



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5537

Introduced 1/31/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Makes changes to certain pretrial release provisions of the Illinois Vehicle Code, the Code of Criminal Procedure of 1963, and the Pretrial Services Act amended by Public Act 102-652. Amends the Freedom of Information Act, the Illinois State Police Law of the Civil Administrative Code of Illinois, the Local Records Act, the Campus Security Act, the Campus Security Enhancement Act of 2008, the Illinois Insurance Code, and the Snowmobile Registration and Safety Act to make conforming changes. Repeals provisions of the Criminal Code of 2012 and the Code of Criminal Procedure of 1963. Effective immediately.

LRB102 24521 RLC 33755 b

1 AN ACT concerning criminal law.

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

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

6 (5 ILCS 140/2.15)

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

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

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

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

9 (c) Information described in items (iii) through (vi) of
10 subsection (a) may be withheld if it is determined that
11 disclosure would: (i) interfere with pending or actually and
12 reasonably contemplated law enforcement proceedings conducted
13 by any law enforcement agency; (ii) endanger the life or
14 physical safety of law enforcement or correctional personnel
15 or any other person; or (iii) compromise the security of any
16 correctional facility.

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

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

1 person or to assist in the search for a fugitive, person of
2 interest, or individual wanted in relation to a crime other
3 than a petty offense, business offense, Class C misdemeanor,
4 or Class B misdemeanor. As used in this subsection, "social
5 networking website" has the meaning provided in Section 10 of
6 the Right to Privacy in the Workplace Act.

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

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

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

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

25 (b) Criminal history records. The following documents

1 maintained by a public body pertaining to criminal history
2 record information are public records subject to inspection
3 and copying by the public pursuant to this Act: (i) court
4 records that are public; (ii) records that are otherwise
5 available under State or local law; and (iii) records in which
6 the requesting party is the individual identified, except as
7 provided under Section 7(1)(d)(vi).

8 (c) Information described in items (iii) through (vi) of
9 subsection (a) may be withheld if it is determined that
10 disclosure would: (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings conducted
12 by any law enforcement agency; (ii) endanger the life or
13 physical safety of law enforcement or correctional personnel
14 or any other person; or (iii) compromise the security of any
15 correctional facility.

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

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

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

6 (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19;
7 101-652, eff. 1-1-23.)

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

10 (5 ILCS 160/4a)

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

12 Sec. 4a. Arrest records and reports.

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

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

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

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

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

24 (5) If the individual is incarcerated, the amount of

1 any bail or bond.

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

5 (b) The information required by this Section must be made
6 available to the news media for inspection and copying as soon
7 as practicable, but in no event shall the time period exceed 72
8 hours from the arrest. The information described in paragraphs
9 (3), (4), (5), and (6) of subsection (a), however, may be
10 withheld if it is determined that disclosure would:

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

14 (2) endanger the life or physical safety of law
15 enforcement or correctional personnel or any other person;
16 or

17 (3) compromise the security of any correctional
18 facility.

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

1 (d) Each law enforcement or correctional agency may charge
2 fees for arrest records, but in no instance may the fee exceed
3 the actual cost of copying and reproduction. The fees may not
4 include the cost of the labor used to reproduce the arrest
5 record.

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

9 (f) All information, including photographs, made available
10 under this Section is subject to the provisions of Section
11 2000 of the Consumer Fraud and Deceptive Business Practices
12 Act.

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

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

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

2 Sec. 4a. Arrest records and reports.

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

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

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

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

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

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

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

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

25 (1) interfere with pending or actually and reasonably

1 contemplated law enforcement proceedings conducted by any
2 law enforcement or correctional agency;

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

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

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

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

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

24 (f) All information, including photographs, made available
25 under this Section is subject to the provisions of Section
26 2000 of the Consumer Fraud and Deceptive Business Practices

1 Act.

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

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

16 Section 15. The Illinois State Police Law of the Civil
17 Administrative Code of Illinois is amended by changing Section
18 2605-302 as follows:

19 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

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

21 Sec. 2605-302. Arrest reports.

22 (a) When an individual is arrested, the following
23 information must be made available to the news media for
24 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 items (3),
18 (4), (5), and (6) of subsection (a), however, may be withheld
19 if it is determined that disclosure would (i) interfere with
20 pending or actually and reasonably contemplated law
21 enforcement proceedings conducted by any law enforcement or
22 correctional agency; (ii) endanger the life or physical safety
23 of law enforcement or correctional personnel or any other
24 person; or (iii) compromise the security of any correctional
25 facility.

26 (c) For the purposes of this Section, the term "news

1 media" means personnel of a newspaper or other periodical
2 issued at regular intervals whether in print or electronic
3 format, a news service whether in print or electronic format,
4 a radio station, a television station, a television network, a
5 community antenna television service, or a person or
6 corporation engaged in making news reels or other motion
7 picture news for public showing.

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

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

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

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

19 Sec. 2605-302. Arrest 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:

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

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

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

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

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

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

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

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

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

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

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

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

14 Section 20. The Local Records Act is amended by changing
15 Section 3b as follows:

16 (50 ILCS 205/3b)

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

18 Sec. 3b. 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.

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

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

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

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

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

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

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

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

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

25 (c) For the purposes of this Section the term "news media"
26 means personnel of a newspaper or other periodical issued at

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

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

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

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

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

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

21 Sec. 3b. Arrest records and reports.

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

25 (1) Information that identifies the individual,

1 including the name, age, address, and photograph, when and
2 if available.

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

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

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

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

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

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

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

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

25 (3) compromise the security of any correctional
26 facility.

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

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

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

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

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

22 Section 25. The Campus Security Enhancement Act of 2008 is
23 amended by changing Section 15 as follows:

24 (110 ILCS 12/15)

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

2 Sec. 15. Arrest reports.

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

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

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

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

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

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

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

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

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

1 law enforcement or correctional agency;

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

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

7 (c) For the purposes of this Section the term "news media"
8 means personnel of a newspaper or other periodical issued at
9 regular intervals whether in print or electronic format, a
10 news service whether in print or electronic format, a radio
11 station, a television station, a television network, a
12 community antenna television service, or a person or
13 corporation engaged in making news reels or other motion
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15 (d) Each law enforcement or correctional agency may charge
16 fees for arrest records, but in no instance may the fee exceed
17 the actual cost of copying and reproduction. The fees may not
18 include the cost of the labor used to reproduce the arrest
19 record.

