigation system;
15 or

16 (ii) pressing a single button to initiate or
17 terminate a voice communication using a mobile
18 telephone; or

19 (iii) using a device capable of performing
20 multiple functions (for example, a fleet management
21 system, dispatching device, smart phone, citizens band
22 radio, or music player) for a purpose that is not
23 otherwise prohibited by Part 392 of the Federal Motor
24 Carrier Safety Regulations.

25 (32.3) Third party skills test examiner. "Third party
26 skills test examiner" means a person employed by a third party

1 tester who is authorized by the State to administer the CDL
2 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

3 (32.5) Third party tester. "Third party tester" means a
4 person (including, but not limited to, another state, a motor
5 carrier, a private driver training facility or other private
6 institution, or a department, agency, or instrumentality of a
7 local government) authorized by the State to employ skills
8 test examiners to administer the CDL skills tests specified in
9 49 C.F.R. Part 383, subparts G and H.

10 (32.7) United States. "United States" means the 50 states
11 and the District of Columbia.

12 (33) Use a hand-held mobile telephone. "Use a hand-held
13 mobile telephone" means:

14 (1) using at least one hand to hold a mobile telephone
15 to conduct a voice communication;

16 (2) dialing or answering a mobile telephone by
17 pressing more than a single button; or

18 (3) reaching for a mobile telephone in a manner that
19 requires a driver to maneuver so that he or she is no
20 longer in a seated driving position, restrained by a seat
21 belt that is installed in accordance with 49 CFR 393.93
22 and adjusted in accordance with the vehicle manufacturer's
23 instructions.

24 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
25 101-652, eff. 1-1-23.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 6-500. Definitions of words and phrases.
3 Notwithstanding the definitions set forth elsewhere in this
4 Code, for purposes of the Uniform Commercial Driver's License
5 Act (UCDLA), the words and phrases listed below have the
6 meanings ascribed to them as follows:

7 (1) Alcohol. "Alcohol" means any substance containing any
8 form of alcohol, including but not limited to ethanol,
9 methanol, propanol, and isopropanol.

10 (2) Alcohol concentration. "Alcohol concentration" means:

11 (A) the number of grams of alcohol per 210 liters of
12 breath; or

13 (B) the number of grams of alcohol per 100 milliliters
14 of blood; or

15 (C) the number of grams of alcohol per 67 milliliters
16 of urine.

17 Alcohol tests administered within 2 hours of the driver
18 being "stopped or detained" shall be considered that driver's
19 "alcohol concentration" for the purposes of enforcing this
20 UCDLA.

21 (3) (Blank).

22 (4) (Blank).

23 (5) (Blank).

24 (5.3) CDLIS driver record. "CDLIS driver record" means the
25 electronic record of the individual CDL driver's status and
26 history stored by the State-of-Record as part of the

1 Commercial Driver's License Information System, or CDLIS,
2 established under 49 U.S.C. 31309.

3 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
4 record" or "CDLIS MVR" means a report generated from the CDLIS
5 driver record meeting the requirements for access to CDLIS
6 information and provided by states to users authorized in 49
7 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
8 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

9 (5.7) Commercial driver's license downgrade. "Commercial
10 driver's license downgrade" or "CDL downgrade" means either:

11 (A) a state allows the driver to change his or her
12 self-certification to interstate, but operating
13 exclusively in transportation or operation excepted from
14 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
15 391.2, 391.68, or 398.3;

16 (B) a state allows the driver to change his or her
17 self-certification to intrastate only, if the driver
18 qualifies under that state's physical qualification
19 requirements for intrastate only;

20 (C) a state allows the driver to change his or her
21 certification to intrastate, but operating exclusively in
22 transportation or operations excepted from all or part of
23 the state driver qualification requirements; or

24 (D) a state removes the CDL privilege from the driver
25 license.

26 (6) Commercial Motor Vehicle.

1 (A) "Commercial motor vehicle" or "CMV" means a motor
2 vehicle or combination of motor vehicles used in commerce,
3 except those referred to in subdivision (B), designed to
4 transport passengers or property if the motor vehicle:

5 (i) has a gross combination weight rating or gross
6 combination weight of 11,794 kilograms or more (26,001
7 pounds or more), whichever is greater, inclusive of
8 any towed unit with a gross vehicle weight rating or
9 gross vehicle weight of more than 4,536 kilograms
10 (10,000 pounds), whichever is greater; or

11 (i-5) has a gross vehicle weight rating or gross
12 vehicle weight of 11,794 or more kilograms (26,001
13 pounds or more), whichever is greater; or

14 (ii) is designed to transport 16 or more persons,
15 including the driver; or

16 (iii) is of any size and is used in transporting
17 hazardous materials as defined in 49 C.F.R. 383.5.

18 (B) Pursuant to the interpretation of the Commercial
19 Motor Vehicle Safety Act of 1986 by the Federal Highway
20 Administration, the definition of "commercial motor
21 vehicle" does not include:

22 (i) recreational vehicles, when operated primarily
23 for personal use;

24 (ii) vehicles owned by or operated under the
25 direction of the United States Department of Defense
26 or the United States Coast Guard only when operated by

1 non-civilian personnel. This includes any operator on
2 active military duty; members of the Reserves;
3 National Guard; personnel on part-time training; and
4 National Guard military technicians (civilians who are
5 required to wear military uniforms and are subject to
6 the Code of Military Justice); or

7 (iii) firefighting, police, and other emergency
8 equipment (including, without limitation, equipment
9 owned or operated by a HazMat or technical rescue team
10 authorized by a county board under Section 5-1127 of
11 the Counties Code), with audible and visual signals,
12 owned or operated by or for a governmental entity,
13 which is necessary to the preservation of life or
14 property or the execution of emergency governmental
15 functions which are normally not subject to general
16 traffic rules and regulations.

17 (7) Controlled Substance. "Controlled substance" shall
18 have the same meaning as defined in Section 102 of the Illinois
19 Controlled Substances Act, and shall also include cannabis as
20 defined in Section 3 of the Cannabis Control Act and
21 methamphetamine as defined in Section 10 of the
22 Methamphetamine Control and Community Protection Act.

23 (8) Conviction. "Conviction" means an unvacated
24 adjudication of guilt or a determination that a person has
25 violated or failed to comply with the law in a court of
26 original jurisdiction or by an authorized administrative

1 tribunal; an unvacated revocation of pretrial release ~~or~~
2 ~~forfeiture of bail or collateral deposited to secure the~~
3 ~~person's appearance in court; a plea of guilty or nolo~~
4 ~~contendere accepted by the court; or the payment of a fine or~~
5 ~~court cost regardless of whether the imposition of sentence is~~
6 ~~deferred and ultimately a judgment dismissing the underlying~~
7 ~~charge is entered; or a violation of a condition of pretrial~~
8 ~~release without bail, regardless of whether or not the penalty~~
9 ~~is rebated, suspended or probated.~~

10 (8.5) Day. "Day" means calendar day.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (12) (Blank).

15 (13) Driver. "Driver" means any person who drives,
16 operates, or is in physical control of a commercial motor
17 vehicle, any person who is required to hold a CDL, or any
18 person who is a holder of a CDL while operating a
19 non-commercial motor vehicle.

20 (13.5) Driver applicant. "Driver applicant" means an
21 individual who applies to a state or other jurisdiction to
22 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
23 a CLP.

24 (13.8) Electronic device. "Electronic device" includes,
25 but is not limited to, a cellular telephone, personal digital
26 assistant, pager, computer, or any other device used to input,

1 write, send, receive, or read text.

2 (14) Employee. "Employee" means a person who is employed
3 as a commercial motor vehicle driver. A person who is
4 self-employed as a commercial motor vehicle driver must comply
5 with the requirements of this UCDLA pertaining to employees.
6 An owner-operator on a long-term lease shall be considered an
7 employee.

8 (15) Employer. "Employer" means a person (including the
9 United States, a State or a local authority) who owns or leases
10 a commercial motor vehicle or assigns employees to operate
11 such a vehicle. A person who is self-employed as a commercial
12 motor vehicle driver must comply with the requirements of this
13 UCDLA.

14 (15.1) Endorsement. "Endorsement" means an authorization
15 to an individual's CLP or CDL required to permit the
16 individual to operate certain types of commercial motor
17 vehicles.

18 (15.2) Entry-level driver training. "Entry-level driver
19 training" means the training an entry-level driver receives
20 from an entity listed on the Federal Motor Carrier Safety
21 Administration's Training Provider Registry prior to: (i)
22 taking the CDL skills test required to receive the Class A or
23 Class B CDL for the first time; (ii) taking the CDL skills test
24 required to upgrade to a Class A or Class B CDL; or (iii)
25 taking the CDL skills test required to obtain a passenger or
26 school bus endorsement for the first time or the CDL knowledge

1 test required to obtain a hazardous materials endorsement for
2 the first time.

3 (15.3) Excepted interstate. "Excepted interstate" means a
4 person who operates or expects to operate in interstate
5 commerce, but engages exclusively in transportation or
6 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
7 or 398.3 from all or part of the qualification requirements of
8 49 C.F.R. Part 391 and is not required to obtain a medical
9 examiner's certificate by 49 C.F.R. 391.45.

10 (15.5) Excepted intrastate. "Excepted intrastate" means a
11 person who operates in intrastate commerce but engages
12 exclusively in transportation or operations excepted from all
13 or parts of the state driver qualification requirements.

14 (16) (Blank).

15 (16.5) Fatality. "Fatality" means the death of a person as
16 a result of a motor vehicle crash.

17 (16.7) Foreign commercial driver. "Foreign commercial
18 driver" means a person licensed to operate a commercial motor
19 vehicle by an authority outside the United States, or a
20 citizen of a foreign country who operates a commercial motor
21 vehicle in the United States.

22 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
23 sovereign jurisdiction that does not fall within the
24 definition of "State".

25 (18) (Blank).

26 (19) (Blank).

1 (20) Hazardous materials. "Hazardous material" means any
2 material that has been designated under 49 U.S.C. 5103 and is
3 required to be placarded under subpart F of 49 C.F.R. part 172
4 or any quantity of a material listed as a select agent or toxin
5 in 42 C.F.R. part 73.

6 (20.5) Imminent Hazard. "Imminent hazard" means the
7 existence of any condition of a vehicle, employee, or
8 commercial motor vehicle operations that substantially
9 increases the likelihood of serious injury or death if not
10 discontinued immediately; or a condition relating to hazardous
11 material that presents a substantial likelihood that death,
12 serious illness, severe personal injury, or a substantial
13 endangerment to health, property, or the environment may occur
14 before the reasonably foreseeable completion date of a formal
15 proceeding begun to lessen the risk of that death, illness,
16 injury or endangerment.

17 (20.6) Issuance. "Issuance" means initial issuance,
18 transfer, renewal, or upgrade of a CLP or CDL and
19 non-domiciled CLP or CDL.

20 (20.7) Issue. "Issue" means initial issuance, transfer,
21 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
22 non-domiciled CDL.

23 (21) Long-term lease. "Long-term lease" means a lease of a
24 commercial motor vehicle by the owner-lessor to a lessee, for
25 a period of more than 29 days.

26 (21.01) Manual transmission. "Manual transmission" means a

1 transmission utilizing a driver-operated clutch that is
2 activated by a pedal or lever and a gear-shift mechanism
3 operated either by hand or foot including those known as a
4 stick shift, stick, straight drive, or standard transmission.
5 All other transmissions, whether semi-automatic or automatic,
6 shall be considered automatic for the purposes of the
7 standardized restriction code.

8 (21.1) Medical examiner. "Medical examiner" means an
9 individual certified by the Federal Motor Carrier Safety
10 Administration and listed on the National Registry of
11 Certified Medical Examiners in accordance with Federal Motor
12 Carrier Safety Regulations, 49 CFR 390.101 et seq.

13 (21.2) Medical examiner's certificate. "Medical examiner's
14 certificate" means either (1) prior to June 22, 2021, a
15 document prescribed or approved by the Secretary of State that
16 is issued by a medical examiner to a driver to medically
17 qualify him or her to drive; or (2) beginning June 22, 2021, an
18 electronic submission of results of an examination conducted
19 by a medical examiner listed on the National Registry of
20 Certified Medical Examiners to the Federal Motor Carrier
21 Safety Administration of a driver to medically qualify him or
22 her to drive.

23 (21.5) Medical variance. "Medical variance" means a driver
24 has received one of the following from the Federal Motor
25 Carrier Safety Administration which allows the driver to be
26 issued a medical certificate: (1) an exemption letter

1 permitting operation of a commercial motor vehicle pursuant to
2 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
3 skill performance evaluation (SPE) certificate permitting
4 operation of a commercial motor vehicle pursuant to 49 C.F.R.
5 391.49.

6 (21.7) Mobile telephone. "Mobile telephone" means a mobile
7 communication device that falls under or uses any commercial
8 mobile radio service, as defined in regulations of the Federal
9 Communications Commission, 47 CFR 20.3. It does not include
10 two-way or citizens band radio services.

11 (22) Motor Vehicle. "Motor vehicle" means every vehicle
12 which is self-propelled, and every vehicle which is propelled
13 by electric power obtained from over head trolley wires but
14 not operated upon rails, except vehicles moved solely by human
15 power and motorized wheel chairs.

16 (22.2) Motor vehicle record. "Motor vehicle record" means
17 a report of the driving status and history of a driver
18 generated from the driver record provided to users, such as
19 drivers or employers, and is subject to the provisions of the
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
22 combination of motor vehicles not defined by the term
23 "commercial motor vehicle" or "CMV" in this Section.

24 (22.7) Non-excepted interstate. "Non-excepted interstate"
25 means a person who operates or expects to operate in
26 interstate commerce, is subject to and meets the qualification

1 requirements under 49 C.F.R. Part 391, and is required to
2 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

3 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
4 means a person who operates only in intrastate commerce and is
5 subject to State driver qualification requirements.

6 (23) Non-domiciled CLP or Non-domiciled CDL.
7 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
8 respectively, issued by a state or other jurisdiction under
9 either of the following two conditions:

10 (i) to an individual domiciled in a foreign country
11 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
12 of the Federal Motor Carrier Safety Administration.

13 (ii) to an individual domiciled in another state
14 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
15 of the Federal Motor Carrier Safety Administration.

16 (24) (Blank).

17 (25) (Blank).

18 (25.5) Railroad-Highway Grade Crossing Violation.
19 "Railroad-highway grade crossing violation" means a violation,
20 while operating a commercial motor vehicle, of any of the
21 following:

22 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

23 (B) Any other similar law or local ordinance of any
24 state relating to railroad-highway grade crossing.

25 (25.7) School Bus. "School bus" means a commercial motor
26 vehicle used to transport pre-primary, primary, or secondary

1 school students from home to school, from school to home, or to
2 and from school-sponsored events. "School bus" does not
3 include a bus used as a common carrier.

4 (26) Serious Traffic Violation. "Serious traffic
5 violation" means:

6 (A) a conviction when operating a commercial motor
7 vehicle, or when operating a non-CMV while holding a CLP
8 or CDL, of:

9 (i) a violation relating to excessive speeding,
10 involving a single speeding charge of 15 miles per
11 hour or more above the legal speed limit; or

12 (ii) a violation relating to reckless driving; or

13 (iii) a violation of any State law or local
14 ordinance relating to motor vehicle traffic control
15 (other than parking violations) arising in connection
16 with a fatal traffic crash; or

17 (iv) a violation of Section 6-501, relating to
18 having multiple driver's licenses; or

19 (v) a violation of paragraph (a) of Section 6-507,
20 relating to the requirement to have a valid CLP or CDL;
21 or

22 (vi) a violation relating to improper or erratic
23 traffic lane changes; or

24 (vii) a violation relating to following another
25 vehicle too closely; or

26 (viii) a violation relating to texting while

1 driving; or

2 (ix) a violation relating to the use of a
3 hand-held mobile telephone while driving; or

4 (B) any other similar violation of a law or local
5 ordinance of any state relating to motor vehicle traffic
6 control, other than a parking violation, which the
7 Secretary of State determines by administrative rule to be
8 serious.

9 (27) State. "State" means a state of the United States,
10 the District of Columbia and any province or territory of
11 Canada.

12 (28) (Blank).

13 (29) (Blank).

14 (30) (Blank).

15 (31) (Blank).

16 (32) Texting. "Texting" means manually entering
17 alphanumeric text into, or reading text from, an electronic
18 device.

19 (1) Texting includes, but is not limited to, short
20 message service, emailing, instant messaging, a command or
21 request to access a World Wide Web page, pressing more
22 than a single button to initiate or terminate a voice
23 communication using a mobile telephone, or engaging in any
24 other form of electronic text retrieval or entry for
25 present or future communication.

26 (2) Texting does not include:

1 (i) inputting, selecting, or reading information
2 on a global positioning system or navigation system;

3 or

4 (ii) pressing a single button to initiate or
5 terminate a voice communication using a mobile
6 telephone; or

7 (iii) using a device capable of performing
8 multiple functions (for example, a fleet management
9 system, dispatching device, smart phone, citizens band
10 radio, or music player) for a purpose that is not
11 otherwise prohibited by Part 392 of the Federal Motor
12 Carrier Safety Regulations.

13 (32.3) Third party skills test examiner. "Third party
14 skills test examiner" means a person employed by a third party
15 tester who is authorized by the State to administer the CDL
16 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

17 (32.5) Third party tester. "Third party tester" means a
18 person (including, but not limited to, another state, a motor
19 carrier, a private driver training facility or other private
20 institution, or a department, agency, or instrumentality of a
21 local government) authorized by the State to employ skills
22 test examiners to administer the CDL skills tests specified in
23 49 C.F.R. Part 383, subparts G and H.

24 (32.7) United States. "United States" means the 50 states
25 and the District of Columbia.

26 (33) Use a hand-held mobile telephone. "Use a hand-held

1 mobile telephone" means:

2 (1) using at least one hand to hold a mobile telephone
3 to conduct a voice communication;

4 (2) dialing or answering a mobile telephone by
5 pressing more than a single button; or

6 (3) reaching for a mobile telephone in a manner that
7 requires a driver to maneuver so that he or she is no
8 longer in a seated driving position, restrained by a seat
9 belt that is installed in accordance with 49 CFR 393.93
10 and adjusted in accordance with the vehicle manufacturer's
11 instructions.

12 (Source: P.A. 101-185, eff. 1-1-20; 101-652, eff. 1-1-23;
13 102-982, eff. 7-1-23.)

14 Section 55. The Snowmobile Registration and Safety Act is
15 amended by changing Section 5-7 as follows:

16 (625 ILCS 40/5-7)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 5-7. Operating a snowmobile while under the influence
19 of alcohol or other drug or drugs, intoxicating compound or
20 compounds, or a combination of them; criminal penalties;
21 suspension of operating privileges.

22 (a) A person may not operate or be in actual physical
23 control of a snowmobile within this State while:

24 1. The alcohol concentration in that person's blood,

1 other bodily substance, or breath is a concentration at
2 which driving a motor vehicle is prohibited under
3 subdivision (1) of subsection (a) of Section 11-501 of the
4 Illinois Vehicle Code;

5 2. The person is under the influence of alcohol;

6 3. The person is under the influence of any other drug
7 or combination of drugs to a degree that renders that
8 person incapable of safely operating a snowmobile;

9 3.1. The person is under the influence of any
10 intoxicating compound or combination of intoxicating
11 compounds to a degree that renders the person incapable of
12 safely operating a snowmobile;

13 4. The person is under the combined influence of
14 alcohol and any other drug or drugs or intoxicating
15 compound or compounds to a degree that renders that person
16 incapable of safely operating a snowmobile;

17 4.3. The person who is not a CDL holder has a
18 tetrahydrocannabinol concentration in the person's whole
19 blood or other bodily substance at which driving a motor
20 vehicle is prohibited under subdivision (7) of subsection
21 (a) of Section 11-501 of the Illinois Vehicle Code;

22 4.5. The person who is a CDL holder has any amount of a
23 drug, substance, or compound in the person's breath,
24 blood, other bodily substance, or urine resulting from the
25 unlawful use or consumption of cannabis listed in the
26 Cannabis Control Act; or

1 5. There is any amount of a drug, substance, or
2 compound in that person's breath, blood, other bodily
3 substance, or urine resulting from the unlawful use or
4 consumption of a controlled substance listed in the
5 Illinois Controlled Substances Act, methamphetamine as
6 listed in the Methamphetamine Control and Community
7 Protection Act, or intoxicating compound listed in the use
8 of Intoxicating Compounds Act.

9 (b) The fact that a person charged with violating this
10 Section is or has been legally entitled to use alcohol, other
11 drug or drugs, any intoxicating compound or compounds, or any
12 combination of them does not constitute a defense against a
13 charge of violating this Section.

14 (c) Every person convicted of violating this Section or a
15 similar provision of a local ordinance is guilty of a Class A
16 misdemeanor, except as otherwise provided in this Section.

17 (c-1) As used in this Section, "first time offender" means
18 any person who has not had a previous conviction or been
19 assigned supervision for violating this Section or a similar
20 provision of a local ordinance, or any person who has not had a
21 suspension imposed under subsection (e) of Section 5-7.1.

22 (c-2) For purposes of this Section, the following are
23 equivalent to a conviction:

24 (1) a forfeiture of bail or collateral deposited to
25 secure a defendant's appearance in court when forfeiture
26 has not been vacated; or

1 (2) the failure of a defendant to appear for trial.

2 (d) Every person convicted of violating this Section is
3 guilty of a Class 4 felony if:

4 1. The person has a previous conviction under this
5 Section;

6 2. The offense results in personal injury where a
7 person other than the operator suffers great bodily harm
8 or permanent disability or disfigurement, when the
9 violation was a proximate cause of the injuries. A person
10 guilty of a Class 4 felony under this paragraph 2, if
11 sentenced to a term of imprisonment, shall be sentenced to
12 not less than one year nor more than 12 years; or

13 3. The offense occurred during a period in which the
14 person's privileges to operate a snowmobile are revoked or
15 suspended, and the revocation or suspension was for a
16 violation of this Section or was imposed under Section
17 5-7.1.

18 (e) Every person convicted of violating this Section is
19 guilty of a Class 2 felony if the offense results in the death
20 of a person. A person guilty of a Class 2 felony under this
21 subsection (e), if sentenced to a term of imprisonment, shall
22 be sentenced to a term of not less than 3 years and not more
23 than 14 years.

24 (e-1) Every person convicted of violating this Section or
25 a similar provision of a local ordinance who had a child under
26 the age of 16 on board the snowmobile at the time of offense

1 shall be subject to a mandatory minimum fine of \$500 and shall
2 be subject to a mandatory minimum of 5 days of community
3 service in a program benefiting children. The assignment under
4 this subsection shall not be subject to suspension nor shall
5 the person be eligible for probation in order to reduce the
6 assignment.

7 (e-2) Every person found guilty of violating this Section,
8 whose operation of a snowmobile while in violation of this
9 Section proximately caused any incident resulting in an
10 appropriate emergency response, shall be liable for the
11 expense of an emergency response as provided in subsection (i)
12 of Section 11-501.01 of the Illinois Vehicle Code.

13 (e-3) In addition to any other penalties and liabilities,
14 a person who is found guilty of violating this Section,
15 including any person placed on court supervision, shall be
16 fined \$100, payable to the circuit clerk, who shall distribute
17 the money to the law enforcement agency that made the arrest or
18 as provided in subsection (c) of Section 10-5 of the Criminal
19 and Traffic Assessment Act if the arresting agency is a State
20 agency, unless more than one agency is responsible for the
21 arrest, in which case the amount shall be remitted to each unit
22 of government equally. Any moneys received by a law
23 enforcement agency under this subsection (e-3) shall be used
24 to purchase law enforcement equipment or to provide law
25 enforcement training that will assist in the prevention of
26 alcohol related criminal violence throughout the State. Law

1 enforcement equipment shall include, but is not limited to,
2 in-car video cameras, radar and laser speed detection devices,
3 and alcohol breath testers.

4 (f) In addition to any criminal penalties imposed, the
5 Department of Natural Resources shall suspend the snowmobile
6 operation privileges of a person convicted or found guilty of
7 a misdemeanor under this Section for a period of one year,
8 except that first-time offenders are exempt from this
9 mandatory one-year suspension.

10 (g) In addition to any criminal penalties imposed, the
11 Department of Natural Resources shall suspend for a period of
12 5 years the snowmobile operation privileges of any person
13 convicted or found guilty of a felony under this Section.

14 (Source: P.A. 102-145, eff. 7-23-21; 102-813, eff. 5-13-22.)

15 (Text of Section after amendment by P.A. 101-652)

16 Sec. 5-7. Operating a snowmobile while under the influence
17 of alcohol or other drug or drugs, intoxicating compound or
18 compounds, or a combination of them; criminal penalties;
19 suspension of operating privileges.

20 (a) A person may not operate or be in actual physical
21 control of a snowmobile within this State while:

22 1. The alcohol concentration in that person's blood,
23 other bodily substance, or breath is a concentration at
24 which driving a motor vehicle is prohibited under
25 subdivision (1) of subsection (a) of Section 11-501 of the

1 Illinois Vehicle Code;

2 2. The person is under the influence of alcohol;

3 3. The person is under the influence of any other drug
4 or combination of drugs to a degree that renders that
5 person incapable of safely operating a snowmobile;

6 3.1. The person is under the influence of any
7 intoxicating compound or combination of intoxicating
8 compounds to a degree that renders the person incapable of
9 safely operating a snowmobile;

10 4. The person is under the combined influence of
11 alcohol and any other drug or drugs or intoxicating
12 compound or compounds to a degree that renders that person
13 incapable of safely operating a snowmobile;

14 4.3. The person who is not a CDL holder has a
15 tetrahydrocannabinol concentration in the person's whole
16 blood or other bodily substance at which driving a motor
17 vehicle is prohibited under subdivision (7) of subsection
18 (a) of Section 11-501 of the Illinois Vehicle Code;

19 4.5. The person who is a CDL holder has any amount of a
20 drug, substance, or compound in the person's breath,
21 blood, other bodily substance, or urine resulting from the
22 unlawful use or consumption of cannabis listed in the
23 Cannabis Control Act; or

24 5. There is any amount of a drug, substance, or
25 compound in that person's breath, blood, other bodily
26 substance, or urine resulting from the unlawful use or

1 consumption of a controlled substance listed in the
2 Illinois Controlled Substances Act, methamphetamine as
3 listed in the Methamphetamine Control and Community
4 Protection Act, or intoxicating compound listed in the use
5 of Intoxicating Compounds Act.

6 (b) The fact that a person charged with violating this
7 Section is or has been legally entitled to use alcohol, other
8 drug or drugs, any intoxicating compound or compounds, or any
9 combination of them does not constitute a defense against a
10 charge of violating this Section.

11 (c) Every person convicted of violating this Section or a
12 similar provision of a local ordinance is guilty of a Class A
13 misdemeanor, except as otherwise provided in this Section.

14 (c-1) As used in this Section, "first time offender" means
15 any person who has not had a previous conviction or been
16 assigned supervision for violating this Section or a similar
17 provision of a local ordinance, or any person who has not had a
18 suspension imposed under subsection (e) of Section 5-7.1.

19 (c-2) For purposes of this Section, the following are
20 equivalent to a conviction:

21 (1) an unvacated revocation of pretrial release ~~a~~
22 ~~violation of the terms of pretrial release when the court~~
23 ~~has not relieved the defendant of complying with the terms~~
24 ~~of pretrial release; or~~

25 (2) the failure of a defendant to appear for trial.

26 (d) Every person convicted of violating this Section is

1 guilty of a Class 4 felony if:

2 1. The person has a previous conviction under this
3 Section;

4 2. The offense results in personal injury where a
5 person other than the operator suffers great bodily harm
6 or permanent disability or disfigurement, when the
7 violation was a proximate cause of the injuries. A person
8 guilty of a Class 4 felony under this paragraph 2, if
9 sentenced to a term of imprisonment, shall be sentenced to
10 not less than one year nor more than 12 years; or

11 3. The offense occurred during a period in which the
12 person's privileges to operate a snowmobile are revoked or
13 suspended, and the revocation or suspension was for a
14 violation of this Section or was imposed under Section
15 5-7.1.

16 (e) Every person convicted of violating this Section is
17 guilty of a Class 2 felony if the offense results in the death
18 of a person. A person guilty of a Class 2 felony under this
19 subsection (e), if sentenced to a term of imprisonment, shall
20 be sentenced to a term of not less than 3 years and not more
21 than 14 years.

22 (e-1) Every person convicted of violating this Section or
23 a similar provision of a local ordinance who had a child under
24 the age of 16 on board the snowmobile at the time of offense
25 shall be subject to a mandatory minimum fine of \$500 and shall
26 be subject to a mandatory minimum of 5 days of community

1 service in a program benefiting children. The assignment under
2 this subsection shall not be subject to suspension nor shall
3 the person be eligible for probation in order to reduce the
4 assignment.

5 (e-2) Every person found guilty of violating this Section,
6 whose operation of a snowmobile while in violation of this
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the
9 expense of an emergency response as provided in subsection (i)
10 of Section 11-501.01 of the Illinois Vehicle Code.

11 (e-3) In addition to any other penalties and liabilities,
12 a person who is found guilty of violating this Section,
13 including any person placed on court supervision, shall be
14 fined \$100, payable to the circuit clerk, who shall distribute
15 the money to the law enforcement agency that made the arrest or
16 as provided in subsection (c) of Section 10-5 of the Criminal
17 and Traffic Assessment Act if the arresting agency is a State
18 agency, unless more than one agency is responsible for the
19 arrest, in which case the amount shall be remitted to each unit
20 of government equally. Any moneys received by a law
21 enforcement agency under this subsection (e-3) shall be used
22 to purchase law enforcement equipment or to provide law
23 enforcement training that will assist in the prevention of
24 alcohol related criminal violence throughout the State. Law
25 enforcement equipment shall include, but is not limited to,
26 in-car video cameras, radar and laser speed detection devices,

1 and alcohol breath testers.

2 (f) In addition to any criminal penalties imposed, the
3 Department of Natural Resources shall suspend the snowmobile
4 operation privileges of a person convicted or found guilty of
5 a misdemeanor under this Section for a period of one year,
6 except that first-time offenders are exempt from this
7 mandatory one-year suspension.

8 (g) In addition to any criminal penalties imposed, the
9 Department of Natural Resources shall suspend for a period of
10 5 years the snowmobile operation privileges of any person
11 convicted or found guilty of a felony under this Section.

12 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
13 102-813, eff. 5-13-22.)

14 Section 60. The Criminal Code of 2012 is amended by
15 changing Section 32-10 as follows:

16 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 32-10. Violation of bail bond.

19 (a) Whoever, having been admitted to bail for appearance
20 before any court of this State, incurs a forfeiture of the bail
21 and knowingly fails to surrender himself or herself within 30
22 days following the date of the forfeiture, commits, if the
23 bail was given in connection with a charge of felony or pending
24 appeal or certiorari after conviction of any offense, a felony

1 of the next lower Class or a Class A misdemeanor if the
2 underlying offense was a Class 4 felony; or, if the bail was
3 given in connection with a charge of committing a misdemeanor,
4 or for appearance as a witness, commits a misdemeanor of the
5 next lower Class, but not less than a Class C misdemeanor.

6 (a-5) Any person who knowingly violates a condition of
7 bail bond by possessing a firearm in violation of his or her
8 conditions of bail commits a Class 4 felony for a first
9 violation and a Class 3 felony for a second or subsequent
10 violation.

11 (b) Whoever, having been admitted to bail for appearance
12 before any court of this State, while charged with a criminal
13 offense in which the victim is a family or household member as
14 defined in Article 112A of the Code of Criminal Procedure of
15 1963, knowingly violates a condition of that release as set
16 forth in Section 110-10, subsection (d) of the Code of
17 Criminal Procedure of 1963, commits a Class A misdemeanor.

18 (c) Whoever, having been admitted to bail for appearance
19 before any court of this State for a felony, Class A
20 misdemeanor or a criminal offense in which the victim is a
21 family or household member as defined in Article 112A of the
22 Code of Criminal Procedure of 1963, is charged with any other
23 felony, Class A misdemeanor, or a criminal offense in which
24 the victim is a family or household member as defined in
25 Article 112A of the Code of Criminal Procedure of 1963 while on
26 this release, must appear before the court before bail is

1 statutorily set.

2 (d) Nothing in this Section shall interfere with or
3 prevent the exercise by any court of its power to punishment
4 for contempt. Any sentence imposed for violation of this
5 Section shall be served consecutive to the sentence imposed
6 for the charge for which bail had been granted and with respect
7 to which the defendant has been convicted.

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

9 (Text of Section after amendment by P.A. 101-652)

10 Sec. 32-10. Violation of conditions of pretrial release.

11 (a) (Blank). ~~Whoever, having been released pretrial under~~
12 ~~conditions for appearance before any court of this State,~~
13 ~~incurs a violation of conditions of pretrial release and~~
14 ~~knowingly fails to surrender himself or herself within 30 days~~
15 ~~following the date of the violation, commits, if the~~
16 ~~conditions of pretrial release was given in connection with a~~
17 ~~charge of felony or pending appeal or certiorari after~~
18 ~~conviction of any offense, a Class A misdemeanor if the~~
19 ~~underlying offense was a felony. If the violation of pretrial~~
20 ~~conditions were made in connection with a charge of committing~~
21 ~~a misdemeanor, or for appearance as a witness, commits a Class~~
22 ~~C misdemeanor.~~

23 (a-5) Any person who knowingly violates a condition of
24 pretrial release by possessing a firearm in violation of his
25 or her conditions of pretrial release commits a Class 4 felony

1 for a first violation and a Class 3 felony for a second or
2 subsequent violation.

3 (b) Whoever, having been released pretrial under
4 conditions for appearance before any court of this State,
5 while charged with a criminal offense in which the victim is a
6 family or household member as defined in Article 112A of the
7 Code of Criminal Procedure of 1963, knowingly violates a
8 condition of that release as set forth in Section 110-10,
9 subsection (d) of the Code of Criminal Procedure of 1963,
10 commits a Class A misdemeanor.

11 (c) Whoever, having been released pretrial ~~under~~
12 ~~conditions~~ for appearance before any court of this State for a
13 felony, Class A misdemeanor or a criminal offense in which the
14 victim is a family or household member as defined in Article
15 112A of the Code of Criminal Procedure of 1963, is charged with
16 any other felony, Class A misdemeanor, or a criminal offense
17 in which the victim is a family or household member as defined
18 in Article 112A of the Code of Criminal Procedure of 1963 while
19 on this release, must appear before the court and may not be
20 released by law enforcement under 109-1 of the Code of
21 Criminal Procedure of 1963 prior to the court appearance.

22 (d) Nothing in this Section shall interfere with or
23 prevent the exercise by any court of its power to punish
24 ~~punishment~~ for contempt. Any sentence imposed for violation of
25 this Section may be served consecutive to the sentence imposed
26 for the charge for which pretrial release had been granted and

1 with respect to which the defendant has been convicted.

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

3 (720 ILCS 5/32-15 rep.)

4 Section 65. The Criminal Code of 2012 is amended by
5 repealing Section 32-15.

6 Section 70. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 102-6, 102-7, 106D-1, 107-9,
8 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-5,
9 110-5.2, 110-6, 110-6.1, 110-10, 110-12, and 113-3.1 and by
10 adding Sections 102-10.5, 102-14.5, 110-6.6, and 110-7.5 as
11 follows:

12 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

13 (Text of Section before amendment by P.A. 101-652)

14 Sec. 102-6. "Bail". "Bail" means the amount of money set
15 by the court which is required to be obligated and secured as
16 provided by law for the release of a person in custody in order
17 that he will appear before the court in which his appearance
18 may be required and that he will comply with such conditions as
19 set forth in the bail bond.

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

21 (Text of Section after amendment by P.A. 101-652)

22 Sec. 102-6. Pretrial release. "Pretrial release" has the

1 meaning ascribed to bail in Section 9 of Article I of the
2 Illinois Constitution where the sureties provided are
3 nonmonetary in nature ~~that is non-monetary.~~

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

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

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 102-7. "Bail bond". "Bail bond" means an undertaking
8 secured by bail entered into by a person in custody by which he
9 binds himself to comply with such conditions as are set forth
10 therein.

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

12 (Text of Section after amendment by P.A. 101-652)

13 Sec. 102-7. Conditions of pretrial release. "Conditions of
14 pretrial release" means the requirements imposed upon a
15 criminal defendant by the court under Section 110-5 ~~the~~
16 ~~conditions established by the court entered into by a person~~
17 ~~in custody by which he binds himself to comply with such~~
18 ~~conditions as are set forth therein.~~

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

20 (725 ILCS 5/102-10.5 new)

21 Sec. 102-10.5. "Felony".

22 "Felony" has the meaning provided in Section 2-7 of the
23 Criminal Code of 2012.

1 (725 ILCS 5/102-14.5 new)

2 Sec. 102-14.5. "Misdemeanor".

3 "Misdemeanor" has the meaning provided in Section 2-11 of
4 the Criminal Code of 2012.

5 (725 ILCS 5/106D-1)

6 (Text of Section before amendment by P.A. 101-652)

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

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

18 (1) the initial appearance before a judge on a
19 criminal complaint, at which bail will be set;

20 (2) the waiver of a preliminary hearing;

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

23 (4) the presentation of a jury waiver;

24 (5) any status hearing;

1 (6) any hearing conducted under the Sexually Violent
2 Persons Commitment Act at which no witness testimony will
3 be taken; and

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

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

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

9 (C) Section 104-25 of this Code (discharge
10 hearing); or

11 (D) Section 5-2-4 of the Unified Code of
12 Corrections (proceedings after acquittal by reason of
13 insanity).

14 (b) The two-way audio-visual communication facilities must
15 provide two-way audio-visual communication between the court
16 and the place of custody or confinement, and must include a
17 secure line over which the person in custody and his or her
18 counsel, if any, may communicate.

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

24 (d) Nothing in this Section shall be construed to
25 establish a right of any person held in custody or confinement
26 to appear in court through two-way audio-visual communication

1 or to require that any governmental entity, or place of
2 custody or confinement, provide two-way audio-visual
3 communication.

4 (Source: P.A. 102-486, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 (Text of Section after amendment by P.A. 101-652)

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

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

18 (1) the initial appearance before a judge on a
19 criminal complaint as provided in subsection (f) of
20 Section 109-1, ~~at which the conditions of pretrial release~~
21 ~~will be set;~~

22 (2) the waiver of a preliminary hearing;

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

25 (4) the presentation of a jury waiver;

1 (5) any status hearing;

2 (6) any hearing conducted under the Sexually Violent
3 Persons Commitment Act at which no witness testimony will
4 be taken; and

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

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

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

10 (C) Section 104-25 of this Code (discharge
11 hearing); or

12 (D) Section 5-2-4 of the Unified Code of
13 Corrections (proceedings after acquittal by reason of
14 insanity).

15 (b) The two-way audio-visual communication facilities must
16 provide two-way audio-visual communication between the court
17 and the place of custody or confinement, and must include a
18 secure line over which the person in custody and his or her
19 counsel, if any, may communicate.

20 (c) Nothing in this Section shall be construed to prohibit
21 other court appearances through the use of a two-way
22 audio-visual communication system if the person in custody or
23 confinement waives the right to be present physically in
24 court, the court determines that the physical health and
25 safety of any person necessary to the proceedings would be
26 endangered by appearing in court, or the chief judge of the

1 circuit orders use of that system due to operational
2 challenges in conducting the hearing in person, ~~upon waiver of~~
3 ~~any right the person in custody or confinement may have to be~~
4 ~~present physically.~~ Such operational challenges must be
5 documented and approved by the chief judge of the circuit, and
6 a plan to address the challenges through reasonable efforts
7 must be presented and approved by the Administrative Office of
8 the Illinois Courts every 6 months.

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

15 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
16 102-813, eff. 5-13-22.)

17 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

18 (Text of Section before amendment by P.A. 101-652)

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

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

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

24 (1) State the name of the accused if known, and if not
25 known the accused may be designated by any name or

1 description by which he can be identified with reasonable
2 certainty;

3 (2) State the offense with which the accused is
4 charged;

5 (3) State the time and place of the offense as
6 definitely as can be done by the complainant; and

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

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

13 (c) A warrant shall be issued by the court for the arrest
14 of the person complained against if it appears from the
15 contents of the complaint and the examination of the
16 complainant or other witnesses, if any, that the person
17 against whom the complaint was made has committed an offense.

18 (d) The warrant of arrest shall:

19 (1) Be in writing;

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

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

26 (4) State the date when issued and the municipality or

1 county where issued;

2 (5) Be signed by the judge of the court with the title
3 of his office;

4 (6) Command that the person against whom the complaint
5 was made be arrested and brought before the court issuing
6 the warrant or if he is absent or unable to act before the
7 nearest or most accessible court in the same county;

8 (7) Specify the amount of bail; and

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

12 (e) The warrant shall be directed to all peace officers in
13 the State. It shall be executed by the peace officer, or by a
14 private person specially named therein, at any location within
15 the geographic limitation for execution placed on the warrant.
16 If no geographic limitation is placed on the warrant, then it
17 may be executed anywhere in the State.

18 (f) The arrest warrant may be issued electronically or
19 electromagnetically by use of electronic mail or a facsimile
20 transmission machine and any arrest warrant shall have the
21 same validity as a written warrant.

22 (Source: P.A. 101-239, eff. 1-1-20.)

23 (Text of Section after amendment by P.A. 101-652)

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

25 (a) When a complaint is presented to a court charging that

1 an offense has been committed, it shall examine upon oath or
2 affirmation the complainant or any witnesses.

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

4 (1) State the name of the accused if known, and if not
5 known the accused may be designated by any name or
6 description by which he can be identified with reasonable
7 certainty;

8 (2) State the offense with which the accused is
9 charged;

10 (3) State the time and place of the offense as
11 definitely as can be done by the complainant; and

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

13 (b-5) If an arrest warrant or summons is sought and the
14 request is made by electronic means that has a simultaneous
15 video and audio transmission between the requester and a
16 judge, the judge may issue an arrest warrant or summons based
17 upon a sworn complaint or sworn testimony communicated in the
18 transmission.

19 (c) A warrant or summons may ~~shall~~ be issued by the court
20 for the arrest or appearance of the person complained against
21 if it appears from the contents of the complaint and the
22 examination of the complainant or other witnesses, if any,
23 that the person against whom the complaint was made has
24 committed an offense.

25 (d) The warrant of arrest or summons shall:

26 (1) Be in writing;

1 (2) Specify the name, sex and birth date of the person
2 to be arrested or summoned or, if his name, sex or birth
3 date is unknown, shall designate such person by any name
4 or description by which the person ~~he~~ can be identified
5 with reasonable certainty;

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

7 (4) State the date when issued and the municipality or
8 county where issued;

9 (5) Be signed by the judge of the court with the title
10 of the judge's ~~his~~ office; and

11 (6) Command that the person against whom the complaint
12 was made to be arrested and brought before the court
13 issuing the warrant or the nearest or most accessible
14 court in the same county, or appear before the court at a
15 certain time and place; ~~issuing the warrant or if he is~~
16 ~~absent or unable to act before the nearest or most~~
17 ~~accessible court in the same county;~~

18 (7) Specify the conditions of pretrial release, if
19 any; and

20 (8) Specify any geographical limitation placed on the
21 execution of the warrant, if any, but such limitation
22 shall not be expressed in mileage.

23 (e) The summons may be served in the same manner as the
24 summons in a civil action, except that a police officer may
25 serve a summons for a violation of an ordinance occurring
26 within the municipality of the police officer.

1 (f) If the person summoned fails to appear by the date
2 required or cannot be located to serve the summons, a warrant
3 may be issued by the court for the arrest of the person
4 complained against.

5 (g) A warrant of arrest issued under this Section shall
6 incorporate the information included in the summons, and shall
7 comply with the following:

8 (1) The arrest warrant shall specify any geographic
9 limitation placed on the execution of the warrant, but
10 such limitation shall not be expressed in mileage.

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

18 (h) ~~(f)~~ The arrest warrant or summons may be issued
19 electronically or electromagnetically by use of electronic
20 mail or a facsimile transmission machine and any such arrest
21 warrant or summons shall have the same validity as a written
22 arrest warrant or summons.

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

24 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

25 (Text of Section before amendment by P.A. 101-652)

1 Sec. 109-1. Person arrested.

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

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

21 (b) The judge shall:

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

24 (2) Advise the defendant of his right to counsel and
25 if indigent shall appoint a public defender or licensed
26 attorney at law of this State to represent him in

1 accordance with the provisions of Section 113-3 of this
2 Code;

3 (3) Schedule a preliminary hearing in appropriate
4 cases;

5 (4) Admit the defendant to bail in accordance with the
6 provisions of Article 110 of this Code; and

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

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

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

26 (e) If consular notification is not provided to a

1 defendant before his or her first appearance in court, the
2 court shall grant any reasonable request for a continuance of
3 the proceedings to allow contact with the defendant's
4 consulate. Any delay caused by the granting of the request by a
5 defendant shall temporarily suspend for the time of the delay
6 the period within which a person shall be tried as prescribed
7 by subsections (a), (b), or (e) of Section 103-5 of this Code
8 and on the day of the expiration of delay the period shall
9 continue at the point at which it was suspended.

10 (Source: P.A. 102-813, eff. 5-13-22.)

11 (Text of Section after amendment by P.A. 101-652)

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

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

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

16 (a-1) Law enforcement shall issue a citation in lieu of
17 custodial arrest, upon proper identification, for those
18 accused of any offense that is not a felony or Class A
19 misdemeanor unless (i) a law enforcement officer reasonably
20 believes the accused poses a threat to the community or any
21 person, (ii) a custodial arrest is necessary because the
22 criminal activity persists after the issuance of a citation
23 ~~traffic and Class B and C criminal misdemeanor offenses, or of~~
24 ~~petty and business offenses, who pose no obvious threat to the~~
25 ~~community or any person, or (iii) the accused has an~~ who have
26 ~~no~~ obvious medical or mental health issue ~~issues~~ that poses

1 ~~pose~~ a risk to the accused's ~~their~~ own safety. Nothing in this
2 Section requires arrest in the case of Class A misdemeanor and
3 felony offenses, or otherwise limits existing law enforcement
4 discretion to decline to effect a custodial arrest ~~Those~~
5 ~~released on citation shall be scheduled into court within 21~~
6 ~~days.~~

7 (a-3) A person arrested with or without a warrant for an
8 offense for which pretrial release may not be denied may,
9 except as otherwise provided in this Code, be released by a law
10 enforcement ~~the~~ officer without appearing before a judge. ~~The~~
11 ~~releasing officer shall issue the person a summons to appear~~
12 ~~within 21 days.~~ A presumption in favor of pretrial release
13 shall be applied by an arresting officer in the exercise of his
14 or her discretion under this Section.

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

22 (b) Upon initial appearance of a person before the court,
23 the judge shall:

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

26 (2) advise the defendant of his right to counsel and

1 if 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 pretrial release in
8 accordance with the provisions of Article 110 of this
9 Code, or upon verified petition of the State, proceed with
10 the setting of a detention hearing as provided in Section
11 110-6.1; and

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

20 (c) The court may issue an order of protection in
21 accordance with the provisions of Article 112A of this Code.
22 Crime victims shall be given notice by the State's Attorney's
23 office of this hearing as required in paragraph (2) of
24 subsection (b) of Section 4.5 of the Rights of Crime Victims
25 and Witnesses Act and shall be informed of their opportunity
26 at this hearing to obtain an order of protection under Article

1 112A of this Code.

2 (d) At the initial appearance of a defendant in any
3 criminal proceeding, the court must advise the defendant in
4 open court that any foreign national who is arrested or
5 detained has the right to have notice of the arrest or
6 detention given to his or her country's consular
7 representatives and the right to communicate with those
8 consular representatives if the notice has not already been
9 provided. The court must make a written record of so advising
10 the defendant.

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

21 (f) At the hearing at which conditions of pretrial release
22 are determined, the person charged shall be present in person
23 rather than by two-way audio-video communication system unless
24 the accused waives the right to be present physically in
25 court, the court determines that the physical health and
26 safety of any person necessary to the proceedings would be

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

12 (g) Defense counsel shall be given adequate opportunity to
13 confer with the defendant prior to any hearing in which
14 conditions of release or the detention of the defendant is to
15 be considered, with a physical accommodation made to
16 facilitate attorney/client consultation. If defense counsel
17 needs to confer or consult with the defendant during any
18 hearing conducted via a two-way audio-visual communication
19 system, such consultation shall not be recorded and shall be
20 undertaken consistent with constitutional protections.

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

22 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

23 (Text of Section before amendment by P.A. 101-652)

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

25 (a) Any person arrested in a county other than the one in

1 which a warrant for his arrest was issued shall be taken
2 without unnecessary delay before the nearest and most
3 accessible judge in the county where the arrest was made or, if
4 no additional delay is created, before the nearest and most
5 accessible judge in the county from which the warrant was
6 issued. He shall be admitted to bail in the amount specified in
7 the warrant or, for offenses other than felonies, in an amount
8 as set by the judge, and such bail shall be conditioned on his
9 appearing in the court issuing the warrant on a certain date.
10 The judge may hold a hearing to determine if the defendant is
11 the same person as named in the warrant.

12 (b) Notwithstanding the provisions of subsection (a), any
13 person arrested in a county other than the one in which a
14 warrant for his arrest was issued, may waive the right to be
15 taken before a judge in the county where the arrest was made.
16 If a person so arrested waives such right, the arresting
17 agency shall surrender such person to a law enforcement agency
18 of the county that issued the warrant without unnecessary
19 delay. The provisions of Section 109-1 shall then apply to the
20 person so arrested.