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

23 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
24 92-335, eff. 8-10-01.)

25 (Text of Section after 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) (Blank.) ~~If the individual is incarcerated, the~~
14 ~~conditions of pretrial release.~~

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. 101-652, eff. 1-1-23.)

23 Section 30. The Illinois Insurance Code is amended by
24 changing Section 143.19 as follows:

1 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

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

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)

22 Sec. 143.19. Cancellation of automobile insurance policy;
23 grounds. After a policy of automobile insurance as defined in
24 Section 143.13(a) has been effective for 60 days, or if such
25 policy is a renewal policy, the insurer shall not exercise its

1 option to cancel such policy except for one or more of the
2 following reasons:

3 a. Nonpayment of premium;

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

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

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

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

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

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

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

24 3. has an accident record, conviction record
25 (criminal or traffic), physical, or mental condition
26 which is such that his operation of an automobile

1 might endanger the public safety;

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

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

- 1 g. The insured automobile is:
- 2 1. so mechanically defective that its operation
- 3 might endanger public safety;
- 4 2. used in carrying passengers for hire or
- 5 compensation (the use of an automobile for a car pool
- 6 shall not be considered use of an automobile for hire
- 7 or compensation);
- 8 3. used in the business of transportation of
- 9 flammables or explosives;
- 10 4. an authorized emergency vehicle;
- 11 5. changed in shape or condition during the policy
- 12 period so as to increase the risk substantially; or
- 13 6. subject to an inspection law and has not been
- 14 inspected or, if inspected, has failed to qualify.

15 Nothing in this Section shall apply to nonrenewal.

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

17 Section 35. The Illinois Vehicle Code is amended by

18 changing Sections 6-204 and 6-500 as follows:

19 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

22 (a) For the purpose of providing to the Secretary of State

23 the records essential to the performance of the Secretary's

24 duties under this Code to cancel, revoke or suspend the

1 driver's license and privilege to drive motor vehicles of
2 certain minors and of persons found guilty of the criminal
3 offenses or traffic violations which this Code recognizes as
4 evidence relating to unfitness to safely operate motor
5 vehicles, the following duties are imposed upon public
6 officials:

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

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

1 equipped), 12-201(a) (daytime lights on motorcycles),
2 12-202 (clearance, identification and side marker lamps),
3 12-204 (lamp or flag on projecting load), 12-205 (failure
4 to display the safety lights required), 12-401
5 (restrictions as to tire equipment), 12-502 (mirrors),
6 12-503 (windshields must be unobstructed and equipped with
7 wipers), 12-601 (horns and warning devices), 12-602
8 (mufflers, prevention of noise or smoke), 12-603 (seat
9 safety belts), 12-702 (certain vehicles to carry flares or
10 other warning devices), 12-703 (vehicles for oiling roads
11 operated on highways), 12-710 (splash guards and
12 replacements), 13-101 (safety tests), 15-101 (size, weight
13 and load), 15-102 (width), 15-103 (height), 15-104 (name
14 and address on second division vehicles), 15-107 (length
15 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
16 (weights), 15-112 (weights), 15-301 (weights), 15-316
17 (weights), 15-318 (weights), and also excepting the
18 following enumerated Sections of the Chicago Municipal
19 Code: Sections 27-245 (following fire apparatus), 27-254
20 (obstruction of traffic), 27-258 (driving vehicle which is
21 in unsafe condition), 27-259 (coasting on downgrade),
22 27-264 (use of horns and signal devices), 27-265
23 (obstruction to driver's view or driver mechanism), 27-267
24 (dimming of headlights), 27-268 (unattended motor
25 vehicle), 27-272 (illegal funeral procession), 27-273
26 (funeral procession on boulevard), 27-275 (driving freight

1 hauling vehicles on boulevard), 27-276 (stopping and
2 standing of buses or taxicabs), 27-277 (cruising of public
3 passenger vehicles), 27-305 (parallel parking), 27-306
4 (diagonal parking), 27-307 (parking not to obstruct
5 traffic), 27-308 (stopping, standing or parking
6 regulated), 27-311 (parking regulations), 27-312 (parking
7 regulations), 27-313 (parking regulations), 27-314
8 (parking regulations), 27-315 (parking regulations),
9 27-316 (parking regulations), 27-317 (parking
10 regulations), 27-318 (parking regulations), 27-319
11 (parking regulations), 27-320 (parking regulations),
12 27-321 (parking regulations), 27-322 (parking
13 regulations), 27-324 (loading and unloading at an angle),
14 27-333 (wheel and axle loads), 27-334 (load restrictions
15 in the downtown district), 27-335 (load restrictions in
16 residential areas), 27-338 (width of vehicles), 27-339
17 (height of vehicles), 27-340 (length of vehicles), 27-352
18 (reflectors on trailers), 27-353 (mufflers), 27-354
19 (display of plates), 27-355 (display of city vehicle tax
20 sticker), 27-357 (identification of vehicles), 27-358
21 (projecting of loads), and also excepting the following
22 enumerated paragraphs of Section 2-201 of the Rules and
23 Regulations of the Illinois State Toll Highway Authority:
24 (l) (driving unsafe vehicle on tollway), (m) (vehicles
25 transporting dangerous cargo not properly indicated), it
26 shall be the duty of the clerk of the court in which such

1 conviction is had within 5 days thereafter to forward to
2 the Secretary of State a report of the conviction and the
3 court may recommend the suspension of the driver's license
4 or permit of the person so convicted.