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

22 (Text of Section after amendment by P.A. 101-652)

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

24 (a) Any person arrested in a county other than the one in
25 which a warrant for his arrest was issued shall be taken

1 without unnecessary delay before the nearest and most
2 accessible judge in the county where the arrest was made or, if
3 no additional delay is created, before the nearest and most
4 accessible judge in the county from which the warrant was
5 issued. ~~Upon arrival in the county in which the warrant was~~
6 ~~issued, the status of the arrested person's release status~~
7 ~~shall be determined by the release revocation process~~
8 ~~described in Section 110-6.~~ The judge may hold a hearing to
9 determine if the defendant is the same person as named in the
10 warrant.

11 (b) Notwithstanding the provisions of subsection (a), any
12 person arrested in a county other than the one in which a
13 warrant for his arrest was issued, may waive the right to be
14 taken before a judge in the county where the arrest was made.
15 If a person so arrested waives such right, the arresting
16 agency shall surrender such person to a law enforcement agency
17 of the county that issued the warrant without unnecessary
18 delay. The provisions of Section 109-1 shall then apply to the
19 person so arrested.

20 (c) If a person is taken before a judge in any county and a
21 warrant for arrest issued by another Illinois county exists
22 for that person, the court in the arresting county shall hold
23 for that person a detention hearing under Section 110-6.1, or
24 other hearing under Section 110-5 or Section 110-6. ~~If a~~
25 ~~defendant is charged with a felony offense, but has a warrant~~
26 ~~in another county, the defendant shall be taken to the county~~

1 ~~that issued the warrant within 72 hours of the completion of~~
2 ~~condition or detention hearing, so that release or detention~~
3 ~~status can be resolved. This provision shall not apply to~~
4 ~~warrants issued outside of Illinois.~~

5 (d) After the court in the arresting county has determined
6 whether the person shall be released or detained on the
7 arresting offense, the court shall then order the sheriff to
8 immediately contact the sheriff in any county where any
9 warrant is outstanding and notify them of the arrest of the
10 individual.

11 (e) If a person has a warrant in another county for an
12 offense, then, no later than 5 calendar days after the end of
13 any detention issued on the charge in the arresting county,
14 the county where the warrant is outstanding shall do one of the
15 following:

16 (1) transport the person to the county where the
17 warrant was issued for a hearing under Section 110-6 or
18 110-6.1 in the matter for which the warrant was issued; or

19 (2) quash the warrant and order the person released on
20 the case for which the warrant was issued only when the
21 county that issued the warrant fails to transport the
22 defendant in the timeline as proscribed.

23 (f) If the issuing county fails to take any action under
24 subsection (e) within 5 calendar days, the defendant shall be
25 released from custody on the warrant, and the circuit judge or
26 associate circuit judge in the county of arrest shall set

1 conditions of release under Section 110-5 and shall admit the
2 defendant to pretrial release for his or her appearance before
3 the court named in the warrant. Upon releasing the defendant,
4 the circuit judge or associate circuit judge shall certify
5 such a fact on the warrant and deliver the warrant and the
6 acknowledgment by the defendant of his or her receiving the
7 conditions of pretrial release to the officer having charge of
8 the defendant from arrest and without delay deliver such
9 warrant and such acknowledgment by the defendant of his or her
10 receiving the conditions to the court before which the
11 defendant is required to appear.

12 (g) If a person has a warrant in another county, in lieu of
13 transporting the person to the issuing county as outlined in
14 subsection (e), the issuing county may hold the hearing by way
15 of a two-way audio-visual communication system if the accused
16 waives the right to be physically present in court, the court
17 determines that the physical health and safety of any person
18 necessary to the proceedings would be endangered by appearing
19 in court, or the chief judge of the circuit orders use of that
20 system due to operational challenges in conducting the hearing
21 in person. Such operational challenges must be documented and
22 approved by the chief judge of the circuit, and a plan to
23 address the challenges through reasonable efforts must be
24 presented and approved by the Administrative Office of the
25 Illinois Courts every 6 months.

26 (h) If more than 2 Illinois county warrants exist, the

1 judge in the county of arrest shall order that the process
2 described in subsections (d) through (f) occur in each county
3 in whatever order the judge finds most appropriate. Each judge
4 in each subsequent county shall then follow the rules in this
5 Section.

6 (i) This Section applies only to warrants issued by
7 Illinois state, county, or municipal courts.

8 (j) When an issuing agency is contacted by an out-of-state
9 agency of a person arrested for any offense, or when an
10 arresting agency is contacted by or contacts an out-of-state
11 issuing agency, the Uniform Criminal Extradition Act shall
12 govern.

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

14 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

15 (Text of Section before amendment by P.A. 101-652)

16 Sec. 109-3. Preliminary examination.)

17 (a) The judge shall hold the defendant to answer to the
18 court having jurisdiction of the offense if from the evidence
19 it appears there is probable cause to believe an offense has
20 been committed by the defendant, as provided in Section
21 109-3.1 of this Code, if the offense is a felony.

22 (b) If the defendant waives preliminary examination the
23 judge shall hold him to answer and may, or on the demand of the
24 prosecuting attorney shall, cause the witnesses for the State
25 to be examined. After hearing the testimony if it appears that

1 there is not probable cause to believe the defendant guilty of
2 any offense the judge shall discharge him.

3 (c) During the examination of any witness or when the
4 defendant is making a statement or testifying the judge may
5 and on the request of the defendant or State shall exclude all
6 other witnesses. He may also cause the witnesses to be kept
7 separate and to be prevented from communicating with each
8 other until all are examined.

9 (d) If the defendant is held to answer the judge may
10 require any material witness for the State or defendant to
11 enter into a written undertaking to appear at the trial, and
12 may provide for the forfeiture of a sum certain in the event
13 the witness does not appear at the trial. Any witness who
14 refuses to execute a recognizance may be committed by the
15 judge to the custody of the sheriff until trial or further
16 order of the court having jurisdiction of the cause. Any
17 witness who executes a recognizance and fails to comply with
18 its terms shall, in addition to any forfeiture provided in the
19 recognizance, be subject to the penalty provided in Section
20 32-10 of the Criminal Code of 2012 for violation of bail bond.

21 (e) During preliminary hearing or examination the
22 defendant may move for an order of suppression of evidence
23 pursuant to Section 114-11 or 114-12 of this Act or for other
24 reasons, and may move for dismissal of the charge pursuant to
25 Section 114-1 of this Act or for other reasons.

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

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 109-3. Preliminary examination.†

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

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

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

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

1 judge to the custody of the sheriff until trial or further
2 order of the court having jurisdiction of the cause. Any
3 witness who executes a recognizance and fails to comply with
4 its terms commits a Class C misdemeanor ~~shall, in addition to~~
5 ~~any forfeiture provided in the recognizance, be subject to the~~
6 ~~penalty provided in Section 32-10 of the Criminal Code of 2012~~
7 ~~for violation of the conditions of pretrial release.~~

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

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

14 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

15 (Text of Section before amendment by P.A. 101-652)

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

17 (a) In any case involving a person charged with a felony in
18 this State, alleged to have been committed on or after January
19 1, 1984, the provisions of this Section shall apply.

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

1 receive either a preliminary examination as provided in
2 Section 109-3 or an indictment by Grand Jury as provided in
3 Section 111-2, within 60 days from the date he or she was
4 arrested.

5 The provisions of this paragraph shall not apply in the
6 following situations:

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

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

14 (3) when a competency examination is ordered by the
15 court; or

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

17 (5) when an adjudication of incompetency for trial has
18 been made; or

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

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

1 at which it was suspended.

2 (Source: P.A. 83-644.)

3 (Text of Section after amendment by P.A. 101-652)

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

5 (a) In any case involving a person charged with a felony in
6 this State, alleged to have been committed on or after January
7 1, 1984, the provisions of this Section shall apply.

8 (b) Every person in custody in this State for the alleged
9 commission of a felony shall receive either a preliminary
10 examination as provided in Section 109-3 or an indictment by
11 Grand Jury as provided in Section 111-2, within 30 days from
12 the date he or she was taken into custody. Every person
13 released pretrial ~~on pretrial release or recognizance~~ for the
14 alleged commission of a felony shall receive either a
15 preliminary examination as provided in Section 109-3 or an
16 indictment by Grand Jury as provided in Section 111-2, within
17 60 days from the date he or she was arrested.

18 The provisions of this paragraph shall not apply in the
19 following situations:

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

21 (2) when the defendant has been indicted by the Grand
22 Jury on the felony offense for which he or she was
23 initially taken into custody or on an offense arising from
24 the same transaction or conduct of the defendant that was
25 the basis for the felony offense or offenses initially

1 charged; or

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

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

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

7 (6) when the case has been continued by the court
8 under Section 114-4 of this Code after a determination
9 that the defendant is physically incompetent to stand
10 trial.

11 (c) Delay occasioned by the defendant shall temporarily
12 suspend, for the time of the delay, the period within which the
13 preliminary examination must be held. On the day of expiration
14 of the delay the period in question shall continue at the point
15 at which it was suspended.

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

17 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

18 (Text of Section before amendment by P.A. 101-652)

19 Sec. 110-1. Definitions.

20 (a) "Security" is that which is required to be pledged to
21 insure the payment of bail.

22 (b) "Sureties" encompasses the monetary and nonmonetary
23 requirements set by the court as conditions for release either
24 before or after conviction. "Surety" is one who executes a
25 bail bond and binds himself to pay the bail if the person in

1 custody fails to comply with all conditions of the bail bond.

2 (c) The phrase "for which a sentence of imprisonment,
3 without conditional and revocable release, shall be imposed by
4 law as a consequence of conviction" means an offense for which
5 a sentence of imprisonment, without probation, periodic
6 imprisonment or conditional discharge, is required by law upon
7 conviction.

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

11 (Source: P.A. 85-892; 102-813, eff. 5-13-22.)

12 (Text of Section after amendment by P.A. 101-652)

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

14 (a) ~~(Blank).~~

15 (b) "Sureties" encompasses the ~~monetary~~ and nonmonetary
16 requirements set by the court as conditions for release either
17 before or after conviction.

18 (c) The phrase "for which a sentence of imprisonment,
19 without conditional and revocable release, shall be imposed by
20 law as a consequence of conviction" means an offense for which
21 a sentence of imprisonment in the Department of Corrections,
22 without probation, periodic imprisonment or conditional
23 discharge, is required by law upon conviction.

24 (d) (Blank) .

25 (e) "Protective order" means any order of protection

1 issued under Section 112A-14 of this Code or the Illinois
2 Domestic Violence Act of 1986, a stalking no contact order
3 issued under Section 80 of the Stalking No Contact Order Act,
4 or a civil no contact order issued under Section 213 of the
5 Civil No Contact Order Act.

6 (f) ~~(e)~~ "Willful flight" means intentional conduct with a
7 purpose to thwart the judicial process to avoid prosecution.
8 Isolated instances of nonappearance in court alone are not
9 evidence of the risk of willful flight. Reoccurrence and
10 patterns of intentional conduct to evade prosecution, along
11 with any affirmative steps to communicate or remedy any such
12 missed court date, may be considered as factors in assessing
13 future intent to evade prosecution ~~planning or attempting to~~
14 ~~intentionally evade prosecution by concealing oneself. Simple~~
15 ~~past non appearance in court alone is not evidence of future~~
16 ~~intent to evade prosecution.~~

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

18 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

19 (Text of Section before amendment by P.A. 101-652)

20 Sec. 110-2. Release on own recognizance. When from all the
21 circumstances the court is of the opinion that the defendant
22 will appear as required either before or after conviction and
23 the defendant will not pose a danger to any person or the
24 community and that the defendant will comply with all
25 conditions of bond, which shall include the defendant's

1 current address with a written admonishment to the defendant
2 that he or she must comply with the provisions of Section
3 110-12 of this Code regarding any change in his or her address,
4 the defendant may be released on his or her own recognizance.
5 The defendant's address shall at all times remain a matter of
6 public record with the clerk of the court. A failure to appear
7 as required by such recognizance shall constitute an offense
8 subject to the penalty provided in Section 32-10 of the
9 Criminal Code of 2012 for violation of the bail bond, and any
10 obligated sum fixed in the recognizance shall be forfeited and
11 collected in accordance with subsection (g) of Section 110-7
12 of this Code.

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

24 The State may appeal any order permitting release by
25 personal recognizance.

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

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 110-2. Pretrial release. ~~Release on own recognizance.~~

3 (a) All persons charged with an offense shall be eligible
4 for pretrial release before conviction. It is presumed that a
5 defendant is entitled to release on personal recognizance on
6 the condition that the defendant attend all required court
7 proceedings and the defendant does not commit any criminal
8 offense, and complies with all terms of pretrial release,
9 including, but not limited to, orders of protection under both
10 Section 112A-4 of this Code and Section 214 of the Illinois
11 Domestic Violence Act of 1986, all civil no contact orders,
12 and all stalking no contact orders. Pretrial release may be
13 denied only if a person is charged with an offense listed in
14 Section 110-6.1 and after the court has held a hearing under
15 Section 110-6.1, and in a manner consistent with subsections
16 (b), (c), and (d) of this Section.

17 (b) At all pretrial hearings, the prosecution shall have
18 the burden to prove by clear and convincing evidence that any
19 condition of release is necessary. ~~Additional conditions of~~
20 ~~release, including those highlighted above, shall be set only~~
21 ~~when it is determined that they are necessary to assure the~~
22 ~~defendant's appearance in court, assure the defendant does not~~
23 ~~commit any criminal offense, and complies with all conditions~~
24 ~~of pretrial release.~~

25 (c) When it is alleged that pretrial release should be

1 denied to a person upon the grounds that the person presents a
2 real and present threat to the safety of any person or persons
3 or the community, based on the specific articulable facts of
4 the case, the burden of proof of such allegations shall be upon
5 the State ~~Detention only shall be imposed when it is~~
6 ~~determined that the defendant poses a specific, real and~~
7 ~~present threat to a person, or has a high likelihood of willful~~
8 ~~flight. If the court deems that the defendant is to be released~~
9 ~~on personal recognizance, the court may require that a written~~
10 ~~admonishment be signed by the defendant requiring that he or~~
11 ~~she must comply with the provisions of Section 110-12 of this~~
12 ~~Code regarding any change in his or her address. The defendant~~
13 ~~may be released on his or her own recognizance upon signature.~~
14 ~~The defendant's address shall at all times remain a matter of~~
15 ~~public record with the clerk of the court. A failure to appear~~
16 ~~as required by such recognizance shall constitute an offense~~
17 ~~subject to the penalty provided in Section 32-10 of the~~
18 ~~Criminal Code of 2012 for violation of the conditions of~~
19 ~~pretrial release.~~

20 (d) When it is alleged that pretrial release should be
21 denied to a person charged with stalking or aggravated
22 stalking upon the grounds set forth in Section 110-6.3, the
23 burden of proof of those allegations shall be upon the State
24 ~~If, after the procedures set out in Section 110-6.1, the court~~
25 ~~decides to detain the defendant, the Court must make a written~~
26 ~~finding as to why less restrictive conditions would not assure~~

1 ~~safety to the community and assure the defendant's appearance~~
2 ~~in court. At each subsequent appearance of the defendant~~
3 ~~before the Court, the judge must find that continued detention~~
4 ~~or the current set of conditions imposed are necessary to~~
5 ~~avoid the specific, real and present threat to any person or of~~
6 ~~willful flight from prosecution to continue detention of the~~
7 ~~defendant. The court is not required to be presented with new~~
8 ~~information or a change in circumstance to consider~~
9 ~~reconsidering pretrial detention on current conditions.~~

10 (e) This Section shall be liberally construed to
11 effectuate the purpose of relying on pretrial release by
12 nonmonetary means to reasonably ensure an eligible person's
13 appearance in court, the protection of the safety of any other
14 person or the community, that the person will not attempt or
15 obstruct the criminal justice process, and the person's
16 compliance with all conditions of release, while authorizing
17 the court, upon motion of a prosecutor, to order pretrial
18 detention of the person under Section 110-6.1 when it finds
19 clear and convincing evidence that no condition or combination
20 of conditions can reasonably ensure the effectuation of these
21 goals ~~upon contempt of court proceedings or criminal sanctions~~
22 ~~instead of financial loss to assure the appearance of the~~
23 ~~defendant, and that the defendant will not pose a danger to any~~
24 ~~person or the community and that the defendant will not pose a~~
25 ~~danger to any person or the community and that the defendant~~
26 ~~will comply with all conditions of pretrial release.~~

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

2 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

3 (Text of Section before amendment by P.A. 101-652)

4 Sec. 110-3. Issuance of warrant. Upon failure to comply
5 with any condition of a bail bond or recognizance, the court
6 having jurisdiction at the time of such failure may, in
7 addition to any other action provided by law, issue a warrant
8 for the arrest of the person at liberty on bail or his own
9 recognizance. The contents of such a warrant shall be the same
10 as required for an arrest warrant issued upon complaint. When
11 a defendant is at liberty on bail or his own recognizance on a
12 felony charge and fails to appear in court as directed, the
13 court shall issue a warrant for the arrest of such person. Such
14 warrant shall be noted with a directive to peace officers to
15 arrest the person and hold such person without bail and to
16 deliver such person before the court for further proceedings.
17 A defendant who is arrested or surrenders within 30 days of the
18 issuance of such warrant shall not be bailable in the case in
19 question unless he shows by the preponderance of the evidence
20 that his failure to appear was not intentional.

21 (Source: P.A. 102-813, eff. 5-13-22.)

22 (Text of Section after amendment by P.A. 101-652)

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

24 (a) Upon failure to comply with any condition of pretrial

1 release ~~or recognizance~~, the court having jurisdiction at the
2 time of such failure may, on its own motion or upon motion from
3 the State, issue a summons or an order to show cause as to why
4 ~~he or she shall not be subject to revocation of pretrial~~
5 ~~release, or for sanctions, as provided in Section 110-6.~~
6 ~~Nothing in this Section prohibits the court from issuing a~~
7 ~~warrant~~ for the arrest of the person at liberty on pretrial
8 release. This Section shall be construed to effectuate the
9 goal of relying upon summonses rather than warrants to ensure
10 the appearance of the defendant in court whenever possible.
11 The contents of such a summons or warrant shall be the same as
12 required for those issued upon complaint under Section 107-9.
13 ~~under subsection (c) upon failure to comply with any condition~~
14 ~~of pretrial release or recognizance.~~

15 (b) A defendant who appears in court on the date assigned
16 or within 48 hours of service, whichever is later, in response
17 to a summons issued for failure to appear in court, shall not
18 be recorded in the official docket as having failed to appear
19 on the initial missed court date. If a person fails to appear
20 in court on the date listed on the summons, the court may issue
21 a warrant for the person's arrest.

22 (c) For the purpose of any risk assessment or future
23 evaluation of risk of willful flight or risk of failure to
24 appear, a nonappearance in court cured by an appearance in
25 response to a summons shall not be considered as evidence of
26 future likelihood of appearance in court.

1 ~~(b) The order issued by the court shall state the facts~~
2 ~~alleged to constitute the hearing to show cause or otherwise~~
3 ~~why the person is subject to revocation of pretrial release. A~~
4 ~~certified copy of the order shall be served upon the person at~~
5 ~~least 48 hours in advance of the scheduled hearing.~~

6 ~~(c) If the person does not appear at the hearing to show~~
7 ~~cause or absconds, the court may, in addition to any other~~
8 ~~action provided by law, issue a warrant for the arrest of the~~
9 ~~person at liberty on pretrial release. The contents of such a~~
10 ~~warrant shall be the same as required for an arrest warrant~~
11 ~~issued upon complaint and may modify any previously imposed~~
12 ~~conditions placed upon the person, rather than revoking~~
13 ~~pretrial release or issuing a warrant for the person in~~
14 ~~accordance with the requirements in subsections (d) and (e) of~~
15 ~~Section 110-5. When a defendant is at liberty on pretrial~~
16 ~~release or his own recognizance on a felony charge and fails to~~
17 ~~appear in court as directed, the court may issue a warrant for~~
18 ~~the arrest of such person after his or her failure to appear at~~
19 ~~the show for cause hearing as provided in this Section. Such~~
20 ~~warrant shall be noted with a directive to peace officers to~~
21 ~~arrest the person and hold such person without pretrial~~
22 ~~release and to deliver such person before the court for~~
23 ~~further proceedings.~~

24 ~~(d) If the order as described in subsection (b) is issued,~~
25 ~~a failure to appear shall not be recorded until the defendant~~
26 ~~fails to appear at the hearing to show cause. For the purpose~~

1 ~~of any risk assessment or future evaluation of risk of willful~~
2 ~~flight or risk of failure to appear, a non-appearance in court~~
3 ~~cured by an appearance at the hearing to show cause shall not~~
4 ~~be considered as evidence of future likelihood of appearance~~
5 ~~in court.~~

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

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

8 (Text of Section before amendment by P.A. 101-652)

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

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

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

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

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

1 of whether it would be admissible under the rules of evidence
2 applicable at criminal trials. If the State presents evidence
3 that the offense committed by the defendant was related to or
4 in furtherance of the criminal activities of an organized gang
5 or was motivated by the defendant's membership in or
6 allegiance to an organized gang, and if the court determines
7 that the evidence may be substantiated, the court shall
8 prohibit the defendant from associating with other members of
9 the organized gang as a condition of bail or release. For the
10 purposes of this Section, "organized gang" has the meaning
11 ascribed to it in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

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

25 (b) The amount of bail shall be:

26 (1) Sufficient to assure compliance with the

1 conditions set forth in the bail bond, which shall include
2 the defendant's current address with a written
3 admonishment to the defendant that he or she must comply
4 with the provisions of Section 110-12 regarding any change
5 in his or her address. The defendant's address shall at
6 all times remain a matter of public record with the clerk
7 of the court.

8 (2) Not oppressive.

9 (3) Considerate of the financial ability of the
10 accused.

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

24 (b-5) Upon the filing of a written request demonstrating
25 reasonable cause, the State's Attorney may request a source of
26 bail hearing either before or after the posting of any funds.

1 If the hearing is granted, before the posting of any bail, the
2 accused must file a written notice requesting that the court
3 conduct a source of bail hearing. The notice must be
4 accompanied by justifying affidavits stating the legitimate
5 and lawful source of funds for bail. At the hearing, the court
6 shall inquire into any matters stated in any justifying
7 affidavits, and may also inquire into matters appropriate to
8 the determination which shall include, but are not limited to,
9 the following:

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

12 (2) the source of any money or property deposited by
13 any surety, and whether any such money or property
14 constitutes the fruits of criminal or unlawful conduct;
15 and

16 (3) the source of any money posted as cash bail, and
17 whether any such money constitutes the fruits of criminal
18 or unlawful conduct; and

19 (4) the background, character, reputation, and
20 relationship to the accused of the person posting cash
21 bail.

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

24 The State's Attorney has a right to attend the hearing, to
25 call witnesses and to examine any witness in the proceeding.
26 The court shall, upon request of the State's Attorney,

1 continue the proceedings for a reasonable period to allow the
2 State's Attorney to investigate the matter raised in any
3 testimony or affidavit. If the hearing is granted after the
4 accused has posted bail, the court shall conduct a hearing
5 consistent with this subsection (b-5). At the conclusion of
6 the hearing, the court must issue an order either approving or
7 disapproving the bail.

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

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

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

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

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

4 (2) whether the person has a history of domestic
5 violence, as defined in the Illinois Domestic Violence
6 Act, or a history of other criminal acts;

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

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

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

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

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

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

23 (9) whether a separation of the person from the
24 alleged victim or a termination of the relationship
25 between the person and the alleged victim has recently
26 occurred or is pending;

1 (10) whether the person has exhibited obsessive or
2 controlling behaviors toward the alleged victim,
3 including, but not limited to, stalking, surveillance, or
4 isolation of the alleged victim or victim's family member
5 or members;

6 (11) whether the person has expressed suicidal or
7 homicidal ideations;

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

1 electronic surveillance and risk assessment, the court shall
2 document in the record the court's reasons for making those
3 determinations. The cost of the electronic surveillance and
4 risk assessment shall be paid by, or on behalf, of the
5 defendant. As used in this subsection (f), "intimate partner"
6 means a spouse or a current or former partner in a cohabitation
7 or dating relationship.

8 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
9 102-813, eff. 5-13-22.)

10 (Text of Section after amendment by P.A. 101-652)

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

13 (a) In determining which conditions of pretrial release,
14 if any, will reasonably ensure ~~assure~~ the appearance of a
15 defendant as required or the safety of any other person or the
16 community and the likelihood of compliance by the defendant
17 with all the conditions of pretrial release, the court shall,
18 on the basis of available information, take into account such
19 matters as:

20 (1) the nature and circumstances of the offense
21 charged;

22 (2) the weight of the evidence against the ~~eligible~~
23 defendant, except that the court may consider the
24 admissibility of any evidence sought to be excluded;

25 (3) the history and characteristics of the ~~eligible~~

1 defendant, including:

2 (A) the ~~eligible~~ defendant's character, physical
3 and mental condition, family ties, employment,
4 financial resources, length of residence in the
5 community, community ties, past relating to drug or
6 alcohol abuse, conduct, history criminal history, and
7 record concerning appearance at court proceedings; and

8 (B) whether, at the time of the current offense or
9 arrest, the ~~eligible~~ defendant was on probation,
10 parole, or on other release pending trial, sentencing,
11 appeal, or completion of sentence for an offense under
12 federal law, or the law of this or any other state;

13 (4) the nature and seriousness of the real and present
14 threat to the safety of any person or persons or the
15 community, based on the specific articulable facts of the
16 case, specific, real and present threat to any person that
17 would be posed by the ~~eligible~~ defendant's release, if
18 applicable, as required under paragraph (7.5) of Section 4
19 of the Rights of Crime Victims and Witnesses Act; ~~and~~

20 (5) the nature and seriousness of the risk of
21 obstructing or attempting to obstruct the criminal justice
22 process that would be posed by the ~~eligible~~ defendant's
23 release, if applicable; ~~and~~

24 (6) when a person is charged with a violation of a
25 protective order, domestic battery, aggravated domestic
26 battery, kidnapping, aggravated kidnaping, unlawful

1 restraint, aggravated unlawful restraint, cyberstalking,
2 harassment by telephone, harassment through electronic
3 communications, or an attempt to commit first degree
4 murder committed against a spouse or a current or former
5 partner in a cohabitation or dating relationship,
6 regardless of whether an order of protection has been
7 issued against the person, the court may consider the
8 following additional factors:

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

12 (B) whether the person has a history of domestic
13 violence, as defined in the Illinois Domestic Violence
14 Act of 1986, or a history of other criminal acts;

15 (C) the mental health of the person;

16 (D) whether the person has a history of violating
17 the orders of any court or governmental entity;

18 (E) whether the person has been, or is,
19 potentially a threat to any other person;

20 (F) whether the person has access to deadly
21 weapons or a history of using deadly weapons;

22 (G) whether the person has a history of abusing
23 alcohol or any controlled substance;

24 (H) the severity of the alleged incident that is
25 the basis of the alleged offense, including, but not
26 limited to, the duration of the current incident, and

1 whether the alleged incident involved the use of a
2 weapon, physical injury, sexual assault,
3 strangulation, abuse during the alleged victim's
4 pregnancy, abuse of pets, or forcible entry to gain
5 access to the alleged victim;

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

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

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

17 (L) any other factors deemed by the court to have a
18 reasonable bearing upon the defendant's propensity or
19 reputation for violent, abusive, or assaultive
20 behavior, or lack of that behavior.

21 (7) in cases of stalking or aggravated stalking under
22 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
23 court may consider the factors listed in paragraph (6) and
24 the following additional factors:

25 (A) any evidence of the defendant's prior criminal
26 history indicative of violent, abusive or assaultive

1 behavior, or lack of that behavior; the evidence may
2 include testimony or documents received in juvenile
3 proceedings, criminal, quasi-criminal, civil
4 commitment, domestic relations, or other proceedings;

5 (B) any evidence of the defendant's psychological,
6 psychiatric, or other similar social history that
7 tends to indicate a violent, abusive, or assaultive
8 nature, or lack of any such history;

9 (C) the nature of the threat that is the basis of
10 the charge against the defendant;

11 (D) any statements made by, or attributed to, the
12 defendant, together with the circumstances surrounding
13 them;

14 (E) the age and physical condition of any person
15 allegedly assaulted by the defendant;

16 (F) whether the defendant is known to possess or
17 have access to any weapon or weapons; and

18 (G) any other factors deemed by the court to have a
19 reasonable bearing upon the defendant's propensity or
20 reputation for violent, abusive, or assaultive
21 behavior, or lack of that behavior.

22 (b) The court may use a regularly validated risk
23 assessment tool to aid its determination of appropriate
24 conditions of release as provided under Section 110-6.4. If a
25 risk assessment tool is used, the defendant's counsel shall be
26 provided with the information and scoring system of the risk

1 assessment tool used to arrive at the determination. The
2 defendant retains the right to challenge the validity of a
3 risk assessment tool used by the court and to present evidence
4 relevant to the defendant's challenge.

5 (c) ~~(b)~~ The court shall impose any conditions that are
6 mandatory under subsection (a) of Section 110-10. The court
7 may impose any conditions that are permissible under
8 subsection (b) of Section 110-10. The conditions of release
9 imposed shall be the least restrictive conditions or
10 combination of conditions necessary to reasonably ensure the
11 appearance of the defendant as required or the safety of any
12 other person or persons or the community.

13 ~~(b-5) When a person is charged with a violation of an order~~
14 ~~of protection under Section 12-3.4 or 12-30 of the Criminal~~
15 ~~Code of 1961 or the Criminal Code of 2012 or when a person is~~
16 ~~charged with domestic battery, aggravated domestic battery,~~
17 ~~kidnapping, aggravated kidnaping, unlawful restraint,~~
18 ~~aggravated unlawful restraint, stalking, aggravated stalking,~~
19 ~~cyberstalking, harassment by telephone, harassment through~~
20 ~~electronic communications, or an attempt to commit first~~
21 ~~degree murder committed against an intimate partner regardless~~
22 ~~whether an order of protection has been issued against the~~
23 ~~person,~~

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

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

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

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

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

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

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

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

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

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

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

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

5 ~~(11.5) any other factors deemed by the court to have a~~
6 ~~reasonable bearing upon the defendant's propensity or~~
7 ~~reputation for violent, abusive or assaultive behavior, or~~
8 ~~lack of that behavior.~~

9 ~~(c) In cases of stalking or aggravated stalking under~~
10 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
11 ~~court may consider the following additional factors:~~

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

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

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

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

1 ~~(5) The age and physical condition of any person~~
2 ~~allegedly assaulted by the defendant;~~

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

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

9 (d) When a person is charged with a violation of a
10 protective order, the court may order the defendant placed
11 under electronic surveillance as a condition of pretrial
12 release, as provided in Section 5-8A-7 of the Unified Code of
13 Corrections, based on the information collected under
14 paragraph (6) of subsection (a) of this Section, the results
15 of any assessment conducted, or other circumstances of the
16 violation ~~The Court may use a regularly validated risk~~
17 ~~assessment tool to aid its determination of appropriate~~
18 ~~conditions of release as provided for in Section 110 6.4. Risk~~
19 ~~assessment tools may not be used as the sole basis to deny~~
20 ~~pretrial release. If a risk assessment tool is used, the~~
21 ~~defendant's counsel shall be provided with the information and~~
22 ~~scoring system of the risk assessment tool used to arrive at~~
23 ~~the determination. The defendant retains the right to~~
24 ~~challenge the validity of a risk assessment tool used by the~~
25 ~~court and to present evidence relevant to the defendant's~~
26 ~~challenge.~~

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

18 (f) Prior to the defendant's first appearance, and with
19 sufficient time for meaningful attorney-client contact to
20 gather information in order to advocate effectively for the
21 defendant's pretrial release, the court ~~Court~~ shall appoint
22 the public defender or a licensed attorney at law of this State
23 to represent the defendant for purposes of that hearing,
24 unless the defendant has obtained licensed counsel ~~for~~
25 ~~themselves.~~ Defense counsel shall have access to the same
26 documentary information relied upon by the prosecution and

1 presented to the court.

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

10 (g) Electronic monitoring, GPS monitoring, or home
11 confinement can only be imposed as a condition of pretrial
12 release if a no less restrictive condition of release or
13 combination of less restrictive condition of release would
14 reasonably ensure the appearance of the defendant for later
15 hearings or protect an identifiable person or persons from
16 imminent threat of serious physical harm.

17 (h) If the court imposes electronic monitoring, GPS
18 monitoring, or home confinement, the court shall set forth in
19 the record the basis for its finding. A defendant shall be
20 given custodial credit for each day he or she was subjected to
21 home confinement that program, at the same rate described in
22 subsection (b) of Section 5-4.5-100 of the Unified Code of
23 Corrections. The court may give custodial credit to a
24 defendant for each day the defendant was subjected to GPS
25 monitoring without home confinement or electronic monitoring
26 without home confinement.

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

12 (j) Crime Victims shall be given notice by the State's
13 Attorney's office of this hearing as required in paragraph (1)
14 of subsection (b) of Section 4.5 of the Rights of Crime Victims
15 and Witnesses Act and shall be informed of their opportunity
16 at this hearing to obtain a protective order ~~an order of~~
17 ~~protection under Article 112A of this Code.~~

18 (k) The State and defendants may appeal court orders
19 imposing conditions of pretrial release.

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

22 (725 ILCS 5/110-5.2)

23 (Text of Section before amendment by P.A. 101-652)

24 Sec. 110-5.2. Bail; pregnant pre-trial detainee.

25 (a) It is the policy of this State that a pre-trial

1 detainee shall not be required to deliver a child while in
2 custody absent a finding by the court that continued pre-trial
3 custody is necessary to protect the public or the victim of the
4 offense on which the charge is based.

5 (b) If the court reasonably believes that a pre-trial
6 detainee will give birth while in custody, the court shall
7 order an alternative to custody unless, after a hearing, the
8 court determines:

9 (1) that the release of the pregnant pre-trial
10 detainee would pose a real and present threat to the
11 physical safety of the alleged victim of the offense and
12 continuing custody is necessary to prevent the fulfillment
13 of the threat upon which the charge is based; or

14 (2) that the release of the pregnant pre-trial
15 detainee would pose a real and present threat to the
16 physical safety of any person or persons or the general
17 public.

18 (c) The court may order a pregnant or post-partum detainee
19 to be subject to electronic monitoring as a condition of
20 pre-trial release or order other condition or combination of
21 conditions the court reasonably determines are in the best
22 interest of the detainee and the public.

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

26 (Source: P.A. 100-630, eff. 1-1-19.)

1 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

24 (2) after a hearing under Section 110-6.1 that
25 considers the circumstances of the pregnancy, the court

1 determines that continued detention is the only way to
2 prevent a real and present threat to the safety of any
3 person or persons or the community, based on the specific
4 articulable facts of the case, or prevent the defendant's
5 willful flight ~~that the release of the pregnant pre trial~~
6 ~~detainee would pose a real and present threat to the~~
7 ~~physical safety of any person or persons or the general~~
8 ~~public.~~

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

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

26 (Source: P.A. 100-630, eff. 1-1-19; 101-652, eff. 1-1-23.)

1 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

2 (Text of Section before amendment by P.A. 101-652)

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

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

19 (a-5) In addition to any other available motion or
20 procedure under this Code, a person in custody solely for a
21 Category B offense due to an inability to post monetary bail
22 shall be brought before the court at the next available court
23 date or 7 calendar days from the date bail was set, whichever
24 is earlier, for a rehearing on the amount or conditions of bail
25 or release pending further court proceedings. The court may

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

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

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

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

25 (e) Upon verified application by the State stating facts
26 or circumstances constituting a violation or a threatened

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

25 (f) Where the alleged violation consists of the violation
26 of one or more felony statutes of any jurisdiction which would

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

18 (1) The court shall hold the defendant without bail
19 pending the hearing on the alleged breach; however, if the
20 defendant is not admitted to bail the hearing shall be
21 commenced within 10 days from the date the defendant is
22 taken into custody or the defendant may not be held any
23 longer without bail, unless delay is occasioned by the
24 defendant. Where defendant occasions the delay, the
25 running of the 10 day period is temporarily suspended and
26 resumes at the termination of the period of delay. Where

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

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

1 result of an unlawful search and seizure or through
2 improper interrogation is not relevant to this hearing.

3 (3) Upon a finding by the court that the State has
4 established by clear and convincing evidence that the
5 defendant has committed a forcible felony or a Class 2 or
6 greater offense under the Illinois Controlled Substances
7 Act, the Cannabis Control Act, or the Methamphetamine
8 Control and Community Protection Act while admitted to
9 bail, or where the defendant is on bail for a felony
10 domestic battery (enhanced pursuant to subsection (b) of
11 Section 12-3.2 of the Criminal Code of 1961 or the
12 Criminal Code of 2012), aggravated domestic battery,
13 aggravated battery, unlawful restraint, aggravated
14 unlawful restraint or domestic battery in violation of
15 item (1) of subsection (a) of Section 12-3.2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 against
17 a family or household member as defined in Section 112A-3
18 of this Code and the violation is an offense of domestic
19 battery, against the same victim, the court shall revoke
20 the bail of the defendant and hold the defendant for trial
21 without bail. Neither the finding of the court nor any
22 transcript or other record of the hearing shall be
23 admissible in the State's case in chief, but shall be
24 admissible for impeachment, or as provided in Section
25 115-10.1 of this Code or in a perjury proceeding.

26 (4) If the bail of any defendant is revoked pursuant

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

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

26 (g) The State may appeal any order where the court has

1 increased or reduced the amount of bail or altered the
2 conditions of the bail bond or granted bail where it has
3 previously been revoked.

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

5 (Text of Section after amendment by P.A. 101-652)

6 Sec. 110-6. Revocation of pretrial release, modification
7 of conditions of pretrial release, and sanctions for
8 violations of conditions of pretrial release.

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

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

22 Upon the filing of a petition or upon motion of the court
23 seeking revocation, the court shall order the transfer of the
24 defendant and the petition or motion to the court before which
25 the previous felony or Class A misdemeanor is pending. The

1 defendant may be held in custody pending transfer to and a
2 hearing before such court. The defendant shall be transferred
3 to the court before which the previous matter is pending
4 without unnecessary delay, and the revocation hearing shall
5 occur within 72 hours of the filing of the State's petition or
6 the court's motion for revocation.

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

20 The court before which the previous felony matter or Class
21 A misdemeanor is pending may revoke the defendant's pretrial
22 release after a hearing. During the hearing for revocation,
23 the defendant shall be represented by counsel and have an
24 opportunity to be heard regarding the violation and evidence
25 in mitigation. The court shall consider all relevant
26 circumstances, including, but not limited to, the nature and

1 seriousness of the violation or criminal act alleged. The
2 State shall bear the burden of proving, by clear and
3 convincing evidence, that no condition or combination of
4 conditions of release would reasonably ensure the appearance
5 of the defendant for later hearings or prevent the defendant
6 from being charged with a subsequent felony or Class A
7 misdemeanor.

8 ~~When a defendant is granted pretrial release under this~~
9 ~~section, that pretrial release may be revoked only under the~~
10 ~~following conditions:~~

11 ~~(1) if the defendant is charged with a detainable~~
12 ~~felony as defined in 110-6.1, a defendant may be detained~~
13 ~~after the State files a verified petition for such a~~
14 ~~hearing, and gives the defendant notice as prescribed in~~
15 ~~110-6.1; or~~

16 ~~(2) in accordance with subsection (b) of this section.~~

17 ~~(b) Revocation due to a new criminal charge: If an~~
18 ~~individual, while on pretrial release for a Felony or Class A~~
19 ~~misdemeanor under this Section, is charged with a new felony~~
20 ~~or Class A misdemeanor under the Criminal Code of 2012, the~~
21 ~~court may, on its own motion or motion of the state, begin~~
22 ~~proceedings to revoke the individual's' pretrial release.~~

23 ~~(1) When the defendant is charged with a felony or~~
24 ~~class A misdemeanor offense and while free on pretrial~~
25 ~~release bail is charged with a subsequent felony or class~~
26 ~~A misdemeanor offense that is alleged to have occurred~~

1 ~~during the defendant's pretrial release, the state may~~
2 ~~file a verified petition for revocation of pretrial~~
3 ~~release.~~

4 ~~(2) When a defendant on pretrial release is charged~~
5 ~~with a violation of an order of protection issued under~~
6 ~~Section 112A 14 of this Code, or Section 214 of the~~
7 ~~Illinois Domestic Violence Act of 1986 or previously was~~
8 ~~convicted of a violation of an order of protection under~~
9 ~~Section 12 3.4 or 12 30 of the Criminal Code of 1961 or the~~
10 ~~Criminal Code of 2012, and the subject of the order of~~
11 ~~protection is the same person as the victim in the~~
12 ~~underlying matter, the state shall file a verified~~
13 ~~petition for revocation of pretrial release.~~

14 ~~(3) Upon the filing of this petition, the court shall~~
15 ~~order the transfer of the defendant and the application to~~
16 ~~the court before which the previous felony matter is~~
17 ~~pending. The defendant shall be held without bond pending~~
18 ~~transfer to and a hearing before such court. The defendant~~
19 ~~shall be transferred to the court before which the~~
20 ~~previous matter is pending without unnecessary delay. In~~
21 ~~no event shall the time between the filing of the state's~~
22 ~~petition for revocation and the defendant's appearance~~
23 ~~before the court before which the previous matter is~~
24 ~~pending exceed 72 hours.~~

25 ~~(4) The court before which the previous felony matter~~
26 ~~is pending may revoke the defendant's pretrial release~~

1 ~~only if it finds, after considering all relevant~~
2 ~~circumstances including, but not limited to, the nature~~
3 ~~and seriousness of the violation or criminal act alleged,~~
4 ~~by the court finds clear and convincing evidence that no~~
5 ~~condition or combination of conditions of release would~~
6 ~~reasonably assure the appearance of the defendant for~~
7 ~~later hearings or prevent the defendant from being charged~~
8 ~~with a subsequent felony or class A misdemeanor.~~

9 ~~(5)~~ In lieu of revocation, the court may release the
10 defendant pre-trial, with or without modification of
11 conditions of pretrial release.

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

20 ~~(7)~~ Both the State ~~state~~ and the defendant ~~defense~~ may
21 appeal an order revoking pretrial release or denying a
22 petition for revocation of release.

23 (b) If a defendant previously has been granted pretrial
24 release under this Section for a Class B or Class C misdemeanor
25 offense, a petty or business offense, or an ordinance
26 violation and if the defendant is subsequently charged with a

1 felony that is alleged to have occurred during the defendant's
2 pretrial release or a Class A misdemeanor offense that is
3 alleged to have occurred during the defendant's pretrial
4 release, such pretrial release may not be revoked, but the
5 court may impose sanctions under subsection (c).

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

9 (1) fails to appear in court as required by the
10 defendant's conditions of release;

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

18 (3) is charged with a Class B or C misdemeanor
19 offense, petty or business offense, or ordinance violation
20 that is alleged to have occurred during the defendant's
21 pretrial release; or

22 (4) violates any other condition of pretrial release
23 set by the court.

24 In response to a violation described in this subsection,
25 the court may issue a warrant specifying that the defendant
26 must appear before the court for a hearing for sanctions and

1 may not be released by law enforcement before that appearance.

2 ~~Violations other than re-arrest for a felony or class A~~
3 ~~misdemeanor. If a defendant:~~

4 ~~(1) fails to appear in court as required by their~~
5 ~~conditions of release;~~

6 ~~(2) is charged with a class B or C misdemeanor, petty~~
7 ~~offense, traffic offense, or ordinance violation that is~~
8 ~~alleged to have occurred during the defendant's pretrial~~
9 ~~release; or~~

10 ~~(3) violates any other condition of release set by the~~
11 ~~court,~~

12 ~~the court shall follow the procedures set forth in Section~~
13 ~~110-3 to ensure the defendant's appearance in court to address~~
14 ~~the violation.~~

15 (d) When a defendant appears in court pursuant to a
16 summons or warrant issued in accordance with Section 110-3 ~~for~~
17 ~~a notice to show cause hearing, or after being arrested on a~~
18 ~~warrant issued because of a failure to appear at a notice to~~
19 ~~show cause hearing,~~ or after being arrested for an offense
20 that is alleged to have occurred during the defendant's
21 pretrial release ~~other than a felony or class A misdemeanor,~~
22 the State ~~state~~ may file a verified petition requesting a
23 hearing for sanctions.

24 (e) During the hearing for sanctions, the defendant shall
25 be represented by counsel and have an opportunity to be heard
26 regarding the violation and evidence in mitigation. The State

1 shall bear the burden of proving ~~The court shall only impose~~
2 ~~sanctions if it finds~~ by clear and convincing evidence that:

3 (1) the ~~1. The~~ defendant committed an act that
4 violated a term of the defendant's ~~their~~ pretrial release;

5 (2) the ~~2. The~~ defendant had actual knowledge that the
6 defendant's ~~their~~ action would violate a court order;

7 (3) the ~~3. The~~ violation of the court order was
8 willful; and

9 (4) the ~~4. The~~ violation was not caused by a lack of
10 access to financial monetary resources.

11 (f) ~~Sanctions: sanctions~~ for violations of pretrial
12 release may include:

13 (1) a ~~1. A~~ verbal or written admonishment from the
14 court;

15 (2) imprisonment ~~2. Imprisonment~~ in the county jail
16 for a period not exceeding 30 days;

17 (3) (Blank) ~~3. A fine of not more than \$200; or~~

18 (4) a ~~4. A~~ modification of the defendant's pretrial
19 conditions.

20 (g) ~~Modification of Pretrial Conditions~~

21 ~~(a)~~ The court may, at any time, after motion by either
22 party or on its own motion, remove previously set conditions
23 of pretrial release, subject to the provisions in this
24 subsection ~~section (e)~~. The court may only add or increase
25 conditions of pretrial release at a hearing under this
26 Section, ~~in a warrant issued under Section 110 3, or upon~~

1 ~~motion from the state.~~

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

12 (h) ~~Notice to Victims:~~ Crime victims ~~Victims~~ shall be
13 given notice by the State's Attorney's office of all hearings
14 under ~~in~~ this Section ~~section~~ as required in paragraph (1) of
15 subsection (b) of Section 4.5 of the Rights of Crime Victims
16 and Witnesses Act and shall be informed of their opportunity
17 at these hearings ~~hearing~~ to obtain a protective order ~~an~~
18 ~~order of protection under Article 112A of this Code.~~

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

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

1 defendant from being charged with a subsequent felony or Class
2 A misdemeanor.

3 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
4 101-652, eff. 1-1-23; revised 2-28-22.)

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

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 110-6.1. Denial of bail in non-probationable felony
8 offenses.

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

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

24 (2) The hearing shall be held immediately upon the
25 defendant's appearance before the court, unless for good

1 cause shown the defendant or the State seeks a
2 continuance. A continuance on motion of the defendant may
3 not exceed 5 calendar days, and a continuance on the
4 motion of the State may not exceed 3 calendar days. The
5 defendant may be held in custody during such continuance.

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

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

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

21 (3) the court finds that no condition or combination
22 of conditions set forth in subsection (b) of Section
23 110-10 of this Article, can reasonably assure the physical
24 safety of any other person or persons.

25 (c) Conduct of the hearings.

26 (1) The hearing on the defendant's culpability and

1 dangerousness shall be conducted in accordance with the
2 following provisions:

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

1 shall tender to the defendant, prior to the hearing,
2 copies of defendant's criminal history, if any, if
3 available, and any written or recorded statements and
4 the substance of any oral statements made by any
5 person, if relied upon by the State in its petition.
6 The rules concerning the admissibility of evidence in
7 criminal trials do not apply to the presentation and
8 consideration of information at the hearing. At the
9 trial concerning the offense for which the hearing was
10 conducted neither the finding of the court nor any
11 transcript or other record of the hearing shall be
12 admissible in the State's case in chief, but shall be
13 admissible for impeachment, or as provided in Section
14 115-10.1 of this Code, or in a perjury proceeding.

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

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

26 (d) Factors to be considered in making a determination of

1 dangerousness. The court may, in determining whether the
2 defendant poses a real and present threat to the physical
3 safety of any person or persons, consider but shall not be
4 limited to evidence or testimony concerning:

5 (1) The nature and circumstances of any offense
6 charged, including whether the offense is a crime of
7 violence, involving a weapon.