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

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

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

24 (3) Whenever an order is entered vacating the
25 forfeiture of any bail, security or bond given to secure
26 appearance for any offense under this Code or similar

1 offenses under municipal ordinance, it shall be the duty
2 of the clerk of the court in which such vacation was had or
3 the judge of such court if such court has no clerk, within
4 5 days thereafter to forward to the Secretary of State a
5 report of the vacation.

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

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

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

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

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

26 (d) For the purpose of providing the Secretary of State

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

1 Part 384, all reports of court supervision, except violations
2 related to parking, shall be forwarded to the Secretary of
3 State for all holders of a CLP or CDL or any driver who commits
4 an offense while driving a commercial motor vehicle. These
5 reports shall be recorded to the driver's record as a
6 conviction for use in the disqualification of the driver's
7 commercial motor vehicle privileges and shall not be
8 privileged information.

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

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

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

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

21 (1) Whenever any person is convicted of any offense
22 for which this Code makes mandatory the cancellation or
23 revocation of the driver's license or permit of such
24 person by the Secretary of State, the judge of the court in
25 which such conviction is had shall require the surrender

1 to the clerk of the court of all driver's licenses or
2 permits then held by the person so convicted, and the
3 clerk of the court shall, within 5 days thereafter,
4 forward the same, together with a report of such
5 conviction, to the Secretary.

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

1 replacements), 13-101 (safety tests), 15-101 (size, weight
2 and load), 15-102 (width), 15-103 (height), 15-104 (name
3 and address on second division vehicles), 15-107 (length
4 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
5 (weights), 15-112 (weights), 15-301 (weights), 15-316
6 (weights), 15-318 (weights), and also excepting the
7 following enumerated Sections of the Chicago Municipal
8 Code: Sections 27-245 (following fire apparatus), 27-254
9 (obstruction of traffic), 27-258 (driving vehicle which is
10 in unsafe condition), 27-259 (coasting on downgrade),
11 27-264 (use of horns and signal devices), 27-265
12 (obstruction to driver's view or driver mechanism), 27-267
13 (dimming of headlights), 27-268 (unattended motor
14 vehicle), 27-272 (illegal funeral procession), 27-273
15 (funeral procession on boulevard), 27-275 (driving freight
16 hauling vehicles on boulevard), 27-276 (stopping and
17 standing of buses or taxicabs), 27-277 (cruising of public
18 passenger vehicles), 27-305 (parallel parking), 27-306
19 (diagonal parking), 27-307 (parking not to obstruct
20 traffic), 27-308 (stopping, standing or parking
21 regulated), 27-311 (parking regulations), 27-312 (parking
22 regulations), 27-313 (parking regulations), 27-314
23 (parking regulations), 27-315 (parking regulations),
24 27-316 (parking regulations), 27-317 (parking
25 regulations), 27-318 (parking regulations), 27-319
26 (parking regulations), 27-320 (parking regulations),

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

20 The reporting requirements of this subsection shall
21 apply to all violations stated in paragraphs (1) and (2)
22 of this subsection when the individual has been
23 adjudicated under the Juvenile Court Act or the Juvenile
24 Court Act of 1987. Such reporting requirements shall also
25 apply to individuals adjudicated under the Juvenile Court
26 Act or the Juvenile Court Act of 1987 who have committed a

1 violation of Section 11-501 of this Code, or similar
2 provision of a local ordinance, or Section 9-3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 relating to the offense of reckless homicide, or Section
5 5-7 of the Snowmobile Registration and Safety Act or
6 Section 5-16 of the Boat Registration and Safety Act,
7 relating to the offense of operating a snowmobile or a
8 watercraft while under the influence of alcohol, other
9 drug or drugs, intoxicating compound or compounds, or
10 combination thereof. These reporting requirements also
11 apply to individuals adjudicated under the Juvenile Court
12 Act of 1987 based on any offense determined to have been
13 committed in furtherance of the criminal activities of an
14 organized gang, as provided in Section 5-710 of that Act,
15 if those activities involved the operation or use of a
16 motor vehicle. It shall be the duty of the clerk of the
17 court in which adjudication is had within 5 days
18 thereafter to forward to the Secretary of State a report
19 of the adjudication and the court order requiring the
20 Secretary of State to suspend the minor's driver's license
21 and driving privilege for such time as determined by the
22 court, but only until he or she attains the age of 18
23 years. All juvenile court dispositions reported to the
24 Secretary of State under this provision shall be processed
25 by the Secretary of State as if the cases had been
26 adjudicated in traffic or criminal court. However,

1 information reported relative to the offense of reckless
2 homicide, or Section 11-501 of this Code, or a similar
3 provision of a local ordinance, shall be privileged and
4 available only to the Secretary of State, courts, and
5 police officers.

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

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

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

1 Secretary of State. A report of any disposition of court
2 supervision for a violation of an offense defined as a
3 serious traffic violation in this Code or a similar
4 provision of a local ordinance committed by a person under
5 the age of 21 years shall be forwarded to the Secretary of
6 State.

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

1 Section.

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

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

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

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

24 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20;
25 101-652, eff. 1-1-23.)

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

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

3 Sec. 6-500. Definitions of words and phrases.

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

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

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

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

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

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

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

22 (3) (Blank).

23 (4) (Blank).

24 (5) (Blank).

25 (5.3) CDLIS driver record. "CDLIS driver record" means the
26 electronic record of the individual CDL driver's status and

1 history stored by the State-of-Record as part of the
2 Commercial Driver's License Information System, or CDLIS,
3 established under 49 U.S.C. 31309.

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

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

12 (A) a state allows the driver to change his or her
13 self-certification to interstate, but operating
14 exclusively in transportation or operation excepted from
15 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
16 391.2, 391.68, or 398.3;

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

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

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

1 (6) Commercial Motor Vehicle.

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

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

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

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

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

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

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

25 (ii) vehicles owned by or operated under the
26 direction of the United States Department of Defense

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

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

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

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

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

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 accident; 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. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

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

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

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

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

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

25 (B) the number of grams of alcohol per 100 milliliters

1 of blood; or

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

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

8 (3) (Blank).

9 (4) (Blank).

10 (5) (Blank).

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

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

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

24 (A) a state allows the driver to change his or her
25 self-certification to interstate, but operating
26 exclusively in transportation or operation excepted from

1 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
2 391.2, 391.68, or 398.3;

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

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

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

13 (6) Commercial Motor Vehicle.

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

18 (i) has a gross combination weight rating or gross
19 combination weight of 11,794 kilograms or more (26,001
20 pounds or more), whichever is greater, inclusive of
21 any towed unit with a gross vehicle weight rating or
22 gross vehicle weight of more than 4,536 kilograms
23 (10,000 pounds), whichever is greater; or

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

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

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

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

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

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

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

1 property or the execution of emergency governmental
2 functions which are normally not subject to general
3 traffic rules and regulations.

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

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

23 (8.5) Day. "Day" means calendar day.

24 (9) (Blank).

25 (10) (Blank).

26 (11) (Blank).

1 (12) (Blank).

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

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

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

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

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

1 (15.1) Endorsement. "Endorsement" means an authorization
2 to an individual's CLP or CDL required to permit the
3 individual to operate certain types of commercial motor
4 vehicles.

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

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

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

1 (16) (Blank).

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

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

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

12 (18) (Blank).

13 (19) (Blank).

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

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

1 before the reasonably foreseeable completion date of a formal
2 proceeding begun to lessen the risk of that death, illness,
3 injury or endangerment.

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

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

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

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

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

26 (21.2) Medical examiner's certificate. "Medical examiner's

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

10 (21.5) Medical variance. "Medical variance" means a driver
11 has received one of the following from the Federal Motor
12 Carrier Safety Administration which allows the driver to be
13 issued a medical certificate: (1) an exemption letter
14 permitting operation of a commercial motor vehicle pursuant to
15 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
16 skill performance evaluation (SPE) certificate permitting
17 operation of a commercial motor vehicle pursuant to 49 C.F.R.
18 391.49.

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

24 (22) Motor Vehicle. "Motor vehicle" means every vehicle
25 which is self-propelled, and every vehicle which is propelled
26 by electric power obtained from over head trolley wires but

1 not operated upon rails, except vehicles moved solely by human
2 power and motorized wheel chairs.

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

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

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

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

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

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

26 (ii) to an individual domiciled in another state

1 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
2 of the Federal Motor Carrier Safety Administration.

3 (24) (Blank).

4 (25) (Blank).

5 (25.5) Railroad-Highway Grade Crossing Violation.

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

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

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

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

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

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

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

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

26 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control
2 (other than parking violations) arising in connection
3 with a fatal traffic accident; or

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

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

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

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

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

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

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

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

25 (28) (Blank).

26 (29) (Blank).

1 (30) (Blank).

2 (31) (Blank).

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

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

13 (2) Texting does not include:

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

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

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

26 (32.3) Third party skills test examiner. "Third party

1 skills test examiner" means a person employed by a third party
2 tester who is authorized by the State to administer the CDL
3 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

4 (32.5) Third party tester. "Third party tester" means a
5 person (including, but not limited to, another state, a motor
6 carrier, a private driver training facility or other private
7 institution, or a department, agency, or instrumentality of a
8 local government) authorized by the State to employ skills
9 test examiners to administer the CDL skills tests specified in
10 49 C.F.R. Part 383, subparts G and H.

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

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

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

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

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

25 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
26 101-652, eff. 1-1-23.)

1 Section 40. The Snowmobile Registration and Safety Act is
2 amended by changing Section 5-7 as follows:

3 (625 ILCS 40/5-7)

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

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

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

11 1. The alcohol concentration in that person's blood,
12 other bodily substance, or breath is a concentration at
13 which driving a motor vehicle is prohibited under
14 subdivision (1) of subsection (a) of Section 11-501 of the
15 Illinois Vehicle Code;

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

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

20 3.1. The person is under the influence of any
21 intoxicating compound or combination of intoxicating
22 compounds to a degree that renders the person incapable of
23 safely operating a snowmobile;

24 4. The person is under the combined influence of

1 alcohol and any other drug or drugs or intoxicating
2 compound or compounds to a degree that renders that person
3 incapable of safely operating a snowmobile;

4 4.3. The person who is not a CDL holder has a
5 tetrahydrocannabinol concentration in the person's whole
6 blood or other bodily substance at which driving a motor
7 vehicle is prohibited under subdivision (7) of subsection
8 (a) of Section 11-501 of the Illinois Vehicle Code;

9 4.5. The person who is a CDL holder has any amount of a
10 drug, substance, or compound in the person's breath,
11 blood, other bodily substance, or urine resulting from the
12 unlawful use or consumption of cannabis listed in the
13 Cannabis Control Act; or

14 5. There is any amount of a drug, substance, or
15 compound in that person's breath, blood, other bodily
16 substance, or urine resulting from the unlawful use or
17 consumption of a controlled substance listed in the
18 Illinois Controlled Substances Act, methamphetamine as
19 listed in the Methamphetamine Control and Community
20 Protection Act, or intoxicating compound listed in the use
21 of Intoxicating Compounds Act.

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

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

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

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

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

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

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

17 1. The person has a previous conviction under this
18 Section;

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

26 3. The offense occurred during a period in which the

1 person's privileges to operate a snowmobile are revoked or
2 suspended, and the revocation or suspension was for a
3 violation of this Section or was imposed under Section
4 5-7.1.

5 (e) Every person convicted of violating this Section is
6 guilty of a Class 2 felony if the offense results in the death
7 of a person. A person guilty of a Class 2 felony under this
8 subsection (e), if sentenced to a term of imprisonment, shall
9 be sentenced to a term of not less than 3 years and not more
10 than 14 years.

11 (e-1) Every person convicted of violating this Section or
12 a similar provision of a local ordinance who had a child under
13 the age of 16 on board the snowmobile at the time of offense
14 shall be subject to a mandatory minimum fine of \$500 and shall
15 be subject to a mandatory minimum of 5 days of community
16 service in a program benefiting children. The assignment under
17 this subsection shall not be subject to suspension nor shall
18 the person be eligible for probation in order to reduce the
19 assignment.