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

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

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

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

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

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

1 assaulted by the defendant;

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

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

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

15 (e) Detention order. The court shall, in any order for
16 detention:

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

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

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

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

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

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

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

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

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

23 (Text of Section after amendment by P.A. 101-652)

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

25 (a) Upon verified petition by the State, the court shall

1 hold a hearing and may deny a defendant pretrial release only
2 if:

3 (1) the defendant is charged with a ~~forcible~~ felony
4 offense other than a forcible felony for which, based on
5 the charge or the defendant's criminal history, a sentence
6 of imprisonment, without probation, periodic imprisonment
7 or conditional discharge, is required by law upon
8 conviction, and it is alleged that the defendant's
9 pretrial release poses a real and present threat to the
10 safety of any person or persons or the community, based on
11 the specific articulable facts of the case ~~specific, real~~
12 ~~and present threat to any person or the community.;~~

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

1 threat of or infliction of great bodily harm or permanent
2 disability or disfigurement;

3 (2) the defendant is charged with stalking or
4 aggravated stalking, and it is alleged that the
5 defendant's pre-trial release poses a real and present
6 threat to the safety of a victim of the alleged offense,
7 ~~real and present threat to the physical safety of a victim~~
8 ~~of the alleged offense,~~ and denial of release is necessary
9 to prevent fulfillment of the threat upon which the charge
10 is based;

11 (3) the defendant is charged with a violation of an
12 order of protection issued under Section 112A-14 of this
13 Code or Section 214 of the Illinois Domestic Violence Act
14 of 1986, a stalking no contact order under Section 80 of
15 the Stalking No Contact Order Act, or of a civil no contact
16 order under Section 213 of the Civil No Contact Order Act,
17 and it is alleged that the defendant's pretrial release
18 poses a real and present threat to the safety of any person
19 or persons or the community, based on the specific
20 articulable facts of the case; ~~the victim of abuse was a~~
21 ~~family or household member as defined by paragraph (6) of~~
22 ~~Section 103 of the Illinois Domestic Violence Act of 1986,~~
23 ~~and the person charged, at the time of the alleged~~
24 ~~offense, was subject to the terms of an order of~~
25 ~~protection issued under Section 112A-14 of this Code, or~~
26 ~~Section 214 of the Illinois Domestic Violence Act of 1986~~

1 ~~or previously was convicted of a violation of an order of~~
2 ~~protection under Section 12-3.4 or 12-30 of the Criminal~~
3 ~~Code of 1961 or the Criminal Code of 2012 or a violent~~
4 ~~crime if the victim was a family or household member as~~
5 ~~defined by paragraph (6) of the Illinois Domestic Violence~~
6 ~~Act of 1986 at the time of the offense or a violation of a~~
7 ~~substantially similar municipal ordinance or law of this~~
8 ~~or any other state or the United States if the victim was a~~
9 ~~family or household member as defined by paragraph (6) of~~
10 ~~Section 103 of the Illinois Domestic Violence Act of 1986~~
11 ~~at the time of the offense, and it is alleged that the~~
12 ~~defendant's pre-trial release poses a real and present~~
13 ~~threat to the physical safety of any person or persons;~~

14 (4) the defendant is charged with domestic battery or
15 aggravated domestic battery under Section 12-3.2 or 12-3.3
16 of the Criminal Code of 2012 and it is alleged that the
17 defendant's pretrial release poses a real and present
18 threat to the safety of any person or persons or the
19 community, based on the specific articulable facts of the
20 case ~~real and present threat to the physical safety of any~~
21 ~~person or persons;~~

22 (5) the defendant is charged with any offense under
23 Article 11 of the Criminal Code of 2012, except for
24 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
25 11-40, and 11-45 of the Criminal Code of 2012, or similar
26 provisions of the Criminal Code of 1961 and it is alleged

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

6 (6) the defendant is charged with any of the following
7 offenses ~~these violations~~ under the Criminal Code of 2012,
8 and it is alleged that the defendant's pretrial release
9 ~~releases~~ poses a real and present threat to the safety of
10 any person or persons or the community, based on the
11 specific articulable facts of the case: ~~real and present~~
12 ~~threat to the physical safety of any specifically~~
13 ~~identifiable person or persons.~~

14 (A) Section 24-1.2 (aggravated discharge of a
15 firearm);

16 (B) Section 24-2.5 (aggravated discharge of a
17 machine gun or a firearm equipped with a device
18 designed or use for silencing the report of a
19 firearm);

20 (C) Section 24-1.5 (reckless discharge of a
21 firearm);

22 (D) Section 24-1.7 (armed habitual criminal);

23 (E) Section 24-2.2 ~~2~~ (manufacture, sale or
24 transfer of bullets or shells represented to be armor
25 piercing bullets, dragon's breath shotgun shells, bolo
26 shells, or flechette shells);

1 (F) Section 24-3 (unlawful sale or delivery of
2 firearms);

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

5 (H) Section 24-34 (unlawful sale of firearms by
6 liquor license);

7 (I) Section 24-3.5 (unlawful purchase of a
8 firearm);

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

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

11 (L) Section 10-9 (b) (involuntary servitude);

12 (M) Section 10-9 (c) (involuntary sexual servitude
13 of a minor);

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

15 (O) Non-probationable violations: (i) ~~unlawful~~
16 use or possession of weapons by felons or persons in
17 the Custody of the Department of Corrections
18 facilities (Section 24-1.1), (ii) aggravated unlawful
19 use of a weapon (Section 24-1.6), or (iii) aggravated
20 possession of a stolen firearm (Section 24-3.9);

21 (P) Section 9-3 (reckless homicide and involuntary
22 manslaughter);

23 (Q) Section 19-3 (residential burglary);

24 (R) Section 10-5 (child abduction);

25 (S) Felony violations of Section 12C-5 (child
26 endangerment);

1 (T) Section 12-7.1 (hate crime);
2 (U) Section 10-3.1 (aggravated unlawful
3 restraint);
4 (V) Section 12-9 (threatening a public official);
5 (W) Subdivision (f)(1) of Section 12-3.05
6 (aggravated battery with a deadly weapon other than by
7 discharge of a firearm);
8 (6.5) the defendant is charged with any of the
9 following offenses, and it is alleged that the defendant's
10 pretrial release poses a real and present threat to the
11 safety of any person or persons or the community, based on
12 the specific articulable facts of the case:
13 (A) Felony violations of Sections 3.01, 3.02, or
14 3.03 of the Humane Care for Animals Act (cruel
15 treatment, aggravated cruelty, and animal torture);
16 (B) Subdivision (d)(1)(B) of Section 11-501 of the
17 Illinois Vehicle Code (aggravated driving under the
18 influence while operating a school bus with
19 passengers);
20 (C) Subdivision (d)(1)(C) of Section 11-501 of the
21 Illinois Vehicle Code (aggravated driving under the
22 influence causing great bodily harm);
23 (D) Subdivision (d)(1)(D) of Section 11-501 of the
24 Illinois Vehicle Code (aggravated driving under the
25 influence after a previous reckless homicide
26 conviction);

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

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

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

14 (8) ~~(7)~~ the person has a high likelihood of willful
15 flight to avoid prosecution and is charged with:

16 (A) Any felony described in subdivisions ~~Sections~~
17 (a) (1) through (a) (7) ~~(5)~~ of this Section; or

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

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

1 No such finding is necessary if the defendant is charged with a
2 misdemeanor.

3 (c) Timing of petition.

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

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

23 (d) Contents of petition.

24 (1) The petition shall be verified by the State and
25 shall state the grounds upon which it contends the
26 defendant should be denied pretrial release, including the

1 real and present threat to the safety of any person or
2 persons or the community, based on the specific
3 articulable facts or flight risk, as appropriate identity
4 ~~of the specific person or persons the State believes the~~
5 ~~defendant poses a danger to.~~

6 (2) If the State seeks to file a second or subsequent
7 petition under this Section, the State shall be required
8 to present a verified application setting forth in detail
9 any new facts not known or obtainable at the time of the
10 filing of the previous petition ~~Only one petition may be~~
11 ~~filed under this Section.~~

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

15 (1) the proof is evident or the presumption great that
16 the defendant has committed an offense listed in
17 ~~paragraphs (1) through (6) of subsection (a), and~~

18 (2) for offenses listed in paragraphs (1) through (7)
19 of subsection (a), the defendant poses a real and present
20 threat to the safety of any person or persons or the
21 community, based on the specific articulable facts of the
22 case, real and present threat to the safety of a specific,
23 ~~identifiable person or persons,~~ by conduct which may
24 include, but is not limited to, a forcible felony, the
25 obstruction of justice, intimidation, injury, or abuse as
26 defined by paragraph (1) of Section 103 of the Illinois

1 Domestic Violence Act of 1986, and

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

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

20 (f) Conduct of the hearings.

21 (1) Prior to the hearing, the State shall tender to
22 the defendant copies of the defendant's criminal history
23 available, any written or recorded statements, and the
24 substance of any oral statements made by any person, if
25 relied upon by the State in its petition, and any police
26 reports in the prosecutor's ~~State's Attorney's~~ possession

1 at the time of the hearing ~~that are required to be~~
2 ~~disclosed to the defense under Illinois Supreme Court~~
3 ~~rules.~~

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

6 (3) The defendant has the right to be represented by
7 counsel, and if he or she is indigent, to have counsel
8 appointed for him or her. The defendant shall have the
9 opportunity to testify, to present witnesses on his or her
10 own behalf, and to cross-examine any witnesses that are
11 called by the State. Defense counsel shall be given
12 adequate opportunity to confer with the defendant before
13 any hearing at which conditions of release or the
14 detention of the defendant are to be considered, with an
15 accommodation for a physical condition made to facilitate
16 attorney/client consultation. If defense counsel needs to
17 confer or consult with the defendant during any hearing
18 conducted via a two-way audio-visual communication system,
19 such consultation shall not be recorded and shall be
20 undertaken consistent with constitutional protections.

21 (3.5) A hearing at which pretrial release may be
22 denied must be conducted in person (and not by way of
23 two-way audio visual communication) unless the accused
24 waives the right to be present physically in court, the
25 court determines that the physical health and safety of
26 any person necessary to the proceedings would be

1 endangered by appearing in court, or the chief judge of
2 the circuit orders use of that system due to operational
3 challenges in conducting the hearing in person. Such
4 operational challenges must be documented and approved by
5 the chief judge of the circuit, and a plan to address the
6 challenges through reasonable efforts must be presented
7 and approved by the Administrative Office of the Illinois
8 Courts every 6 months.

9 (4) If the defense seeks to compel ~~call~~ the
10 complaining witness to testify as a witness in its favor,
11 it shall petition the court for permission. When the ends
12 of justice so require, the court may exercise its
13 discretion and compel the appearance of a complaining
14 witness. The court shall state on the record reasons for
15 granting a defense request to compel the presence of a
16 complaining witness only on the issue of the defendant's
17 pretrial detention. In making a determination under this
18 Section ~~section~~, the court shall state on the record the
19 reason for granting a defense request to compel the
20 presence of a complaining witness, and only grant the
21 request if the court finds by clear and convincing
22 evidence that the defendant will be materially prejudiced
23 if the complaining witness does not appear.
24 Cross-examination of a complaining witness at the pretrial
25 detention hearing for the purpose of impeaching the
26 witness' credibility is insufficient reason to compel the

1 presence of the witness. In deciding whether to compel the
2 appearance of a complaining witness, the court shall be
3 considerate of the emotional and physical well-being of
4 the witness. The pre-trial detention hearing is not to be
5 used for purposes of discovery, and the post arraignment
6 rules of discovery do not apply. The State shall tender to
7 the defendant, prior to the hearing, copies, if any, of
8 the defendant's criminal history, if available, and any
9 written or recorded statements and the substance of any
10 oral statements made by any person, if in the State's
11 Attorney's possession at the time of the hearing.

12 (5) The rules concerning the admissibility of evidence
13 in criminal trials do not apply to the presentation and
14 consideration of information at the hearing. At the trial
15 concerning the offense for which the hearing was conducted
16 neither the finding of the court nor any transcript or
17 other record of the hearing shall be admissible in the
18 State's case-in-chief ~~case in chief~~, but shall be
19 admissible for impeachment, or as provided in Section
20 115-10.1 of this Code, or in a perjury proceeding.

21 (6) The defendant may not move to suppress evidence or
22 a confession, however, evidence that proof of the charged
23 crime may have been the result of an unlawful search or
24 seizure, or both, or through improper interrogation, is
25 relevant in assessing the weight of the evidence against
26 the defendant.

1 (7) Decisions regarding release, conditions of
2 release, and detention prior to trial must ~~should~~ be
3 individualized, and no single factor or standard may
4 ~~should~~ be used exclusively to order ~~make a condition or~~
5 detention ~~decision~~. Risk assessment tools may not be used
6 as the sole basis to deny pretrial release.

7 (g) Factors to be considered in making a determination of
8 dangerousness. The court may, in determining whether the
9 defendant poses a real and present threat to the safety of any
10 person or persons or the community, based on the specific
11 articulable facts of the case, ~~specific, imminent threat of~~
12 ~~serious physical harm to an identifiable person or persons,~~
13 consider, but shall not be limited to, evidence or testimony
14 concerning:

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

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

20 (A) Any evidence of the defendant's prior criminal
21 history indicative of violent, abusive or assaultive
22 behavior, or lack of such behavior. Such evidence may
23 include testimony or documents received in juvenile
24 proceedings, criminal, quasi-criminal, civil
25 commitment, domestic relations, or other proceedings.

26 (B) Any evidence of the defendant's psychological,

1 psychiatric or other similar social history which
2 tends to indicate a violent, abusive, or assaultive
3 nature, or lack of any such history.

4 (3) The identity of any person or persons to whose
5 safety the defendant is believed to pose a threat, and the
6 nature of the threat.†

7 (4) Any statements made by, or attributed to the
8 defendant, together with the circumstances surrounding
9 them.†

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

11 (6) The age and physical condition of any victim or
12 complaining witness.†

13 (7) Whether the defendant is known to possess or have
14 access to any weapon or weapons.†

15 (8) Whether, at the time of the current offense or any
16 other offense or arrest, the defendant was on probation,
17 parole, aftercare release, mandatory supervised release or
18 other release from custody pending trial, sentencing,
19 appeal or completion of sentence for an offense under
20 federal or state law.†

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

26 (h) Detention order. The court shall, in any order for

1 detention:

2 (1) make a written finding summarizing ~~briefly~~
3 ~~summarize the evidence of the defendant's guilt or~~
4 ~~innocence,~~ and the court's reasons for concluding that the
5 defendant should be denied pretrial release, including why
6 less restrictive conditions would not avoid a real and
7 present threat to the safety of any person or persons or
8 the community, based on the specific articulable facts of
9 the case, or prevent the defendant's willful flight from
10 prosecution;

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

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

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

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

1 required by the preceding sentence, he shall not be denied
2 pretrial release. In computing the 90-day ~~90-day~~ period, the
3 court shall omit any period of delay resulting from a
4 continuance granted at the request of the defendant and any
5 period of delay resulting from a continuance granted at the
6 request of the State with good cause shown pursuant to Section
7 103-5.

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

14 (j) Rights of the defendant. The defendant ~~Any person~~
15 shall be entitled to appeal any order entered under this
16 Section denying his or her pretrial release ~~to the defendant.~~

17 (k) Appeal. The State may appeal any order entered under
18 this Section denying any motion for denial of pretrial
19 release.

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

24 (m) Interest of victims ~~Victim notice.~~

25 (1) Crime victims shall be given notice by the State's
26 Attorney's office of this hearing as required in paragraph (1)

1 of subsection (b) of Section 4.5 of the Rights of Crime Victims
2 and Witnesses Act and shall be informed of their opportunity
3 at this hearing to obtain a protective order ~~an order of~~
4 ~~protection under Article 112A of this Code.~~

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

9 (Source: P.A. 101-652, eff. 1-1-23; revised 2-28-22.)

10 (725 ILCS 5/110-6.6 new)

11 Sec. 110-6.6. Appeals.

12 (a) Appeals under this Article shall be governed by
13 Supreme Court Rules.

14 (b) If a hearing under this Article is conducted by means
15 of two-way audio-visual communication or other electronic
16 recording system, the audio-visual recording shall be entered
17 into the record as the transcript for purposes of the appeals
18 described in subsection (a). Nothing in this Section prohibits
19 a transcription by a court reporter from also being entered
20 into the record.

21 (725 ILCS 5/110-7.5 new)

22 Sec. 110-7.5. Previously deposited bail security.

23 (a) On or after January 1, 2023, any person having been
24 previously released pretrial on the condition of the deposit

1 of security shall be allowed to remain on pretrial release
2 under the terms of their original bail bond. This Section
3 shall not limit the State's Attorney's ability to file a
4 verified petition for detention under Section 110-6.1 or a
5 petition for revocation or sanctions under Section 110-6.

6 (b) On or after January 1, 2023, any person who remains in
7 pretrial detention after having been ordered released with
8 pretrial conditions, including the condition of depositing
9 security, shall be entitled to a hearing under subsection (e)
10 of Section 110-5.

11 On or after January 1, 2023, any person, not subject to
12 subsection (b), who remains in pretrial detention and is
13 eligible for detention under Section 110-6.1 shall be entitled
14 to a hearing according to the following schedule:

15 (1) For persons charged with offenses under paragraphs
16 (1) through (7) of subsection (a) of Section 110-6.1, the
17 hearing shall be held within 90 days of the person's
18 motion for reconsideration of pretrial release conditions.

19 (2) For persons charged with offenses under paragraph
20 (8) of subsection (a) of Section 110-6.1, the hearing
21 shall be held within 60 days of the person's motion for
22 reconsideration of pretrial release conditions.

23 (3) For persons charged with all other offenses not
24 listed in subsection (a) of Section 110-6.1, the hearing
25 shall be held within 7 days of the person's motion for
26 reconsideration of pretrial release conditions.

1 (c) Processing of previously deposited bail security. The
2 provisions of this Section shall apply to all monetary bonds,
3 regardless of whether they were previously posted in cash or
4 in the form of stocks, bonds, or real estate.

5 (1) Once security has been deposited and a charge is
6 pending or is thereafter filed in or transferred to a
7 court of competent jurisdiction, the latter court may
8 continue the original security in that court or modify the
9 conditions of pretrial release subject to the provisions
10 of Section 110-6.

11 (2) After conviction, the court may order that a
12 previously deposited security stand pending appeal,
13 reconsider conditions of release, or deny release subject
14 to the provisions of Section 110-6.2.

15 (3) After the entry of an order by the trial court
16 granting or denying pretrial release pending appeal,
17 either party may apply to the reviewing court having
18 jurisdiction or to a justice thereof sitting in vacation
19 for an order modifying the conditions of pretrial release
20 or denying pretrial release subject to the provisions of
21 Section 110-6.2.

22 (4) When the conditions of the previously posted bail
23 bond have been performed and the accused has been
24 discharged from all obligations in the cause, the clerk of
25 the court shall return to the accused or to the
26 defendant's designee by an assignment executed at the time

1 the bail amount is deposited, unless the court orders
2 otherwise, 90% of the sum which had been deposited and
3 shall retain as bail bond costs 10% of the amount
4 deposited. However, in no event shall the amount retained
5 by the clerk as bail bond costs be less than \$5.

6 Notwithstanding the foregoing, in counties with a
7 population of 3,000,000 or more, in no event shall the
8 amount retained by the clerk as bail bond costs exceed
9 \$100. Bail bond deposited by or on behalf of a defendant in
10 one case may be used, in the court's discretion, to
11 satisfy financial obligations of that same defendant
12 incurred in a different case due to a fine, court costs,
13 restitution or fees of the defendant's attorney of record.
14 In counties with a population of 3,000,000 or more, the
15 court shall not order bail bond deposited by or on behalf
16 of a defendant in one case to be used to satisfy financial
17 obligations of that same defendant in a different case
18 until the bail bond is first used to satisfy court costs
19 and attorney's fees in the case in which the bail bond has
20 been deposited and any other unpaid child support
21 obligations are satisfied.

22 In counties with a population of less than 3,000,000,
23 the court shall not order bail bond deposited by or on
24 behalf of a defendant in one case to be used to satisfy
25 financial obligations of that same defendant in a
26 different case until the bail bond is first used to

1 satisfy court costs in the case in which the bail bond has
2 been deposited.

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

7 (5) If there is an alleged violation of the conditions
8 of pretrial release in a matter in which the defendant has
9 previously deposited security, the court having
10 jurisdiction shall follow the procedures for revocation of
11 pretrial release or sanctions set forth in Section 110-6.
12 The previously deposited security shall be returned to the
13 defendant following the procedures of paragraph (4) of
14 subsection (a) of this Section once the defendant has been
15 discharged from all obligations in the cause.

16 (6) If security was previously deposited for failure
17 to appear in a matter involving enforcement of child
18 support or maintenance, the amount of the cash deposit on
19 the bond, less outstanding costs, may be awarded to the
20 person or entity to whom the child support or maintenance
21 is due.

22 (7) After a judgment for a fine and court costs or
23 either is entered in the prosecution of a cause in which a
24 deposit of security was previously made, the balance of
25 such deposit shall be applied to the payment of the
26 judgment.

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 110-10. Conditions of bail bond.

4 (a) If a person is released prior to conviction, either
5 upon payment of bail security or on his or her own
6 recognizance, the conditions of the bail bond shall be that he
7 or she will:

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

11 (2) Submit himself or herself to the orders and
12 process of the court;

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

14 (4) Not violate any criminal statute of any
15 jurisdiction;

16 (5) At a time and place designated by the court,
17 surrender all firearms in his or her possession to a law
18 enforcement officer designated by the court to take
19 custody of and impound the firearms and physically
20 surrender his or her Firearm Owner's Identification Card
21 to the clerk of the circuit court when the offense the
22 person has been charged with is a forcible felony,
23 stalking, aggravated stalking, domestic battery, any
24 violation of the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or

1 the Cannabis Control Act that is classified as a Class 2 or
2 greater felony, or any felony violation of Article 24 of
3 the Criminal Code of 1961 or the Criminal Code of 2012; the
4 court may, however, forgo the imposition of this condition
5 when the circumstances of the case clearly do not warrant
6 it or when its imposition would be impractical; if the
7 Firearm Owner's Identification Card is confiscated, the
8 clerk of the circuit court shall mail the confiscated card
9 to the Illinois State Police; all legally possessed
10 firearms shall be returned to the person upon the charges
11 being dismissed, or if the person is found not guilty,
12 unless the finding of not guilty is by reason of insanity;
13 and

14 (6) At a time and place designated by the court,
15 submit to a psychological evaluation when the person has
16 been charged with a violation of item (4) of subsection
17 (a) of Section 24-1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012 and that violation occurred in a
19 school or in any conveyance owned, leased, or contracted
20 by a school to transport students to or from school or a
21 school-related activity, or on any public way within 1,000
22 feet of real property comprising any school.

23 Psychological evaluations ordered pursuant to this Section
24 shall be completed promptly and made available to the State,
25 the defendant, and the court. As a further condition of bail
26 under these circumstances, the court shall order the defendant

1 to refrain from entering upon the property of the school,
2 including any conveyance owned, leased, or contracted by a
3 school to transport students to or from school or a
4 school-related activity, or on any public way within 1,000
5 feet of real property comprising any school. Upon receipt of
6 the psychological evaluation, either the State or the
7 defendant may request a change in the conditions of bail,
8 pursuant to Section 110-6 of this Code. The court may change
9 the conditions of bail to include a requirement that the
10 defendant follow the recommendations of the psychological
11 evaluation, including undergoing psychiatric treatment. The
12 conclusions of the psychological evaluation and any statements
13 elicited from the defendant during its administration are not
14 admissible as evidence of guilt during the course of any trial
15 on the charged offense, unless the defendant places his or her
16 mental competency in issue.

17 (b) The court may impose other conditions, such as the
18 following, if the court finds that such conditions are
19 reasonably necessary to assure the defendant's appearance in
20 court, protect the public from the defendant, or prevent the
21 defendant's unlawful interference with the orderly
22 administration of justice:

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

25 (2) Refrain from possessing a firearm or other
26 dangerous weapon;

1 (3) Refrain from approaching or communicating with
2 particular persons or classes of persons;

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

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

7 (6) Undergo treatment for drug addiction or
8 alcoholism;

9 (7) Undergo medical or psychiatric treatment;

10 (8) Work or pursue a course of study or vocational
11 training;

12 (9) Attend or reside in a facility designated by the
13 court;

14 (10) Support his or her dependents;

15 (11) If a minor resides with his or her parents or in a
16 foster home, attend school, attend a non-residential
17 program for youths, and contribute to his or her own
18 support at home or in a foster home;

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

20 (13) Remain in the custody of such designated person
21 or organization agreeing to supervise his release. Such
22 third party custodian shall be responsible for notifying
23 the court if the defendant fails to observe the conditions
24 of release which the custodian has agreed to monitor, and
25 shall be subject to contempt of court for failure so to
26 notify the court;

1 (14) Be placed under direct supervision of the
2 Pretrial Services Agency, Probation Department or Court
3 Services Department in a pretrial bond home supervision
4 capacity with or without the use of an approved electronic
5 monitoring device subject to Article 8A of Chapter V of
6 the Unified Code of Corrections;

7 (14.1) The court shall impose upon a defendant who is
8 charged with any alcohol, cannabis, methamphetamine, or
9 controlled substance violation and is placed under direct
10 supervision of the Pretrial Services Agency, Probation
11 Department or Court Services Department in a pretrial bond
12 home supervision capacity with the use of an approved
13 monitoring device, as a condition of such bail bond, a fee
14 that represents costs incidental to the electronic
15 monitoring for each day of such bail supervision ordered
16 by the court, unless after determining the inability of
17 the defendant to pay the fee, the court assesses a lesser
18 fee or no fee as the case may be. The fee shall be
19 collected by the clerk of the circuit court, except as
20 provided in an administrative order of the Chief Judge of
21 the circuit court. The clerk of the circuit court shall
22 pay all monies collected from this fee to the county
23 treasurer for deposit in the substance abuse services fund
24 under Section 5-1086.1 of the Counties Code, except as
25 provided in an administrative order of the Chief Judge of
26 the circuit court.

1 The Chief Judge of the circuit court of the county may
2 by administrative order establish a program for electronic
3 monitoring of offenders with regard to drug-related and
4 alcohol-related offenses, in which a vendor supplies and
5 monitors the operation of the electronic monitoring
6 device, and collects the fees on behalf of the county. The
7 program shall include provisions for indigent offenders
8 and the collection of unpaid fees. The program shall not
9 unduly burden the offender and shall be subject to review
10 by the Chief Judge.