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

26 (e-3) In addition to any other penalties and liabilities,

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

17 (f) In addition to any criminal penalties imposed, the
18 Department of Natural Resources shall suspend the snowmobile
19 operation privileges of a person convicted or found guilty of
20 a misdemeanor under this Section for a period of one year,
21 except that first-time offenders are exempt from this
22 mandatory one-year ~~one-year~~ suspension.

23 (g) In addition to any criminal penalties imposed, the
24 Department of Natural Resources shall suspend for a period of
25 5 years the snowmobile operation privileges of any person
26 convicted or found guilty of a felony under this Section.

1 (Source: P.A. 102-145, eff. 7-23-21; revised 8-5-21.)

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

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

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

9 1. The alcohol concentration in that person's blood,
10 other bodily substance, or breath is a concentration at
11 which driving a motor vehicle is prohibited under
12 subdivision (1) of subsection (a) of Section 11-501 of the
13 Illinois Vehicle Code;

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

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

18 3.1. The person is under the influence of any
19 intoxicating compound or combination of intoxicating
20 compounds to a degree that renders the person incapable of
21 safely operating a snowmobile;

22 4. The person is under the combined influence of
23 alcohol and any other drug or drugs or intoxicating
24 compound or compounds to a degree that renders that person
25 incapable of safely operating a snowmobile;

1 4.3. The person who is not a CDL holder has a
2 tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance at which driving a motor
4 vehicle is prohibited under subdivision (7) of subsection
5 (a) of Section 11-501 of the Illinois Vehicle Code;

6 4.5. The person who is a CDL holder has any amount of a
7 drug, substance, or compound in the person's breath,
8 blood, other bodily substance, or urine resulting from the
9 unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act; or

11 5. There is any amount of a drug, substance, or
12 compound in that person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of a controlled substance listed in the
15 Illinois Controlled Substances Act, methamphetamine as
16 listed in the Methamphetamine Control and Community
17 Protection Act, or intoxicating compound listed in the use
18 of Intoxicating Compounds Act.

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

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

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

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

8 (1) an unvacated revocation of pretrial release ~~a~~
9 ~~violation of the terms of pretrial release when the court~~
10 ~~has not relieved the defendant of complying with the terms~~
11 ~~of pretrial release; or~~

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

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

15 1. The person has a previous conviction under this
16 Section;

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

24 3. The offense occurred during a period in which the
25 person's privileges to operate a snowmobile are revoked or
26 suspended, and the revocation or suspension was for a

1 violation of this Section or was imposed under Section
2 5-7.1.

3 (e) Every person convicted of violating this Section is
4 guilty of a Class 2 felony if the offense results in the death
5 of a person. A person guilty of a Class 2 felony under this
6 subsection (e), if sentenced to a term of imprisonment, shall
7 be sentenced to a term of not less than 3 years and not more
8 than 14 years.

9 (e-1) Every person convicted of violating this Section or
10 a similar provision of a local ordinance who had a child under
11 the age of 16 on board the snowmobile at the time of offense
12 shall be subject to a mandatory minimum fine of \$500 and shall
13 be subject to a mandatory minimum of 5 days of community
14 service in a program benefiting children. The assignment under
15 this subsection shall not be subject to suspension nor shall
16 the person be eligible for probation in order to reduce the
17 assignment.

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

24 (e-3) In addition to any other penalties and liabilities,
25 a person who is found guilty of violating this Section,
26 including any person placed on court supervision, shall be

1 fined \$100, payable to the circuit clerk, who shall distribute
2 the money to the law enforcement agency that made the arrest or
3 as provided in subsection (c) of Section 10-5 of the Criminal
4 and Traffic Assessment Act if the arresting agency is a State
5 agency, unless more than one agency is responsible for the
6 arrest, in which case the amount shall be remitted to each unit
7 of government equally. Any moneys received by a law
8 enforcement agency under this subsection (e-3) shall be used
9 to purchase law enforcement equipment or to provide law
10 enforcement training that will assist in the prevention of
11 alcohol related criminal violence throughout the State. Law
12 enforcement equipment shall include, but is not limited to,
13 in-car video cameras, radar and laser speed detection devices,
14 and alcohol breath testers.

15 (f) In addition to any criminal penalties imposed, the
16 Department of Natural Resources shall suspend the snowmobile
17 operation privileges of a person convicted or found guilty of
18 a misdemeanor under this Section for a period of one year,
19 except that first-time offenders are exempt from this
20 mandatory one-year ~~one year~~ suspension.

21 (g) In addition to any criminal penalties imposed, the
22 Department of Natural Resources shall suspend for a period of
23 5 years the snowmobile operation privileges of any person
24 convicted or found guilty of a felony under this Section.

25 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
26 revised 8-5-21.)

1 Section 45. The Criminal Code of 2012 is amended by
2 changing Section 32-10 as follows:

3 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

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

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

6 (a) Whoever, having been admitted to bail for appearance
7 before any court of this State, incurs a forfeiture of the bail
8 and knowingly fails to surrender himself or herself within 30
9 days following the date of the forfeiture, commits, if the
10 bail was given in connection with a charge of felony or pending
11 appeal or certiorari after conviction of any offense, a felony
12 of the next lower Class or a Class A misdemeanor if the
13 underlying offense was a Class 4 felony; or, if the bail was
14 given in connection with a charge of committing a misdemeanor,
15 or for appearance as a witness, commits a misdemeanor of the
16 next lower Class, but not less than a Class C misdemeanor.

17 (a-5) Any person who knowingly violates a condition of
18 bail bond by possessing a firearm in violation of his or her
19 conditions of bail commits a Class 4 felony for a first
20 violation and a Class 3 felony for a second or subsequent
21 violation.

22 (b) Whoever, having been admitted to bail for appearance
23 before any court of this State, while charged with a criminal
24 offense in which the victim is a family or household member as

1 defined in Article 112A of the Code of Criminal Procedure of
2 1963, knowingly violates a condition of that release as set
3 forth in Section 110-10, subsection (d) of the Code of
4 Criminal Procedure of 1963, commits a Class A misdemeanor.

5 (c) Whoever, having been admitted to bail for appearance
6 before any court of this State for a felony, Class A
7 misdemeanor or a criminal offense in which the victim is a
8 family or household member as defined in Article 112A of the
9 Code of Criminal Procedure of 1963, is charged with any other
10 felony, Class A misdemeanor, or a criminal offense in which
11 the victim is a family or household member as defined in
12 Article 112A of the Code of Criminal Procedure of 1963 while on
13 this release, must appear before the court before bail is
14 statutorily set.

15 (d) Nothing in this Section shall interfere with or
16 prevent the exercise by any court of its power to punishment
17 for contempt. Any sentence imposed for violation of this
18 Section shall be served consecutive to the sentence imposed
19 for the charge for which bail had been granted and with respect
20 to which the defendant has been convicted.

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

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

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

24 (a) (Blank.) ~~Whoever, having been released pretrial under~~
25 ~~conditions for appearance before any court of this State,~~

1 ~~incurs a violation of conditions of pretrial release and~~
2 ~~knowingly fails to surrender himself or herself within 30 days~~
3 ~~following the date of the violation, commits, if the~~
4 ~~conditions of pretrial release was given in connection with a~~
5 ~~charge of felony or pending appeal or certiorari after~~
6 ~~conviction of any offense, a Class A misdemeanor if the~~
7 ~~underlying offense was a felony. If the violation of pretrial~~
8 ~~conditions were made in connection with a charge of committing~~
9 ~~a misdemeanor, or for appearance as a witness, commits a Class~~
10 ~~C misdemeanor.~~

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

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

24 (c) Whoever, having been released pretrial ~~under~~
25 ~~conditions~~ for appearance before any court of this State for a
26 felony, Class A misdemeanor or a criminal offense in which the

1 victim is a family or household member as defined in Article
2 112A of the Code of Criminal Procedure of 1963, is charged with
3 any other felony, Class A misdemeanor, or a criminal offense
4 in which the victim is a family or household member as defined
5 in Article 112A of the Code of Criminal Procedure of 1963 while
6 on this release, must appear before the court and may not be
7 released by law enforcement under 109-1 of the Code of
8 Criminal Procedure of 1963 prior to court appearance.

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

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

16 (720 ILCS 5/32-15 rep.)

17 Section 47. The Criminal Code of 2012 is amended by
18 repealing Section 32-15.

19 Section 50. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 102-6, 102-7, 109-3, 109-3.1, and
21 113-3.1 as follows:

22 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

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

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

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

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

9 Sec. 102-6. Pretrial release. "Pretrial release" has the
10 meaning ascribed to bail in Section 9 of Article I of the
11 Illinois Constitution where the sureties provided are not
12 monetary in nature ~~that is non-monetary.~~

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

14 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

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

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

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

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

22 Sec. 102-7. Conditions of pretrial release. "Conditions of
23 pretrial release" means the requirements imposed upon a

1 ~~criminal defendant by the court under Section 110-5 conditions~~
2 ~~established by the court entered into by a person in custody by~~
3 ~~which he binds himself to comply with such conditions as are~~
4 ~~set forth therein.~~

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

6 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

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

8 Sec. 109-3. Preliminary examination.)

9 (a) The judge shall hold the defendant to answer to the
10 court having jurisdiction of the offense if from the evidence
11 it appears there is probable cause to believe an offense has
12 been committed by the defendant, as provided in Section
13 109-3.1 of this Code, if the offense is a felony.

14 (b) If the defendant waives preliminary examination the
15 judge shall hold him to answer and may, or on the demand of the
16 prosecuting attorney shall, cause the witnesses for the State
17 to be examined. After hearing the testimony if it appears that
18 there is not probable cause to believe the defendant guilty of
19 any offense the judge shall discharge him.

20 (c) During the examination of any witness or when the
21 defendant is making a statement or testifying the judge may
22 and on the request of the defendant or State shall exclude all
23 other witnesses. He may also cause the witnesses to be kept
24 separate and to be prevented from communicating with each
25 other until all are examined.

1 (d) If the defendant is held to answer the judge may
2 require any material witness for the State or defendant to
3 enter into a written undertaking to appear at the trial, and
4 may provide for the forfeiture of a sum certain in the event
5 the witness does not appear at the trial. Any witness who
6 refuses to execute a recognizance may be committed by the
7 judge to the custody of the sheriff until trial or further
8 order of the court having jurisdiction of the cause. Any
9 witness who executes a recognizance and fails to comply with
10 its terms shall, in addition to any forfeiture provided in the
11 recognizance, be subject to the penalty provided in Section
12 32-10 of the Criminal Code of 2012 for violation of bail bond.

13 (e) During preliminary hearing or examination the
14 defendant may move for an order of suppression of evidence
15 pursuant to Section 114-11 or 114-12 of this Act or for other
16 reasons, and may move for dismissal of the charge pursuant to
17 Section 114-1 of this Act or for other reasons.

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

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

20 Sec. 109-3. Preliminary examination.)

21 (a) The judge shall hold the defendant to answer to the
22 court having jurisdiction of the offense if from the evidence
23 it appears there is probable cause to believe an offense has
24 been committed by the defendant, as provided in Section
25 109-3.1 of this Code, if the offense is a felony.

1 (b) If the defendant waives preliminary examination the
2 judge shall hold him to answer and may, or on the demand of the
3 prosecuting attorney shall, cause the witnesses for the State
4 to be examined. After hearing the testimony if it appears that
5 there is not probable cause to believe the defendant guilty of
6 any offense the judge shall discharge him.

7 (c) During the examination of any witness or when the
8 defendant is making a statement or testifying the judge may
9 and on the request of the defendant or State shall exclude all
10 other witnesses. He may also cause the witnesses to be kept
11 separate and to be prevented from communicating with each
12 other until all are examined.