11 The Chief Judge of the circuit court may suspend any
12 additional charges or fees for late payment, interest, or
13 damage to any device;

14 (14.2) The court shall impose upon all defendants,
15 including those defendants subject to paragraph (14.1)
16 above, placed under direct supervision of the Pretrial
17 Services Agency, Probation Department or Court Services
18 Department in a pretrial bond home supervision capacity
19 with the use of an approved monitoring device, as a
20 condition of such bail bond, a fee which shall represent
21 costs incidental to such electronic monitoring for each
22 day of such bail supervision ordered by the court, unless
23 after determining the inability of the defendant to pay
24 the fee, the court assesses a lesser fee or no fee as the
25 case may be. The fee shall be collected by the clerk of the
26 circuit court, except as provided in an administrative

1 order of the Chief Judge of the circuit court. The clerk of
2 the circuit court shall pay all monies collected from this
3 fee to the county treasurer who shall use the monies
4 collected to defray the costs of corrections. The county
5 treasurer shall deposit the fee collected in the county
6 working cash fund under Section 6-27001 or Section 6-29002
7 of the Counties Code, as the case may be, 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 (14.3) The Chief Judge of the Judicial Circuit may
24 establish reasonable fees to be paid by a person receiving
25 pretrial services while under supervision of a pretrial
26 services agency, probation department, or court services

1 department. Reasonable fees may be charged for pretrial
2 services including, but not limited to, pretrial
3 supervision, diversion programs, electronic monitoring,
4 victim impact services, drug and alcohol testing, DNA
5 testing, GPS electronic monitoring, assessments and
6 evaluations related to domestic violence and other
7 victims, and victim mediation services. The person
8 receiving pretrial services may be ordered to pay all
9 costs incidental to pretrial services in accordance with
10 his or her ability to pay those costs;

11 (14.4) For persons charged with violating Section
12 11-501 of the Illinois Vehicle Code, refrain from
13 operating a motor vehicle not equipped with an ignition
14 interlock device, as defined in Section 1-129.1 of the
15 Illinois Vehicle Code, pursuant to the rules promulgated
16 by the Secretary of State for the installation of ignition
17 interlock devices. Under this condition the court may
18 allow a defendant who is not self-employed to operate a
19 vehicle owned by the defendant's employer that is not
20 equipped with an ignition interlock device in the course
21 and scope of the defendant's employment;

22 (15) Comply with the terms and conditions of an order
23 of protection issued by the court under the Illinois
24 Domestic Violence Act of 1986 or an order of protection
25 issued by the court of another state, tribe, or United
26 States territory;

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

3 (17) Such other reasonable conditions as the court may
4 impose.

5 (c) When a person is charged with an offense under Section
6 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, involving a victim who is a minor under
9 18 years of age living in the same household with the defendant
10 at the time of the offense, in granting bail or releasing the
11 defendant on his own recognizance, the judge shall impose
12 conditions to restrict the defendant's access to the victim
13 which may include, but are not limited to conditions that he
14 will:

15 1. Vacate the household.

16 2. Make payment of temporary support to his
17 dependents.

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

20 (d) When a person is charged with a criminal offense and
21 the victim is a family or household member as defined in
22 Article 112A, conditions shall be imposed at the time of the
23 defendant's release on bond that restrict the defendant's
24 access to the victim. Unless provided otherwise by the court,
25 the restrictions shall include requirements that the defendant
26 do the following:

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

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

7 (e) Local law enforcement agencies shall develop
8 standardized bond forms for use in cases involving family or
9 household members as defined in Article 112A, including
10 specific conditions of bond as provided in subsection (d).
11 Failure of any law enforcement department to develop or use
12 those forms shall in no way limit the applicability and
13 enforcement of subsections (d) and (f).

14 (f) If the defendant is admitted to bail after conviction
15 the conditions of the bail bond shall be that he will, in
16 addition to the conditions set forth in subsections (a) and
17 (b) hereof:

18 (1) Duly prosecute his appeal;

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

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

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

24 (5) If the judgment is affirmed or the cause reversed
25 and remanded for a new trial, forthwith surrender to the
26 officer from whose custody he was bailed.

1 (g) Upon a finding of guilty for any felony offense, the
2 defendant shall physically surrender, at a time and place
3 designated by the court, any and all firearms in his or her
4 possession and his or her Firearm Owner's Identification Card
5 as a condition of remaining on bond pending sentencing.

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

10 (Source: P.A. 101-138, eff. 1-1-20.)

11 (Text of Section after amendment by P.A. 101-652)

12 Sec. 110-10. Conditions of pretrial release.

13 (a) If a person is released prior to conviction, the
14 conditions of pretrial release shall be that he or she will:

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

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

20 (3) (Blank);

21 (4) Not violate any criminal statute of any
22 jurisdiction;

23 (5) At a time and place designated by the court,
24 surrender all firearms in his or her possession to a law
25 enforcement officer designated by the court to take

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

21 (6) At a time and place designated by the court,
22 submit to a psychological evaluation when the person has
23 been charged with a violation of item (4) of subsection
24 (a) of Section 24-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 and that violation occurred in a
26 school or in any conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a
2 school-related activity, or on any public way within 1,000
3 feet of real property comprising any school.

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

24 (b) Additional conditions of release shall be set only
25 when it is determined that they are necessary to ensure the
26 defendant's appearance in court, ensure the defendant does not

1 commit any criminal offense, ensure the defendant complies
2 with all conditions of pretrial release, ~~The court may impose~~
3 ~~other conditions, such as the following, if the court finds~~
4 ~~that such conditions are reasonably necessary to assure the~~
5 ~~defendant's appearance in court, protect the public from the~~
6 ~~defendant, or prevent the defendant's unlawful interference~~
7 with the orderly administration of justice, or ensure
8 compliance with the rules and procedures of problem solving
9 courts. However, conditions shall include the least
10 restrictive means and be individualized. Conditions shall not
11 mandate rehabilitative services unless directly tied to the
12 risk of pretrial misconduct. Conditions of supervision shall
13 not include punitive measures such as community service work
14 or restitution. Conditions may include the following:

15 (0.05) Not depart this State without leave of the
16 court;

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

19 (2) Refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) Refrain from approaching or communicating with
22 particular persons or classes of persons;

23 (4) Refrain from going to certain described geographic
24 ~~geographical~~ areas or premises;

25 ~~(5) Refrain from engaging in certain activities or~~
26 ~~indulging in intoxicating liquors or in certain drugs;~~

1 ~~(6) Undergo treatment for drug addiction or~~
2 ~~alcoholism;~~

3 ~~(7) Undergo medical or psychiatric treatment;~~

4 ~~(8) Work or pursue a course of study or vocational~~
5 ~~training;~~

6 ~~(9) Attend or reside in a facility designated by the~~
7 ~~court;~~

8 ~~(10) Support his or her dependents;~~

9 ~~(11) If a minor resides with his or her parents or in a~~
10 ~~foster home, attend school, attend a non residential~~
11 ~~program for youths, and contribute to his or her own~~
12 ~~support at home or in a foster home;~~

13 ~~(12) Observe any curfew ordered by the court;~~

14 ~~(13) Remain in the custody of such designated person~~
15 ~~or organization agreeing to supervise his release. Such~~
16 ~~third party custodian shall be responsible for notifying~~
17 ~~the court if the defendant fails to observe the conditions~~
18 ~~of release which the custodian has agreed to monitor, and~~
19 ~~shall be subject to contempt of court for failure so to~~
20 ~~notify the court;~~

21 (5) ~~(14)~~ Be placed under direct supervision of the
22 Pretrial Services Agency, Probation Department or Court
23 Services Department in a pretrial home supervision
24 capacity with or without the use of an approved electronic
25 monitoring device subject to Article 8A of Chapter V of
26 the Unified Code of Corrections;

1 ~~(14.1) The court may impose upon a defendant who is~~
2 ~~charged with any alcohol, cannabis, methamphetamine, or~~
3 ~~controlled substance violation and is placed under direct~~
4 ~~supervision of the Pretrial Services Agency, Probation~~
5 ~~Department or Court Services Department in a pretrial home~~
6 ~~supervision capacity with the use of an approved~~
7 ~~monitoring device, as a condition of such pretrial~~
8 ~~monitoring, a fee that represents costs incidental to the~~
9 ~~electronic monitoring for each day of such pretrial~~
10 ~~supervision ordered by the court, unless after determining~~
11 ~~the inability of the defendant to pay the fee, the court~~
12 ~~assesses a lesser fee or no fee as the case may be. The fee~~
13 ~~shall be collected by the clerk of the circuit court,~~
14 ~~except as provided in an administrative order of the Chief~~
15 ~~Judge of the circuit court. The clerk of the circuit court~~
16 ~~shall pay all monies collected from this fee to the county~~
17 ~~treasurer for deposit in the substance abuse services fund~~
18 ~~under Section 5 1086.1 of the Counties Code, except as~~
19 ~~provided in an administrative order of the Chief Judge of~~
20 ~~the circuit court.~~

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

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

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

8 ~~(14.2) The court may impose upon all defendants,~~
9 ~~including those defendants subject to paragraph (14.1)~~
10 ~~above, placed under direct supervision of the Pretrial~~
11 ~~Services Agency, Probation Department or Court Services~~
12 ~~Department in a pretrial home supervision capacity with~~
13 ~~the use of an approved monitoring device, as a condition~~
14 ~~of such release, a fee which shall represent costs~~
15 ~~incidental to such electronic monitoring for each day of~~
16 ~~such supervision ordered by the court, unless after~~
17 ~~determining the inability of the defendant to pay the fee,~~
18 ~~the court assesses a lesser fee or no fee as the case may~~
19 ~~be. The fee shall be collected by the clerk of the circuit~~
20 ~~court, except as provided in an administrative order of~~
21 ~~the Chief Judge of the circuit court. The clerk of the~~
22 ~~circuit court shall pay all monies collected from this fee~~
23 ~~to the county treasurer who shall use the monies collected~~
24 ~~to defray the costs of corrections. The county treasurer~~
25 ~~shall deposit the fee collected in the county working cash~~
26 ~~fund under Section 6 27001 or Section 6 29002 of the~~

1 ~~Counties Code, as the case may be, except as provided in an~~
2 ~~administrative order of the Chief Judge of the circuit~~
3 ~~court.~~

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

14 ~~The Chief Judge of the circuit court may suspend any~~
15 ~~additional charges or fees for late payment, interest, or~~
16 ~~damage to any device;~~

17 ~~(14.3) The Chief Judge of the Judicial Circuit may~~
18 ~~establish reasonable fees to be paid by a person receiving~~
19 ~~pretrial services while under supervision of a pretrial~~
20 ~~services agency, probation department, or court services~~
21 ~~department. Reasonable fees may be charged for pretrial~~
22 ~~services including, but not limited to, pretrial~~
23 ~~supervision, diversion programs, electronic monitoring,~~
24 ~~victim impact services, drug and alcohol testing, DNA~~
25 ~~testing, GPS electronic monitoring, assessments and~~
26 ~~evaluations related to domestic violence and other~~

1 ~~victims, and victim mediation services. The person~~
2 ~~receiving pretrial services may be ordered to pay all~~
3 ~~costs incidental to pretrial services in accordance with~~
4 ~~his or her ability to pay those costs;~~

5 (6) ~~(14.4)~~ For persons charged with violating Section
6 11-501 of the Illinois Vehicle Code, refrain from
7 operating a motor vehicle not equipped with an ignition
8 interlock device, as defined in Section 1-129.1 of the
9 Illinois Vehicle Code, pursuant to the rules promulgated
10 by the Secretary of State for the installation of ignition
11 interlock devices. Under this condition the court may
12 allow a defendant who is not self-employed to operate a
13 vehicle owned by the defendant's employer that is not
14 equipped with an ignition interlock device in the course
15 and scope of the defendant's employment;

16 (7) ~~(15)~~ Comply with the terms and conditions of an
17 order of protection issued by the court under the Illinois
18 Domestic Violence Act of 1986 or an order of protection
19 issued by the court of another state, tribe, or United
20 States territory;

21 (8) Sign a written admonishment requiring that he or
22 she comply with the provisions of Section 110-12 regarding
23 any change in his or her address. The defendant's address
24 shall at all times remain a matter of record with the clerk
25 of the court ~~(16) (Blank)~~; and

26 (9) ~~(17)~~ Such other reasonable conditions as the court

1 may impose, so long as these conditions are the least
2 restrictive means to achieve the goals listed in
3 subsection (b), are individualized, and are in accordance
4 with national best practices as detailed in the Pretrial
5 Supervision Standards of the Supreme Court.

6 The defendant shall receive verbal and written
7 notification of conditions of pretrial release and future
8 court dates, including the date, time, and location of court.

9 (c) When a person is charged with an offense under Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
11 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, involving a victim who is a minor under
13 18 years of age living in the same household with the defendant
14 at the time of the offense, in releasing the defendant, the
15 judge shall impose conditions to restrict the defendant's
16 access to the victim which may include, but are not limited to
17 conditions that he will:

18 1. Vacate the household.

19 2. Make payment of temporary support to his
20 dependents.

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

23 (d) When a person is charged with a criminal offense and
24 the victim is a family or household member as defined in
25 Article 112A, conditions shall be imposed at the time of the
26 defendant's release that restrict the defendant's access to

1 the victim. Unless provided otherwise by the court, the
2 restrictions shall include requirements that the defendant do
3 the following:

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

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

10 (e) Local law enforcement agencies shall develop
11 standardized pretrial release forms for use in cases involving
12 family or household members as defined in Article 112A,
13 including specific conditions of pretrial release as provided
14 in subsection (d). Failure of any law enforcement department
15 to develop or use those forms shall in no way limit the
16 applicability and enforcement of subsections (d) and (f).

17 (f) If the defendant is released after conviction
18 following appeal or other post-conviction proceeding, the
19 conditions of the pretrial release shall be that he will, in
20 addition to the conditions set forth in subsections (a) and
21 (b) hereof:

22 (1) Duly prosecute his appeal;

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

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

26 (4) Comply with such other reasonable conditions as

1 the court may impose; and

2 (5) If the judgment is affirmed or the cause reversed
3 and remanded for a new trial, forthwith surrender to the
4 officer from whose custody he was released.

5 (g) Upon a finding of guilty for any felony offense, the
6 defendant shall physically surrender, at a time and place
7 designated by the court, any and all firearms in his or her
8 possession and his or her Firearm Owner's Identification Card
9 as a condition of being released pending sentencing.

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

14 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23.)

15 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

16 (Text of Section before amendment by P.A. 101-652)

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

1 notice to the State's Attorney charged with the prosecution
2 within 24 hours prior to such change. The address of a
3 defendant who has been admitted to bail shall at all times
4 remain a matter of public record with the clerk of the court.
5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (Text of Section after amendment by P.A. 101-652)

7 Sec. 110-12. Notice of change of address. A defendant who
8 has been admitted to pretrial release shall file a written
9 notice with the clerk of the court before which the proceeding
10 is pending of any change in his or her address within 24 hours
11 after such change, except that a defendant who has been
12 admitted to pretrial release for a forcible felony as defined
13 in Section 2-8 of the Criminal Code of 2012 shall file a
14 written notice with the clerk of the court before which the
15 proceeding is pending and the clerk shall immediately deliver
16 a time stamped copy of the written notice to the prosecutor
17 ~~State's Attorney~~ charged with the prosecution within 24 hours
18 prior to such change. The address of a defendant who has been
19 admitted to pretrial release shall at all times remain a
20 matter of ~~public~~ record with the clerk of the court.
21 (Source: P.A. 101-652, eff. 1-1-23.)

22 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

23 Sec. 113-3.1. Payment for Court-Appointed Counsel.

24 (a) Whenever under either Section 113-3 of this Code or

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

15 (b) Any sum ordered paid under this Section may not exceed
16 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
17 defendant charged with a felony, or \$2,500 for a defendant who
18 is appealing a conviction of any class offense.

19 (c) The method of any payment required under this Section
20 shall be as specified by the Court. The court may order that
21 payments be made on a monthly basis during the term of
22 representation; however, the sum deposited as money bond shall
23 not be used to satisfy this court order. ~~Any sum deposited as~~
24 ~~money bond with the Clerk of the Circuit Court under Section~~
25 ~~110-7 of this Code may be used in the court's discretion in~~
26 ~~whole or in part to comply with any payment order entered in~~

1 ~~accordance with paragraph (a) of this Section. The court may~~
2 ~~give special consideration to the interests of relatives or~~
3 ~~other third parties who may have posted a money bond on the~~
4 ~~behalf of the defendant to secure his release.~~ At any time
5 prior to full payment of any payment order the court on its own
6 motion or the motion of any party may reduce, increase, or
7 suspend the ordered payment, or modify the method of payment,
8 as the interest of fairness may require. No increase,
9 suspension, or reduction may be ordered without a hearing and
10 notice to all parties.

11 (d) The Supreme Court or the circuit courts may provide by
12 rule for procedures for the enforcement of orders entered
13 under this Section. Such rules may provide for the assessment
14 of all costs, including attorneys' fees which are required for
15 the enforcement of orders entered under this Section when the
16 court in an enforcement proceeding has first found that the
17 defendant has willfully refused to pay. The Clerk of the
18 Circuit Court shall keep records and make reports to the court
19 concerning funds paid under this Section in whatever manner
20 the court directs.

21 (e) Whenever an order is entered under this Section for
22 the reimbursement of the State due to the appointment of the
23 State Appellate Defender as counsel on appeal, the order shall
24 provide that the Clerk of the Circuit Court shall retain all
25 funds paid pursuant to such order until the full amount of the
26 sum ordered to be paid by the defendant has been paid. When no

1 balance remains due on such order, the Clerk of the Circuit
2 Court shall inform the court of this fact and the court shall
3 promptly order the Clerk of the Circuit Court to pay to the
4 State Treasurer all of the sum paid.

5 (f) The Clerk of the Circuit Court shall retain all funds
6 under this Section paid for the reimbursement of the county,
7 and shall inform the court when no balance remains due on an
8 order entered hereunder. The Clerk of the Circuit Court shall
9 make payments of funds collected under this Section to the
10 County Treasurer in whatever manner and at whatever point as
11 the court may direct, including payments made on a monthly
12 basis during the term of representation.

13 (g) A defendant who fails to obey any order of court
14 entered under this Section may be punished for contempt of
15 court. Any arrearage in payments may be reduced to judgment in
16 the court's discretion and collected by any means authorized
17 for the collection of money judgments under the law of this
18 State.

19 (Source: P.A. 88-394.)

20 Section 72. The Code of Criminal Procedure of 1963 is
21 amended by changing Sections 107-11 and 110-14 as follows:

22 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

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

24 (a) When authorized to issue a warrant of arrest, a court

1 may instead issue a summons.

2 (b) The summons shall:

3 (1) Be in writing;

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

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

7 (4) State the date when issued and the municipality or
8 county where issued;

9 (5) Be signed by the judge of the court with the title
10 of his or her office; and

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

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

17 (Source: P.A. 87-574.)

18 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 110-14. Credit toward fines for pretrial
21 incarceration ~~on bailable offense; credit against monetary~~
22 ~~bail for certain offenses.~~

23 (a) Any person denied pretrial release ~~incarcerated on a~~
24 ~~bailable offense who does not supply bail~~ and against whom a
25 fine is levied on conviction of the offense shall be

1 automatically credited ~~allowed a credit of~~ \$30 for each day so
2 incarcerated upon application of the defendant. However, in no
3 case shall the amount so ~~allowed or~~ credited exceed the amount
4 of the fine.

5 (b) Subsection (a) does not apply to a person incarcerated
6 for sexual assault as defined in paragraph (1) of subsection
7 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

8 (c) A person subject to bail on a Category B offense, l
9 before January 1, 2023, shall have \$30 deducted from his or her
10 10% cash bond amount every day the person is incarcerated. The
11 sheriff shall calculate and apply this \$30 per day reduction
12 and send notice to the circuit clerk if a defendant's 10% cash
13 bond amount is reduced to \$0, at which point the defendant
14 shall be released upon his or her own recognizance.

15 (d) The court may deny the incarceration credit in
16 subsection (c) of this Section if the person has failed to
17 appear as required before the court and is incarcerated based
18 on a warrant for failure to appear on the same original
19 criminal offense.

20 (e) (Blank). ~~This Section is repealed on January 1, 2023.~~

21 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
22 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
23 12-17-21.)

24 (725 ILCS 5/110-4 rep.)

25 (725 ILCS 5/Art. 110A rep.)

1 Section 75. The Code of Criminal Procedure of 1963 is
2 amended by repealing Section 110-4 and Article 110A.

3 Section 80. The Rights of Crime Victims and Witnesses Act
4 is amended by changing Section 3 as follows:

5 (725 ILCS 120/3) (from Ch. 38, par. 1403)

6 (Text of Section before amendment by P.A. 102-982)

7 Sec. 3. The terms used in this Act shall have the following
8 meanings:

9 (a) "Crime victim" or "victim" means: (1) any natural
10 person determined by the prosecutor or the court to have
11 suffered direct physical or psychological harm as a result of
12 a violent crime perpetrated or attempted against that person
13 or direct physical or psychological harm as a result of (i) a
14 violation of Section 11-501 of the Illinois Vehicle Code or
15 similar provision of a local ordinance or (ii) a violation of
16 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
17 of 2012; (2) in the case of a crime victim who is under 18
18 years of age or an adult victim who is incompetent or
19 incapacitated, both parents, legal guardians, foster parents,
20 or a single adult representative; (3) in the case of an adult
21 deceased victim, 2 representatives who may be the spouse,
22 parent, child or sibling of the victim, or the representative
23 of the victim's estate; and (4) an immediate family member of a
24 victim under clause (1) of this paragraph (a) chosen by the

1 victim. If the victim is 18 years of age or over, the victim
2 may choose any person to be the victim's representative. In no
3 event shall the defendant or any person who aided and abetted
4 in the commission of the crime be considered a victim, a crime
5 victim, or a representative of the victim.

6 A board, agency, or other governmental entity making
7 decisions regarding an offender's release, sentence reduction,
8 or clemency can determine additional persons are victims for
9 the purpose of its proceedings.

10 (a-3) "Advocate" means a person whose communications with
11 the victim are privileged under Section 8-802.1 or 8-802.2 of
12 the Code of Civil Procedure, or Section 227 of the Illinois
13 Domestic Violence Act of 1986.

14 (a-5) "Confer" means to consult together, share
15 information, compare opinions and carry on a discussion or
16 deliberation.

17 (a-7) "Sentence" includes, but is not limited to, the
18 imposition of sentence, a request for a reduction in sentence,
19 parole, mandatory supervised release, aftercare release, early
20 release, inpatient treatment, outpatient treatment,
21 conditional release after a finding that the defendant is not
22 guilty by reason of insanity, clemency, or a proposal that
23 would reduce the defendant's sentence or result in the
24 defendant's release. "Early release" refers to a discretionary
25 release.

26 (a-9) "Sentencing" includes, but is not limited to, the

1 imposition of sentence and a request for a reduction in
2 sentence, parole, mandatory supervised release, aftercare
3 release, early release, consideration of inpatient treatment
4 or outpatient treatment, or conditional release after a
5 finding that the defendant is not guilty by reason of
6 insanity.

7 (a-10) "Status hearing" means a hearing designed to
8 provide information to the court, at which no motion of a
9 substantive nature and no constitutional or statutory right of
10 a crime victim is implicated or at issue.

11 (b) "Witness" means: any person who personally observed
12 the commission of a crime and who will testify on behalf of the
13 State of Illinois; or a person who will be called by the
14 prosecution to give testimony establishing a necessary nexus
15 between the offender and the violent crime.

16 (c) "Violent crime" means: (1) any felony in which force
17 or threat of force was used against the victim; (2) any offense
18 involving sexual exploitation, sexual conduct, or sexual
19 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
20 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
21 Criminal Code of 2012; (4) domestic battery or stalking; (5)
22 violation of an order of protection, a civil no contact order,
23 or a stalking no contact order; (6) any misdemeanor which
24 results in death or great bodily harm to the victim; or (7) any
25 violation of Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or Section 11-501 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, if
2 the violation resulted in personal injury or death. "Violent
3 crime" includes any action committed by a juvenile that would
4 be a violent crime if committed by an adult. For the purposes
5 of this paragraph, "personal injury" shall include any Type A
6 injury as indicated on the traffic accident report completed
7 by a law enforcement officer that requires immediate
8 professional attention in either a doctor's office or medical
9 facility. A type A injury shall include severely bleeding
10 wounds, distorted extremities, and injuries that require the
11 injured party to be carried from the scene.

12 (d) (Blank).

13 (e) "Court proceedings" includes, but is not limited to,
14 the preliminary hearing, any post-arraignment hearing the
15 effect of which may be the release of the defendant from
16 custody or to alter the conditions of bond, change of plea
17 hearing, the trial, any pretrial or post-trial hearing,
18 sentencing, any oral argument or hearing before an Illinois
19 appellate court, any hearing under the Mental Health and
20 Developmental Disabilities Code or Section 5-2-4 of the
21 Unified Code of Corrections after a finding that the defendant
22 is not guilty by reason of insanity, including a hearing for
23 conditional release, any hearing related to a modification of
24 sentence, probation revocation hearing, aftercare release or
25 parole hearings, post-conviction relief proceedings, habeas
26 corpus proceedings and clemency proceedings related to the

1 defendant's conviction or sentence. For purposes of the
2 victim's right to be present, "court proceedings" does not
3 include (1) hearings under Section 109-1 of the Code of
4 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
5 status hearings, or (4) the issuance of an order or decision of
6 an Illinois court that dismisses a charge, reverses a
7 conviction, reduces a sentence, or releases an offender under
8 a court rule.