13 (d) If the defendant is held to answer the judge may
14 require any material witness for the State or defendant to
15 enter into a written undertaking to appear at the trial, ~~and~~
16 ~~may provide for the forfeiture of a sum certain in the event~~
17 ~~the witness does not appear at the trial.~~ Any witness who
18 refuses to execute a recognizance may be committed by the
19 judge to the custody of the sheriff until trial or further
20 order of the court having jurisdiction of the cause. Any
21 witness who executes a recognizance and fails to comply with
22 its terms commits a Class C misdemeanor ~~shall, in addition to~~
23 ~~any forfeiture provided in the recognizance, be subject to the~~
24 ~~penalty provided in Section 32-10 of the Criminal Code of 2012~~
25 ~~for violation of the conditions of pretrial release.~~

26 (e) During preliminary hearing or examination the

1 defendant may move for an order of suppression of evidence
2 pursuant to Section 114-11 or 114-12 of this Act or for other
3 reasons, and may move for dismissal of the charge pursuant to
4 Section 114-1 of this Act or for other reasons.

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

6 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

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

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

9 (a) In any case involving a person charged with a felony in
10 this State, alleged to have been committed on or after January
11 1, 1984, the provisions of this Section shall apply.

12 (b) Every person in custody in this State for the alleged
13 commission of a felony shall receive either a preliminary
14 examination as provided in Section 109-3 or an indictment by
15 Grand Jury as provided in Section 111-2, within 30 days from
16 the date he or she was taken into custody. Every person on bail
17 or recognizance for the alleged commission of a felony shall
18 receive either a preliminary examination as provided in
19 Section 109-3 or an indictment by Grand Jury as provided in
20 Section 111-2, within 60 days from the date he or she was
21 arrested.

22 The provisions of this paragraph shall not apply in the
23 following situations:

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

25 (2) when the defendant has been indicted by the Grand

1 Jury on the felony offense for which he or she was
2 initially taken into custody or on an offense arising from
3 the same transaction or conduct of the defendant that was
4 the basis for the felony offense or offenses initially
5 charged; or

6 (3) when a competency examination is ordered by the
7 court; or

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

9 (5) when an adjudication of incompetency for trial has
10 been made; or

11 (6) when the case has been continued by the court
12 under Section 114-4 of this Code after a determination
13 that the defendant is physically incompetent to stand
14 trial.

15 (c) Delay occasioned by the defendant shall temporarily
16 suspend, for the time of the delay, the period within which the
17 preliminary examination must be held. On the day of expiration
18 of the delay the period in question shall continue at the point
19 at which it was suspended.

20 (Source: P.A. 83-644.)

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

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

23 (a) In any case involving a person charged with a felony in
24 this State, alleged to have been committed on or after January
25 1, 1984, the provisions of this Section shall apply.

1 (b) Every person released pretrial ~~in custody in this~~
2 ~~State for the alleged commission of a felony shall receive~~
3 ~~either a preliminary examination as provided in Section 109-3~~
4 ~~or an indictment by Grand Jury as provided in Section 111-2,~~
5 ~~within 30 days from the date he or she was taken into custody.~~
6 ~~Every person on pretrial release or recognizance~~ for the
7 alleged commission of a felony shall receive either a
8 preliminary examination as provided in Section 109-3 or an
9 indictment by Grand Jury as provided in Section 111-2, within
10 60 days from the date he or she was arrested.

11 The provisions of this paragraph shall not apply in the
12 following situations:

13 (1) when delay is occasioned by the defendant, the
14 period within which the preliminary examination must be
15 held shall be temporarily suspended for the time of the
16 delay. On the day of expiration of the delay, the period in
17 question shall continue at the point at which it was
18 suspended; or

19 (2) when the defendant has been indicted by the Grand
20 Jury on the felony offense for which he or she was
21 initially taken into custody or on an offense arising from
22 the same transaction or conduct of the defendant that was
23 the basis for the felony offense or offenses initially
24 charged; or

25 (3) when a competency examination is ordered by the
26 court; or

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

2 (5) when an adjudication of incompetency for trial has
3 been made; or

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

8 (c) If the state petitions for pretrial detention based on
9 the alleged commission of a felony under Section 110-6.1, a
10 preliminary examination as provided by Section 109-3 or an
11 indictment by Grand Jury as provided in Section 111-2 shall be
12 completed prior to the detention hearing required under
13 Section 110-6.1. Delay occasioned by the defendant shall
14 temporarily suspend, for the time of the delay, the period
15 within which the preliminary examination must be held. On the
16 day of expiration of the delay the period in question shall
17 continue at the point at which it was suspended.

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

19 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

20 Sec. 113-3.1. Payment for Court-Appointed Counsel.

21 (a) Whenever under either Section 113-3 of this Code or
22 Rule 607 of the Illinois Supreme Court the court appoints
23 counsel to represent a defendant, the court may order the
24 defendant to pay to the Clerk of the Circuit Court a reasonable
25 sum to reimburse either the county or the State for such

1 representation. In a hearing to determine the amount of the
2 payment, the court shall consider the affidavit prepared by
3 the defendant under Section 113-3 of this Code and any other
4 information pertaining to the defendant's financial
5 circumstances which may be submitted by the parties. Such
6 hearing shall be conducted on the court's own motion or on
7 motion of the State's Attorney at any time after the
8 appointment of counsel but no later than 90 days after the
9 entry of a final order disposing of the case at the trial
10 level.

11 (b) Any sum ordered paid under this Section may not exceed
12 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
13 defendant charged with a felony, or \$2,500 for a defendant who
14 is appealing a conviction of any class offense.