9 (f) "Concerned citizen" includes relatives of the victim,
10 friends of the victim, witnesses to the crime, or any other
11 person associated with the victim or prisoner.

12 (g) "Victim's attorney" means an attorney retained by the
13 victim for the purposes of asserting the victim's
14 constitutional and statutory rights. An attorney retained by
15 the victim means an attorney who is hired to represent the
16 victim at the victim's expense or an attorney who has agreed to
17 provide pro bono representation. Nothing in this statute
18 creates a right to counsel at public expense for a victim.

19 (h) "Support person" means a person chosen by a victim to
20 be present at court proceedings.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-413, eff. 8-20-15;
22 99-642, eff. 7-28-16; 99-671, eff. 1-1-17; 100-961, eff.
23 1-1-19.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 3. The terms used in this Act shall have the following

1 meanings:

2 (a) "Crime victim" or "victim" means: (1) any natural
3 person determined by the prosecutor or the court to have
4 suffered direct physical or psychological harm as a result of
5 a violent crime perpetrated or attempted against that person
6 or direct physical or psychological harm as a result of (i) a
7 violation of Section 11-501 of the Illinois Vehicle Code or
8 similar provision of a local ordinance or (ii) a violation of
9 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
10 of 2012; (2) in the case of a crime victim who is under 18
11 years of age or an adult victim who is incompetent or
12 incapacitated, both parents, legal guardians, foster parents,
13 or a single adult representative; (3) in the case of an adult
14 deceased victim, 2 representatives who may be the spouse,
15 parent, child or sibling of the victim, or the representative
16 of the victim's estate; and (4) an immediate family member of a
17 victim under clause (1) of this paragraph (a) chosen by the
18 victim. If the victim is 18 years of age or over, the victim
19 may choose any person to be the victim's representative. In no
20 event shall the defendant or any person who aided and abetted
21 in the commission of the crime be considered a victim, a crime
22 victim, or a representative of the victim.

23 A board, agency, or other governmental entity making
24 decisions regarding an offender's release, sentence reduction,
25 or clemency can determine additional persons are victims for
26 the purpose of its proceedings.

1 (a-3) "Advocate" means a person whose communications with
2 the victim are privileged under Section 8-802.1 or 8-802.2 of
3 the Code of Civil Procedure, or Section 227 of the Illinois
4 Domestic Violence Act of 1986.

5 (a-5) "Confer" means to consult together, share
6 information, compare opinions and carry on a discussion or
7 deliberation.

8 (a-7) "Sentence" includes, but is not limited to, the
9 imposition of sentence, a request for a reduction in sentence,
10 parole, mandatory supervised release, aftercare release, early
11 release, inpatient treatment, outpatient treatment,
12 conditional release after a finding that the defendant is not
13 guilty by reason of insanity, clemency, or a proposal that
14 would reduce the defendant's sentence or result in the
15 defendant's release. "Early release" refers to a discretionary
16 release.

17 (a-9) "Sentencing" includes, but is not limited to, the
18 imposition of sentence and a request for a reduction in
19 sentence, parole, mandatory supervised release, aftercare
20 release, early release, consideration of inpatient treatment
21 or outpatient treatment, or conditional release after a
22 finding that the defendant is not guilty by reason of
23 insanity.

24 (a-10) "Status hearing" means a hearing designed to
25 provide information to the court, at which no motion of a
26 substantive nature and no constitutional or statutory right of

1 a crime victim is implicated or at issue.

2 (b) "Witness" means: any person who personally observed
3 the commission of a crime and who will testify on behalf of the
4 State of Illinois; or a person who will be called by the
5 prosecution to give testimony establishing a necessary nexus
6 between the offender and the violent crime.

7 (c) "Violent crime" means: (1) any felony in which force
8 or threat of force was used against the victim; (2) any offense
9 involving sexual exploitation, sexual conduct, or sexual
10 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
11 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
12 Criminal Code of 2012; (4) domestic battery or stalking; (5)
13 violation of an order of protection, a civil no contact order,
14 or a stalking no contact order; (6) any misdemeanor which
15 results in death or great bodily harm to the victim; or (7) any
16 violation of Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, or Section 11-501 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, if
19 the violation resulted in personal injury or death. "Violent
20 crime" includes any action committed by a juvenile that would
21 be a violent crime if committed by an adult. For the purposes
22 of this paragraph, "personal injury" shall include any Type A
23 injury as indicated on the traffic crash report completed by a
24 law enforcement officer that requires immediate professional
25 attention in either a doctor's office or medical facility. A
26 type A injury shall include severely bleeding wounds,

1 distorted extremities, and injuries that require the injured
2 party to be carried from the scene.

3 (d) (Blank).

4 (e) "Court proceedings" includes, but is not limited to,
5 the preliminary hearing, any post-arraignment hearing the
6 effect of which may be the release of the defendant from
7 custody or to alter the conditions of bond, change of plea
8 hearing, the trial, any pretrial or post-trial hearing,
9 sentencing, any oral argument or hearing before an Illinois
10 appellate court, any hearing under the Mental Health and
11 Developmental Disabilities Code or Section 5-2-4 of the
12 Unified Code of Corrections after a finding that the defendant
13 is not guilty by reason of insanity, including a hearing for
14 conditional release, any hearing related to a modification of
15 sentence, probation revocation hearing, aftercare release or
16 parole hearings, post-conviction relief proceedings, habeas
17 corpus proceedings and clemency proceedings related to the
18 defendant's conviction or sentence. For purposes of the
19 victim's right to be present, "court proceedings" does not
20 include (1) ~~hearings under Section 109-1 of the Code of~~
21 ~~Criminal Procedure of 1963,~~ (2) grand jury proceedings, (2)
22 ~~(3)~~ status hearings, or (3) ~~(4)~~ the issuance of an order or
23 decision of an Illinois court that dismisses a charge,
24 reverses a conviction, reduces a sentence, or releases an
25 offender under a court rule.

26 (f) "Concerned citizen" includes relatives of the victim,

1 friends of the victim, witnesses to the crime, or any other
2 person associated with the victim or prisoner.

3 (g) "Victim's attorney" means an attorney retained by the
4 victim for the purposes of asserting the victim's
5 constitutional and statutory rights. An attorney retained by
6 the victim means an attorney who is hired to represent the
7 victim at the victim's expense or an attorney who has agreed to
8 provide pro bono representation. Nothing in this statute
9 creates a right to counsel at public expense for a victim.

10 (h) "Support person" means a person chosen by a victim to
11 be present at court proceedings.

12 (Source: P.A. 102-982, eff. 7-1-23.)

13 Section 85. The Pretrial Services Act is amended by
14 changing Sections 7 and 19 as follows:

15 (725 ILCS 185/7) (from Ch. 38, par. 307)

16 Sec. 7. Pretrial services agencies shall perform the
17 following duties for the circuit court:

18 (a) Interview and assemble verified information and data
19 concerning the community ties, employment, residency, criminal
20 record, and social background of arrested persons who are to
21 be, or have been, presented in court for first appearance on
22 felony charges, to assist the court in determining the
23 appropriate terms and conditions of pretrial release;

24 (b) Submit written reports of those investigations to the

1 court along with such findings and recommendations, if any, as
2 may be necessary to assess appropriate conditions which shall
3 be imposed to protect against the risks of nonappearance and
4 commission of new offenses or other interference with the
5 orderly administration of justice before trial;±

6 ~~(1) the need for financial security to assure the~~
7 ~~defendant's appearance at later proceedings; and~~

8 ~~(2) appropriate conditions which shall be imposed to~~
9 ~~protect against the risks of nonappearance and commission of~~
10 ~~new offenses or other interference with the orderly~~
11 ~~administration of justice before trial;~~

12 (c) Supervise compliance with pretrial release conditions,
13 and promptly report violations of those conditions to the
14 court and prosecutor to ensure ~~assure~~ effective enforcement;

15 (d) Cooperate with the court and all other criminal
16 justice agencies in the development of programs to minimize
17 unnecessary pretrial detention and protect the public against
18 breaches of pretrial release conditions; and

19 (e) Monitor the local operations of the pretrial release
20 system and maintain accurate and comprehensive records of
21 program activities.

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

23 (725 ILCS 185/19) (from Ch. 38, par. 319)

24 Sec. 19. Written reports under Section 17 shall set forth
25 all factual findings on which any recommendation and

1 conclusions contained therein are based together with the
2 source of each fact, and shall contain information and data
3 relevant to appropriate conditions imposed to protect against
4 the risk of nonappearance and commission of new offenses or
5 other interference with the orderly administration of justice
6 before trial. ~~the following issues:~~

7 ~~(a) The need for financial security to assure the~~
8 ~~defendant's appearance for later court proceedings; and~~

9 ~~(b) Appropriate conditions imposed to protect against the~~
10 ~~risk of nonappearance and commission of new offenses or other~~
11 ~~interference with the orderly administration of justice before~~
12 ~~trial.~~

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

14 Section 87. The Pretrial Services Act is amended by
15 changing Section 11 as follows:

16 (725 ILCS 185/11) (from Ch. 38, par. 311)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 11. No person shall be interviewed by a pretrial
19 services agency unless he or she has first been apprised of the
20 identity and purpose of the interviewer, the scope of the
21 interview, the right to secure legal advice, and the right to
22 refuse cooperation. Inquiry of the defendant shall carefully
23 exclude questions concerning the details of the current
24 charge. Statements made by the defendant during the interview,

1 or evidence derived therefrom, are admissible in evidence only
2 when the court is considering the imposition of pretrial or
3 posttrial conditions to bail or recognizance, or when
4 considering the modification of a prior release order.

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

6 (Text of Section after amendment by P.A. 101-652)

7 Sec. 11. No person shall be interviewed by a pretrial
8 services agency unless he or she has first been apprised of the
9 identity and purpose of the interviewer, the scope of the
10 interview, the right to secure legal advice, and the right to
11 refuse cooperation. Inquiry of the defendant shall carefully
12 exclude questions concerning the details of the current
13 charge. Statements made by the defendant during the interview,
14 or evidence derived therefrom, are admissible in evidence only
15 when the court is considering the imposition of pretrial or
16 posttrial conditions of release, denial of pretrial release,
17 ~~to recognizance,~~ or when considering the modification of a
18 prior release order.

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

20 Section 90. The Unified Code of Corrections is amended by
21 changing Sections 5-8-1, 5-8-4, 5-8A-4, and 5-8A-4.1 and by
22 adding Section 5-8A-4.15 as follows:

23 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

1 Sec. 5-8-1. Natural life imprisonment; enhancements for
2 use of a firearm; mandatory supervised release terms.

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, subject to Section 5-4.5-115
7 of this Code, according to the following limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection
14 (a) (1) (c) of this Section, that any of the aggravating
15 factors listed in subsection (b) or (b-5) of Section
16 9-1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012 are present, the court may sentence the
18 defendant, subject to Section 5-4.5-105, to a term of
19 natural life imprisonment, or

20 (c) the court shall sentence the defendant to a
21 term of natural life imprisonment if the defendant, at
22 the time of the commission of the murder, had attained
23 the age of 18, and:

24 (i) has previously been convicted of first
25 degree murder under any state or federal law, or

26 (ii) is found guilty of murdering more than

1 one victim, or

2 (iii) is found guilty of murdering a peace
3 officer, fireman, or emergency management worker
4 when the peace officer, fireman, or emergency
5 management worker was killed in the course of
6 performing his official duties, or to prevent the
7 peace officer or fireman from performing his
8 official duties, or in retaliation for the peace
9 officer, fireman, or emergency management worker
10 from performing his official duties, and the
11 defendant knew or should have known that the
12 murdered individual was a peace officer, fireman,
13 or emergency management worker, or

14 (iv) is found guilty of murdering an employee
15 of an institution or facility of the Department of
16 Corrections, or any similar local correctional
17 agency, when the employee was killed in the course
18 of performing his official duties, or to prevent
19 the employee from performing his official duties,
20 or in retaliation for the employee performing his
21 official duties, or

22 (v) is found guilty of murdering an emergency
23 medical technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver or other
26 medical assistance or first aid person while

1 employed by a municipality or other governmental
2 unit when the person was killed in the course of
3 performing official duties or to prevent the
4 person from performing official duties or in
5 retaliation for performing official duties and the
6 defendant knew or should have known that the
7 murdered individual was an emergency medical
8 technician - ambulance, emergency medical
9 technician - intermediate, emergency medical
10 technician - paramedic, ambulance driver, or other
11 medical assistant or first aid personnel, or

12 (vi) (blank), or

13 (vii) is found guilty of first degree murder
14 and the murder was committed by reason of any
15 person's activity as a community policing
16 volunteer or to prevent any person from engaging
17 in activity as a community policing volunteer. For
18 the purpose of this Section, "community policing
19 volunteer" has the meaning ascribed to it in
20 Section 2-3.5 of the Criminal Code of 2012.

21 For purposes of clause (v), "emergency medical
22 technician - ambulance", "emergency medical technician
23 - intermediate", "emergency medical technician -
24 paramedic", have the meanings ascribed to them in the
25 Emergency Medical Services (EMS) Systems Act.

26 (d) (i) if the person committed the offense while

1 armed with a firearm, 15 years shall be added to
2 the term of imprisonment imposed by the court;

3 (ii) if, during the commission of the offense, the
4 person personally discharged a firearm, 20 years shall
5 be added to the term of imprisonment imposed by the
6 court;

7 (iii) if, during the commission of the offense,
8 the person personally discharged a firearm that
9 proximately caused great bodily harm, permanent
10 disability, permanent disfigurement, or death to
11 another person, 25 years or up to a term of natural
12 life shall be added to the term of imprisonment
13 imposed by the court.

14 (2) (blank);

15 (2.5) for a person who has attained the age of 18 years
16 at the time of the commission of the offense and who is
17 convicted under the circumstances described in subdivision
18 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
19 subsection (b) of Section 12-13, subdivision (d)(2) of
20 Section 11-1.30 or paragraph (2) of subsection (d) of
21 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
22 paragraph (1.2) of subsection (b) of Section 12-14.1,
23 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
24 subsection (b) of Section 12-14.1 of the Criminal Code of
25 1961 or the Criminal Code of 2012, the sentence shall be a
26 term of natural life imprisonment.

1 (b) (Blank).

2 (c) (Blank).

3 (d) Subject to earlier termination under Section 3-3-8,
4 the parole or mandatory supervised release term shall be
5 written as part of the sentencing order and shall be as
6 follows:

7 (1) for first degree murder or for the offenses of
8 predatory criminal sexual assault of a child, aggravated
9 criminal sexual assault, and criminal sexual assault if
10 committed on or before December 12, 2005, 3 years;

11 (1.5) except as provided in paragraph (7) of this
12 subsection (d), for a Class X felony except for the
13 offenses of predatory criminal sexual assault of a child,
14 aggravated criminal sexual assault, and criminal sexual
15 assault if committed on or after December 13, 2005 (the
16 effective date of Public Act 94-715) and except for the
17 offense of aggravated child pornography under Section
18 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
19 subsection (c-5) of Section 11-20.1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, if committed on or
21 after January 1, 2009, 18 months;

22 (2) except as provided in paragraph (7) of this
23 subsection (d), for a Class 1 felony or a Class 2 felony
24 except for the offense of criminal sexual assault if
25 committed on or after December 13, 2005 (the effective
26 date of Public Act 94-715) and except for the offenses of

1 manufacture and dissemination of child pornography under
2 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, if
4 committed on or after January 1, 2009, 12 months;

5 (3) except as provided in paragraph (4), (6), or (7)
6 of this subsection (d), ~~a mandatory supervised release~~
7 ~~term shall not be imposed~~ for a Class 3 felony or a Class 4
8 felony, 6 months; no later than 45 days after the onset of
9 the term of mandatory supervised release, the Prisoner
10 Review Board shall conduct a discretionary discharge
11 review pursuant to the provisions of Section 3-3-8, which
12 shall include the results of a standardized risk and needs
13 assessment tool administered by the Department of
14 Corrections; the changes to this paragraph (3) made by
15 this amendatory Act of the 102nd General Assembly apply to
16 all individuals released on mandatory supervised release
17 on or after the effective date of this amendatory Act of
18 the 102nd General Assembly, including those individuals
19 whose sentences were imposed prior to the effective date
20 of this amendatory Act of the 102nd General Assembly; †
21 ~~unless:~~

22 ~~(A) the Prisoner Review Board, based on a~~
23 ~~validated risk and needs assessment, determines it is~~
24 ~~necessary for an offender to serve a mandatory~~
25 ~~supervised release term;~~

26 ~~(B) if the Prisoner Review Board determines a~~

1 ~~mandatory supervised release term is necessary~~
2 ~~pursuant to subparagraph (A) of this paragraph (3),~~
3 ~~the Prisoner Review Board shall specify the maximum~~
4 ~~number of months of mandatory supervised release the~~
5 ~~offender may serve, limited to a term of: (i) 12 months~~
6 ~~for a Class 3 felony; and (ii) 12 months for a Class 4~~
7 ~~felony;~~

8 (4) for defendants who commit the offense of predatory
9 criminal sexual assault of a child, aggravated criminal
10 sexual assault, or criminal sexual assault, on or after
11 December 13, 2005 (the effective date of Public Act
12 94-715), or who commit the offense of aggravated child
13 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
14 with sentencing under subsection (c-5) of Section 11-20.1
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 manufacture of child pornography, or dissemination of
17 child pornography after January 1, 2009, the term of
18 mandatory supervised release shall range from a minimum of
19 3 years to a maximum of the natural life of the defendant;

20 (5) if the victim is under 18 years of age, for a
21 second or subsequent offense of aggravated criminal sexual
22 abuse or felony criminal sexual abuse, 4 years, at least
23 the first 2 years of which the defendant shall serve in an
24 electronic monitoring or home detention program under
25 Article 8A of Chapter V of this Code;

26 (6) for a felony domestic battery, aggravated domestic

1 battery, stalking, aggravated stalking, and a felony
2 violation of an order of protection, 4 years;

3 (7) for any felony described in paragraph (a)(2)(ii),
4 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
5 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
6 3-6-3 of the Unified Code of Corrections requiring an
7 inmate to serve a minimum of 85% of their court-imposed
8 sentence, except for the offenses of predatory criminal
9 sexual assault of a child, aggravated criminal sexual
10 assault, and criminal sexual assault if committed on or
11 after December 13, 2005 (the effective date of Public Act
12 94-715) and except for the offense of aggravated child
13 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
14 with sentencing under subsection (c-5) of Section 11-20.1
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 if committed on or after January 1, 2009 and except as
17 provided in paragraph (4) or paragraph (6) of this
18 subsection (d), the term of mandatory supervised release
19 shall be as follows:

20 (A) Class X felony, 3 years;

21 (B) Class 1 or Class 2 felonies, 2 years;

22 (C) Class 3 or Class 4 felonies, 1 year.

23 (e) (Blank).

24 (f) (Blank).

25 (g) Notwithstanding any other provisions of this Act and
26 of Public Act 101-652: (i) the provisions of paragraph (3) of

1 subsection (d) are effective on July 1, 2022 and shall apply to
2 all individuals convicted on or after the effective date of
3 paragraph (3) of subsection (d); and (ii) the provisions of
4 paragraphs (1.5) and (2) of subsection (d) are effective on
5 July 1, 2021 and shall apply to all individuals convicted on or
6 after the effective date of paragraphs (1.5) and (2) of
7 subsection (d).

8 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
9 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
10 1-7-22.)

11 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 5-8-4. Concurrent and consecutive terms of
14 imprisonment.

15 (a) Concurrent terms; multiple or additional sentences.
16 When an Illinois court (i) imposes multiple sentences of
17 imprisonment on a defendant at the same time or (ii) imposes a
18 sentence of imprisonment on a defendant who is already subject
19 to a sentence of imprisonment imposed by an Illinois court, a
20 court of another state, or a federal court, then the sentences
21 shall run concurrently unless otherwise determined by the
22 Illinois court under this Section.

23 (b) Concurrent terms; misdemeanor and felony. A defendant
24 serving a sentence for a misdemeanor who is convicted of a
25 felony and sentenced to imprisonment shall be transferred to

1 the Department of Corrections, and the misdemeanor sentence
2 shall be merged in and run concurrently with the felony
3 sentence.

4 (c) Consecutive terms; permissive. The court may impose
5 consecutive sentences in any of the following circumstances:

6 (1) If, having regard to the nature and circumstances
7 of the offense and the history and character of the
8 defendant, it is the opinion of the court that consecutive
9 sentences are required to protect the public from further
10 criminal conduct by the defendant, the basis for which the
11 court shall set forth in the record.

12 (2) If one of the offenses for which a defendant was
13 convicted was a violation of Section 32-5.2 (aggravated
14 false personation of a peace officer) of the Criminal Code
15 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
16 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
17 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
18 offense was committed in attempting or committing a
19 forcible felony.

20 (3) If a person charged with a felony commits a
21 separate felony while on pretrial release or in pretrial
22 detention in a county jail facility or county detention
23 facility, then the sentences imposed upon conviction of
24 these felonies may be served consecutively regardless of
25 the order in which the judgments of conviction are
26 entered.

1 (4) If a person commits a battery against a county
2 correctional officer or sheriff's employee while serving a
3 sentence or in pretrial detention in a county jail
4 facility, then the sentence imposed upon conviction of the
5 battery may be served consecutively with the sentence
6 imposed upon conviction of the earlier misdemeanor or
7 felony, regardless of the order in which the judgments of
8 conviction are entered.

9 (5) If a person admitted to pretrial release following
10 conviction of a felony commits a separate felony while
11 released pretrial or if a person detained in a county jail
12 facility or county detention facility following conviction
13 of a felony commits a separate felony while in detention,
14 then any sentence following conviction of the separate
15 felony may be consecutive to that of the original sentence
16 for which the defendant was released pretrial or detained.

17 (6) If a person is found to be in possession of an item
18 of contraband, as defined in Section 31A-0.1 of the
19 Criminal Code of 2012, while serving a sentence in a
20 county jail or while in pretrial detention in a county
21 jail, the sentence imposed upon conviction for the offense
22 of possessing contraband in a penal institution may be
23 served consecutively to the sentence imposed for the
24 offense for which the person is serving a sentence in the
25 county jail or while in pretrial detention, regardless of
26 the order in which the judgments of conviction are

1 entered.

2 (7) If a person is sentenced for a violation of a
3 condition of pretrial release under Section 32-10 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, any
5 sentence imposed for that violation may be served
6 consecutive to the sentence imposed for the charge for
7 which pretrial release had been granted and with respect
8 to which the defendant has been convicted.

9 (d) Consecutive terms; mandatory. The court shall impose
10 consecutive sentences in each of the following circumstances:

11 (1) One of the offenses for which the defendant was
12 convicted was first degree murder or a Class X or Class 1
13 felony and the defendant inflicted severe bodily injury.

14 (2) The defendant was convicted of a violation of
15 Section 11-1.20 or 12-13 (criminal sexual assault),
16 11-1.30 or 12-14 (aggravated criminal sexual assault), or
17 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
18 child) of the Criminal Code of 1961 or the Criminal Code of
19 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
20 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
21 5/12-14.1).

22 (2.5) The defendant was convicted of a violation of
23 paragraph (1), (2), (3), (4), (5), or (7) of subsection
24 (a) of Section 11-20.1 (child pornography) or of paragraph
25 (1), (2), (3), (4), (5), or (7) of subsection (a) of
26 Section 11-20.1B or 11-20.3 (aggravated child pornography)

1 of the Criminal Code of 1961 or the Criminal Code of 2012;
2 or the defendant was convicted of a violation of paragraph
3 (6) of subsection (a) of Section 11-20.1 (child
4 pornography) or of paragraph (6) of subsection (a) of
5 Section 11-20.1B or 11-20.3 (aggravated child pornography)
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 when the child depicted is under the age of 13.

8 (3) The defendant was convicted of armed violence
9 based upon the predicate offense of any of the following:
10 solicitation of murder, solicitation of murder for hire,
11 heinous battery as described in Section 12-4.1 or
12 subdivision (a)(2) of Section 12-3.05, aggravated battery
13 of a senior citizen as described in Section 12-4.6 or
14 subdivision (a)(4) of Section 12-3.05, criminal sexual
15 assault, a violation of subsection (g) of Section 5 of the
16 Cannabis Control Act (720 ILCS 550/5), cannabis
17 trafficking, a violation of subsection (a) of Section 401
18 of the Illinois Controlled Substances Act (720 ILCS
19 570/401), controlled substance trafficking involving a
20 Class X felony amount of controlled substance under
21 Section 401 of the Illinois Controlled Substances Act (720
22 ILCS 570/401), a violation of the Methamphetamine Control
23 and Community Protection Act (720 ILCS 646/), calculated
24 criminal drug conspiracy, or streetgang criminal drug
25 conspiracy.

26 (4) The defendant was convicted of the offense of

1 leaving the scene of a motor vehicle accident involving
2 death or personal injuries under Section 11-401 of the
3 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof under Section 11-501 of the
7 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
8 homicide under Section 9-3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
10 offense described in item (A) and an offense described in
11 item (B).

12 (5) The defendant was convicted of a violation of
13 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
14 death) or Section 12-20.5 (dismembering a human body) of
15 the Criminal Code of 1961 or the Criminal Code of 2012 (720
16 ILCS 5/9-3.1 or 5/12-20.5).

17 (5.5) The defendant was convicted of a violation of
18 Section 24-3.7 (use of a stolen firearm in the commission
19 of an offense) of the Criminal Code of 1961 or the Criminal
20 Code of 2012.

21 (6) If the defendant was in the custody of the
22 Department of Corrections at the time of the commission of
23 the offense, the sentence shall be served consecutive to
24 the sentence under which the defendant is held by the
25 Department of Corrections. ~~If, however, the defendant is~~
26 ~~sentenced to punishment by death, the sentence shall be~~

1 ~~executed at such time as the court may fix without regard~~
2 ~~to the sentence under which the defendant may be held by~~
3 ~~the Department.~~

4 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
5 for escape or attempted escape shall be served consecutive
6 to the terms under which the offender is held by the
7 Department of Corrections.

8 (8) (Blank). ~~If a person charged with a felony commits~~
9 ~~a separate felony while on pretrial release or in pretrial~~
10 ~~detention in a county jail facility or county detention~~
11 ~~facility, then the sentences imposed upon conviction of~~
12 ~~these felonies shall be served consecutively regardless of~~
13 ~~the order in which the judgments of conviction are~~
14 ~~entered.~~

15 (8.5) (Blank). ~~If a person commits a battery against a~~
16 ~~county correctional officer or sheriff's employee while~~
17 ~~-serving a sentence or in pretrial detention in a county~~
18 ~~jail facility, then the sentence imposed upon conviction~~
19 ~~of the battery shall be served consecutively with the~~
20 ~~sentence imposed upon conviction of the earlier~~
21 ~~misdemeanor or felony, regardless of the order in which~~
22 ~~the judgments of conviction are entered.~~

23 (9) (Blank). ~~If a person admitted to bail following~~
24 ~~conviction of a felony commits a separate felony while~~
25 ~~free on bond or if a person detained in a county jail~~
26 ~~facility or county detention facility following conviction~~

1 ~~of a felony commits a separate felony while in detention,~~
2 ~~then any sentence following conviction of the separate~~
3 ~~felony shall be consecutive to that of the original~~
4 ~~sentence for which the defendant was on bond or detained.~~

5 (10) (Blank). ~~If a person is found to be in possession~~
6 ~~of an item of contraband, as defined in Section 31A-0.1 of~~
7 ~~the Criminal Code of 2012, while serving a sentence in a~~
8 ~~county jail or while in pre trial detention in a county~~
9 ~~jail, the sentence imposed upon conviction for the offense~~
10 ~~of possessing contraband in a penal institution shall be~~
11 ~~served consecutively to the sentence imposed for the~~
12 ~~offense in which the person is serving sentence in the~~
13 ~~county jail or serving pretrial detention, regardless of~~
14 ~~the order in which the judgments of conviction are~~
15 ~~entered.~~

16 (11) (Blank). ~~If a person is sentenced for a violation~~
17 ~~of bail bond under Section 32-10 of the Criminal Code of~~
18 ~~1961 or the Criminal Code of 2012, any sentence imposed~~
19 ~~for that violation shall be served consecutive to the~~
20 ~~sentence imposed for the charge for which bail had been~~
21 ~~granted and with respect to which the defendant has been~~
22 ~~convicted.~~

23 (e) Consecutive terms; subsequent non-Illinois term. If an
24 Illinois court has imposed a sentence of imprisonment on a
25 defendant and the defendant is subsequently sentenced to a
26 term of imprisonment by a court of another state or a federal

1 court, then the Illinois sentence shall run consecutively to
2 the sentence imposed by the court of the other state or the
3 federal court. That same Illinois court, however, may order
4 that the Illinois sentence run concurrently with the sentence
5 imposed by the court of the other state or the federal court,
6 but only if the defendant applies to that same Illinois court
7 within 30 days after the sentence imposed by the court of the
8 other state or the federal court is finalized.

9 (f) Consecutive terms; aggregate maximums and minimums.
10 The aggregate maximum and aggregate minimum of consecutive
11 sentences shall be determined as follows:

12 (1) For sentences imposed under law in effect prior to
13 February 1, 1978, the aggregate maximum of consecutive
14 sentences shall not exceed the maximum term authorized
15 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
16 Chapter V for the 2 most serious felonies involved. The
17 aggregate minimum period of consecutive sentences shall
18 not exceed the highest minimum term authorized under
19 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
20 V for the 2 most serious felonies involved. When sentenced
21 only for misdemeanors, a defendant shall not be
22 consecutively sentenced to more than the maximum for one
23 Class A misdemeanor.

24 (2) For sentences imposed under the law in effect on
25 or after February 1, 1978, the aggregate of consecutive
26 sentences for offenses that were committed as part of a

1 single course of conduct during which there was no
2 substantial change in the nature of the criminal objective
3 shall not exceed the sum of the maximum terms authorized
4 under Article 4.5 of Chapter V for the 2 most serious
5 felonies involved, but no such limitation shall apply for
6 offenses that were not committed as part of a single
7 course of conduct during which there was no substantial
8 change in the nature of the criminal objective. When
9 sentenced only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (g) Consecutive terms; manner served. In determining the
13 manner in which consecutive sentences of imprisonment, one or
14 more of which is for a felony, will be served, the Department
15 of Corrections shall treat the defendant as though he or she
16 had been committed for a single term subject to each of the
17 following:

18 (1) The maximum period of a term of imprisonment shall
19 consist of the aggregate of the maximums of the imposed
20 indeterminate terms, if any, plus the aggregate of the
21 imposed determinate sentences for felonies, plus the
22 aggregate of the imposed determinate sentences for
23 misdemeanors, subject to subsection (f) of this Section.

24 (2) The parole or mandatory supervised release term
25 shall be as provided in paragraph (e) of Section 5-4.5-50
26 (730 ILCS 5/5-4.5-50) for the most serious of the offenses

1 involved.

2 (3) The minimum period of imprisonment shall be the
3 aggregate of the minimum and determinate periods of
4 imprisonment imposed by the court, subject to subsection
5 (f) of this Section.

6 (4) The defendant shall be awarded credit against the
7 aggregate maximum term and the aggregate minimum term of
8 imprisonment for all time served in an institution since
9 the commission of the offense or offenses and as a
10 consequence thereof at the rate specified in Section 3-6-3
11 (730 ILCS 5/3-6-3).

12 (h) Notwithstanding any other provisions of this Section,
13 all sentences imposed by an Illinois court under this Code
14 shall run concurrent to any and all sentences imposed under
15 the Juvenile Court Act of 1987.

16 (Source: P.A. 102-350, eff. 8-13-21.)

17 (Text of Section after amendment by P.A. 102-982)

18 Sec. 5-8-4. Concurrent and consecutive terms of
19 imprisonment.

20 (a) Concurrent terms; multiple or additional sentences.
21 When an Illinois court (i) imposes multiple sentences of
22 imprisonment on a defendant at the same time or (ii) imposes a
23 sentence of imprisonment on a defendant who is already subject
24 to a sentence of imprisonment imposed by an Illinois court, a
25 court of another state, or a federal court, then the sentences

1 shall run concurrently unless otherwise determined by the
2 Illinois court under this Section.

3 (b) Concurrent terms; misdemeanor and felony. A defendant
4 serving a sentence for a misdemeanor who is convicted of a
5 felony and sentenced to imprisonment shall be transferred to
6 the Department of Corrections, and the misdemeanor sentence
7 shall be merged in and run concurrently with the felony
8 sentence.

9 (c) Consecutive terms; permissive. The court may impose
10 consecutive sentences in any of the following circumstances:

11 (1) If, having regard to the nature and circumstances
12 of the offense and the history and character of the
13 defendant, it is the opinion of the court that consecutive
14 sentences are required to protect the public from further
15 criminal conduct by the defendant, the basis for which the
16 court shall set forth in the record.

17 (2) If one of the offenses for which a defendant was
18 convicted was a violation of Section 32-5.2 (aggravated
19 false personation of a peace officer) of the Criminal Code
20 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
21 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
22 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
23 offense was committed in attempting or committing a
24 forcible felony.

25 (3) If a person charged with a felony commits a
26 separate felony while on pretrial release or in pretrial

1 detention in a county jail facility or county detention
2 facility, then the sentences imposed upon conviction of
3 these felonies may be served consecutively regardless of
4 the order in which the judgments of conviction are
5 entered.

6 (4) If a person commits a battery against a county
7 correctional officer or sheriff's employee while serving a
8 sentence or in pretrial detention in a county jail
9 facility, then the sentence imposed upon conviction of the
10 battery may be served consecutively with the sentence
11 imposed upon conviction of the earlier misdemeanor or
12 felony, regardless of the order in which the judgments of
13 conviction are entered.

14 (5) If a person admitted to pretrial release following
15 conviction of a felony commits a separate felony while
16 released pretrial or if a person detained in a county jail
17 facility or county detention facility following conviction
18 of a felony commits a separate felony while in detention,
19 then any sentence following conviction of the separate
20 felony may be consecutive to that of the original sentence
21 for which the defendant was released pretrial or detained.

22 (6) If a person is found to be in possession of an item
23 of contraband, as defined in Section 31A-0.1 of the
24 Criminal Code of 2012, while serving a sentence in a
25 county jail or while in pretrial detention in a county
26 jail, the sentence imposed upon conviction for the offense

1 of possessing contraband in a penal institution may be
2 served consecutively to the sentence imposed for the
3 offense for which the person is serving a sentence in the
4 county jail or while in pretrial detention, regardless of
5 the order in which the judgments of conviction are
6 entered.

7 (7) If a person is sentenced for a violation of a
8 condition of pretrial release under Section 32-10 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, any
10 sentence imposed for that violation may be served
11 consecutive to the sentence imposed for the charge for
12 which pretrial release had been granted and with respect
13 to which the defendant has been convicted.

14 (d) Consecutive terms; mandatory. The court shall impose
15 consecutive sentences in each of the following circumstances:

16 (1) One of the offenses for which the defendant was
17 convicted was first degree murder or a Class X or Class 1
18 felony and the defendant inflicted severe bodily injury.

19 (2) The defendant was convicted of a violation of
20 Section 11-1.20 or 12-13 (criminal sexual assault),
21 11-1.30 or 12-14 (aggravated criminal sexual assault), or
22 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
23 child) of the Criminal Code of 1961 or the Criminal Code of
24 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
25 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
26 5/12-14.1).

1 (2.5) The defendant was convicted of a violation of
2 paragraph (1), (2), (3), (4), (5), or (7) of subsection
3 (a) of Section 11-20.1 (child pornography) or of paragraph
4 (1), (2), (3), (4), (5), or (7) of subsection (a) of
5 Section 11-20.1B or 11-20.3 (aggravated child pornography)
6 of the Criminal Code of 1961 or the Criminal Code of 2012;
7 or the defendant was convicted of a violation of paragraph
8 (6) of subsection (a) of Section 11-20.1 (child
9 pornography) or of paragraph (6) of subsection (a) of
10 Section 11-20.1B or 11-20.3 (aggravated child pornography)
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 when the child depicted is under the age of 13.

13 (3) The defendant was convicted of armed violence
14 based upon the predicate offense of any of the following:
15 solicitation of murder, solicitation of murder for hire,
16 heinous battery as described in Section 12-4.1 or
17 subdivision (a)(2) of Section 12-3.05, aggravated battery
18 of a senior citizen as described in Section 12-4.6 or
19 subdivision (a)(4) of Section 12-3.05, criminal sexual
20 assault, a violation of subsection (g) of Section 5 of the
21 Cannabis Control Act (720 ILCS 550/5), cannabis
22 trafficking, a violation of subsection (a) of Section 401
23 of the Illinois Controlled Substances Act (720 ILCS
24 570/401), controlled substance trafficking involving a
25 Class X felony amount of controlled substance under
26 Section 401 of the Illinois Controlled Substances Act (720

1 ILCS 570/401), a violation of the Methamphetamine Control
2 and Community Protection Act (720 ILCS 646/), calculated
3 criminal drug conspiracy, or streetgang criminal drug
4 conspiracy.

5 (4) The defendant was convicted of the offense of
6 leaving the scene of a motor vehicle crash involving death
7 or personal injuries under Section 11-401 of the Illinois
8 Vehicle Code (625 ILCS 5/11-401) and either: (A)
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof under Section 11-501 of the
12 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
13 homicide under Section 9-3 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
15 offense described in item (A) and an offense described in
16 item (B).

17 (5) The defendant was convicted of a violation of
18 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
19 death) or Section 12-20.5 (dismembering a human body) of
20 the Criminal Code of 1961 or the Criminal Code of 2012 (720
21 ILCS 5/9-3.1 or 5/12-20.5).

22 (5.5) The defendant was convicted of a violation of
23 Section 24-3.7 (use of a stolen firearm in the commission
24 of an offense) of the Criminal Code of 1961 or the Criminal
25 Code of 2012.

26 (6) If the defendant was in the custody of the

1 Department of Corrections at the time of the commission of
2 the offense, the sentence shall be served consecutive to
3 the sentence under which the defendant is held by the
4 Department of Corrections. ~~If, however, the defendant is~~
5 ~~sentenced to punishment by death, the sentence shall be~~
6 ~~executed at such time as the court may fix without regard~~
7 ~~to the sentence under which the defendant may be held by~~
8 ~~the Department.~~

9 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
10 for escape or attempted escape shall be served consecutive
11 to the terms under which the offender is held by the
12 Department of Corrections.

13 (8) (Blank). ~~If a person charged with a felony commits~~
14 ~~a separate felony while on pretrial release or in pretrial~~
15 ~~detention in a county jail facility or county detention~~
16 ~~facility, then the sentences imposed upon conviction of~~
17 ~~these felonies shall be served consecutively regardless of~~
18 ~~the order in which the judgments of conviction are~~
19 ~~entered.~~

20 (8.5) (Blank). ~~If a person commits a battery against a~~
21 ~~county correctional officer or sheriff's employee while~~
22 ~~-serving a sentence or in pretrial detention in a county~~
23 ~~jail facility, then the sentence imposed upon conviction~~
24 ~~of the battery shall be served consecutively with the~~
25 ~~sentence imposed upon conviction of the earlier~~
26 ~~misdemeanor or felony, regardless of the order in which~~

1 ~~the judgments of conviction are entered.~~

2 (9) (Blank). ~~If a person admitted to bail following~~
3 ~~conviction of a felony commits a separate felony while~~
4 ~~free on bond or if a person detained in a county jail~~
5 ~~facility or county detention facility following conviction~~
6 ~~of a felony commits a separate felony while in detention,~~
7 ~~then any sentence following conviction of the separate~~
8 ~~felony shall be consecutive to that of the original~~
9 ~~sentence for which the defendant was on bond or detained.~~

10 (10) (Blank). ~~If a person is found to be in possession~~
11 ~~of an item of contraband, as defined in Section 31A-0.1 of~~
12 ~~the Criminal Code of 2012, while serving a sentence in a~~
13 ~~county jail or while in pre-trial detention in a county~~
14 ~~jail, the sentence imposed upon conviction for the offense~~
15 ~~of possessing contraband in a penal institution shall be~~
16 ~~served consecutively to the sentence imposed for the~~
17 ~~offense in which the person is serving sentence in the~~
18 ~~county jail or serving pretrial detention, regardless of~~
19 ~~the order in which the judgments of conviction are~~
20 ~~entered.~~

21 (11) (Blank). ~~If a person is sentenced for a violation~~
22 ~~of bail bond under Section 32-10 of the Criminal Code of~~
23 ~~1961 or the Criminal Code of 2012, any sentence imposed~~
24 ~~for that violation shall be served consecutive to the~~
25 ~~sentence imposed for the charge for which bail had been~~
26 ~~granted and with respect to which the defendant has been~~

1 ~~convicted.~~

2 (e) Consecutive terms; subsequent non-Illinois term. If an
3 Illinois court has imposed a sentence of imprisonment on a
4 defendant and the defendant is subsequently sentenced to a
5 term of imprisonment by a court of another state or a federal
6 court, then the Illinois sentence shall run consecutively to
7 the sentence imposed by the court of the other state or the
8 federal court. That same Illinois court, however, may order
9 that the Illinois sentence run concurrently with the sentence
10 imposed by the court of the other state or the federal court,
11 but only if the defendant applies to that same Illinois court
12 within 30 days after the sentence imposed by the court of the
13 other state or the federal court is finalized.

14 (f) Consecutive terms; aggregate maximums and minimums.
15 The aggregate maximum and aggregate minimum of consecutive
16 sentences shall be determined as follows:

17 (1) For sentences imposed under law in effect prior to
18 February 1, 1978, the aggregate maximum of consecutive
19 sentences shall not exceed the maximum term authorized
20 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
21 Chapter V for the 2 most serious felonies involved. The
22 aggregate minimum period of consecutive sentences shall
23 not exceed the highest minimum term authorized under
24 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
25 V for the 2 most serious felonies involved. When sentenced
26 only for misdemeanors, a defendant shall not be

1 consecutively sentenced to more than the maximum for one
2 Class A misdemeanor.

3 (2) For sentences imposed under the law in effect on
4 or after February 1, 1978, the aggregate of consecutive
5 sentences for offenses that were committed as part of a
6 single course of conduct during which there was no
7 substantial change in the nature of the criminal objective
8 shall not exceed the sum of the maximum terms authorized
9 under Article 4.5 of Chapter V for the 2 most serious
10 felonies involved, but no such limitation shall apply for
11 offenses that were not committed as part of a single
12 course of conduct during which there was no substantial
13 change in the nature of the criminal objective. When
14 sentenced only for misdemeanors, a defendant shall not be
15 consecutively sentenced to more than the maximum for one
16 Class A misdemeanor.

17 (g) Consecutive terms; manner served. In determining the
18 manner in which consecutive sentences of imprisonment, one or
19 more of which is for a felony, will be served, the Department
20 of Corrections shall treat the defendant as though he or she
21 had been committed for a single term subject to each of the
22 following:

23 (1) The maximum period of a term of imprisonment shall
24 consist of the aggregate of the maximums of the imposed
25 indeterminate terms, if any, plus the aggregate of the
26 imposed determinate sentences for felonies, plus the

1 aggregate of the imposed determinate sentences for
2 misdemeanors, subject to subsection (f) of this Section.

3 (2) The parole or mandatory supervised release term
4 shall be as provided in paragraph (e) of Section 5-4.5-50
5 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
6 involved.

7 (3) The minimum period of imprisonment shall be the
8 aggregate of the minimum and determinate periods of
9 imprisonment imposed by the court, subject to subsection
10 (f) of this Section.

11 (4) The defendant shall be awarded credit against the
12 aggregate maximum term and the aggregate minimum term of
13 imprisonment for all time served in an institution since
14 the commission of the offense or offenses and as a
15 consequence thereof at the rate specified in Section 3-6-3
16 (730 ILCS 5/3-6-3).

17 (h) Notwithstanding any other provisions of this Section,
18 all sentences imposed by an Illinois court under this Code
19 shall run concurrent to any and all sentences imposed under
20 the Juvenile Court Act of 1987.

21 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23.)

22 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

23 Sec. 5-8A-4. Program description. The supervising
24 authority may promulgate rules that prescribe reasonable
25 guidelines under which an electronic monitoring and home

1 detention program shall operate. When using electronic
2 monitoring for home detention these rules may include, but not
3 be limited to, the following:

4 (A) The participant may be instructed to remain within
5 the interior premises or within the property boundaries of
6 his or her residence at all times during the hours
7 designated by the supervising authority. Such instances of
8 approved absences from the home shall include, but are not
9 limited to, the following:

10 (1) working or employment approved by the court or
11 traveling to or from approved employment;

12 (2) unemployed and seeking employment approved for
13 the participant by the court;

14 (3) undergoing medical, psychiatric, mental health
15 treatment, counseling, or other treatment programs
16 approved for the participant by the court;

17 (4) attending an educational institution or a
18 program approved for the participant by the court;

19 (5) attending a regularly scheduled religious
20 service at a place of worship;

21 (6) participating in community work release or
22 community service programs approved for the
23 participant by the supervising authority;

24 (7) for another compelling reason consistent with
25 the public interest, as approved by the supervising
26 authority; or

1 (8) purchasing groceries, food, or other basic
2 necessities.

3 (A-1) At a minimum, any person ordered to pretrial
4 home confinement with or without electronic monitoring
5 must be provided with movement spread out over no fewer
6 than two days per week, to participate in basic activities
7 such as those listed in paragraph (A). In this subdivision
8 (A-1), "days" means a reasonable time period during a
9 calendar day, as outlined by the court in the order
10 placing the person on home confinement.

11 (B) The participant shall admit any person or agent
12 designated by the supervising authority into his or her
13 residence at any time for purposes of verifying the
14 participant's compliance with the conditions of his or her
15 detention.

16 (C) The participant shall make the necessary
17 arrangements to allow for any person or agent designated
18 by the supervising authority to visit the participant's
19 place of education or employment at any time, based upon
20 the approval of the educational institution employer or
21 both, for the purpose of verifying the participant's
22 compliance with the conditions of his or her detention.

23 (D) The participant shall acknowledge and participate
24 with the approved electronic monitoring device as
25 designated by the supervising authority at any time for
26 the purpose of verifying the participant's compliance with

1 the conditions of his or her detention.

2 (E) The participant shall maintain the following:

3 (1) access to a working telephone;

4 (2) a monitoring device in the participant's home,
5 or on the participant's person, or both; and

6 (3) a monitoring device in the participant's home
7 and on the participant's person in the absence of a
8 telephone.

9 (F) The participant shall obtain approval from the
10 supervising authority before the participant changes
11 residence or the schedule described in subsection (A) of
12 this Section. Such approval shall not be unreasonably
13 withheld.

14 (G) The participant shall not commit another crime
15 during the period of home detention ordered by the Court.

16 (H) Notice to the participant that violation of the
17 order for home detention may subject the participant to
18 prosecution for the crime of escape as described in
19 Section 5-8A-4.1.

20 (I) The participant shall abide by other conditions as
21 set by the supervising authority.

22 (J) This Section takes effect January 1, 2022.

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
24 102-687, eff. 12-17-21.)

25 (730 ILCS 5/5-8A-4.1)

1 Sec. 5-8A-4.1. ~~Escape; failure to comply with a condition~~
2 ~~of the electronic monitoring or home detention program.~~

3 (a) A person charged with ~~or convicted of~~ a felony, or
4 charged with ~~or adjudicated delinquent for~~ an act which, if
5 committed by an adult, would constitute a felony,
6 conditionally released from the supervising authority through
7 an electronic monitoring or home detention program, who
8 knowingly escapes or leaves from the geographic boundaries of
9 an electronic monitoring or home detention program with the
10 intent to evade prosecution ~~violates a condition of the~~
11 ~~electronic monitoring or home detention program and remains in~~
12 ~~violation for at least 48 hours~~ is guilty of a Class 3 felony.

13 (b) A person charged with or convicted of a misdemeanor,
14 or charged with ~~or adjudicated delinquent for~~ an act which, if
15 committed by an adult, would constitute a misdemeanor,
16 conditionally released from the supervising authority through
17 an electronic monitoring or home detention program, who
18 knowingly escapes or leaves from the geographic boundaries of
19 an electronic monitoring or home detention program with the
20 intent to evade prosecution ~~violates a condition of the~~
21 ~~electronic monitoring or home detention program and remains in~~
22 ~~violation for at least 48 hours~~ is guilty of a Class B
23 misdemeanor.

24 (c) A person who violates this Section while armed with a
25 dangerous weapon is guilty of a Class 1 felony.

26 (Source: P.A. 100-431, eff. 8-25-17; 101-652, eff. 7-1-21.)

1 (730 ILCS 5/5-8A-4.15 new)

2 Sec. 5-8A-4.15. Failure to comply with a condition of the
3 electronic monitoring or home detention program.

4 (a) A person charged with a felony or misdemeanor, or
5 charged with an act that, if committed by an adult, would
6 constitute a felony, or misdemeanor, conditionally released
7 from the supervising authority through an electronic
8 monitoring or home detention program, who knowingly and
9 intentionally violates a condition of the electronic
10 monitoring or home detention program without notification to
11 the proper authority is subject to sanctions as outlined in
12 Section 110-6.

13 (b) A person who violates a condition of the electronic
14 monitoring or home detention program by knowingly and
15 intentionally removing, disabling, destroying, or
16 circumventing the operation of an approved electronic
17 monitoring device shall be subject to penalties for escape
18 under Section 5-8A-4.1.

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect January
5 1, 2023, except that this Section and Sections 2, 22, 30, 35,
6 37, 72, 87, and 90 take effect upon becoming law.