15 (c) The method of any payment required under this Section
16 shall be as specified by the Court. The court may order that
17 payments be made on a monthly basis during the term of
18 representation; however, the sum deposited as money bond shall
19 not be used to satisfy this court order. ~~Any sum deposited as~~
20 ~~money bond with the Clerk of the Circuit Court under Section~~
21 ~~110-7 of this Code may be used in the court's discretion in~~
22 ~~whole or in part to comply with any payment order entered in~~
23 ~~accordance with paragraph (a) of this Section. The court may~~
24 ~~give special consideration to the interests of relatives or~~
25 ~~other third parties who may have posted a money bond on the~~
26 ~~behalf of the defendant to secure his release. At any time~~

1 prior to full payment of any payment order the court on its own
2 motion or the motion of any party may reduce, increase, or
3 suspend the ordered payment, or modify the method of payment,
4 as the interest of fairness may require. No increase,
5 suspension, or reduction may be ordered without a hearing and
6 notice to all parties.

7 (d) The Supreme Court or the circuit courts may provide by
8 rule for procedures for the enforcement of orders entered
9 under this Section. Such rules may provide for the assessment
10 of all costs, including attorneys' fees which are required for
11 the enforcement of orders entered under this Section when the
12 court in an enforcement proceeding has first found that the
13 defendant has willfully refused to pay. The Clerk of the
14 Circuit Court shall keep records and make reports to the court
15 concerning funds paid under this Section in whatever manner
16 the court directs.

17 (e) Whenever an order is entered under this Section for
18 the reimbursement of the State due to the appointment of the
19 State Appellate Defender as counsel on appeal, the order shall
20 provide that the Clerk of the Circuit Court shall retain all
21 funds paid pursuant to such order until the full amount of the
22 sum ordered to be paid by the defendant has been paid. When no
23 balance remains due on such order, the Clerk of the Circuit
24 Court shall inform the court of this fact and the court shall
25 promptly order the Clerk of the Circuit Court to pay to the
26 State Treasurer all of the sum paid.

1 (f) The Clerk of the Circuit Court shall retain all funds
2 under this Section paid for the reimbursement of the county,
3 and shall inform the court when no balance remains due on an
4 order entered hereunder. The Clerk of the Circuit Court shall
5 make payments of funds collected under this Section to the
6 County Treasurer in whatever manner and at whatever point as
7 the court may direct, including payments made on a monthly
8 basis during the term of representation.

9 (g) A defendant who fails to obey any order of court
10 entered under this Section may be punished for contempt of
11 court. Any arrearage in payments may be reduced to judgment in
12 the court's discretion and collected by any means authorized
13 for the collection of money judgments under the law of this
14 State.

15 (Source: P.A. 88-394.)

16 (725 ILCS 5/110-2 rep.)

17 Section 53. The Code of Criminal Procedure of 1963 is
18 amended by repealing Section 110-2.

19 Section 55. The Pretrial Services Act is amended by
20 changing Sections 7, 11, and 19 as follows:

21 (725 ILCS 185/7) (from Ch. 38, par. 307)

22 Sec. 7. Pretrial services agencies shall perform the
23 following duties for the circuit court:

1 (a) Interview and assemble verified information and data
2 concerning the community ties, employment, residency, criminal
3 record, and social background of arrested persons who are to
4 be, or have been, presented in court for first appearance on
5 felony charges, to assist the court in determining the
6 appropriate terms and conditions of pretrial release;

7 (b) Submit written reports of those investigations to the
8 court along with such findings and recommendations, if any, as
9 may be necessary to assess appropriate conditions which shall
10 be imposed to protect against the risks of nonappearance and
11 commission of new offenses or other interference with the
12 orderly administration of justice before trial;±

13 ~~(1) the need for financial security to assure the~~
14 ~~defendant's appearance at later proceedings; and~~

15 ~~(2) appropriate conditions which shall be imposed to~~
16 ~~protect against the risks of nonappearance and commission of~~
17 ~~new offenses or other interference with the orderly~~
18 ~~administration of justice before trial;~~

19 (c) Supervise compliance with pretrial release conditions,
20 and promptly report violations of those conditions to the
21 court and prosecutor to assure effective enforcement;

22 (d) Cooperate with the court and all other criminal
23 justice agencies in the development of programs to minimize
24 unnecessary pretrial detention and protect the public against
25 breaches of pretrial release conditions; and

26 (e) Monitor the local operations of the pretrial release

1 system and maintain accurate and comprehensive records of
2 program activities.

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

4 (725 ILCS 185/11) (from Ch. 38, par. 311)

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

6 Sec. 11. No person shall be interviewed by a pretrial
7 services agency unless he or she has first been apprised of the
8 identity and purpose of the interviewer, the scope of the
9 interview, the right to secure legal advice, and the right to
10 refuse cooperation. Inquiry of the defendant shall carefully
11 exclude questions concerning the details of the current
12 charge. Statements made by the defendant during the interview,
13 or evidence derived therefrom, are admissible in evidence only
14 when the court is considering the imposition of pretrial or
15 posttrial conditions to bail or recognizance, or when
16 considering the modification of a prior release order.

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

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

19 Sec. 11. No person shall be interviewed by a pretrial
20 services agency unless he or she has first been apprised of the
21 identity and purpose of the interviewer, the scope of the
22 interview, the right to secure legal advice, and the right to
23 refuse cooperation. Inquiry of the defendant shall carefully
24 exclude questions concerning the details of the current

1 charge. Statements made by the defendant during the interview,
2 or evidence derived therefrom, are admissible in evidence only
3 when the court is considering the imposition of pretrial or
4 posttrial conditions of release, denial or pretrial release,
5 ~~to recognizance,~~ or when considering the modification of a
6 prior release order.

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

8 (725 ILCS 185/19) (from Ch. 38, par. 319)

9 Sec. 19. Written reports under Section 17 shall set forth
10 all factual findings on which any recommendation and
11 conclusions contained therein are based together with the
12 source of each fact, and shall contain information and data
13 relevant to appropriate conditions imposed to protect against
14 the risk of nonappearance and commission of new offenses or
15 other interference with the orderly administration of justice
16 before trial. ~~the following issues:~~

17 ~~(a) The need for financial security to assure the~~
18 ~~defendant's appearance for later court proceedings; and~~

19 ~~(b) Appropriate conditions imposed to protect against the~~
20 ~~risk of nonappearance and commission of new offenses or other~~
21 ~~interference with the orderly administration of justice before~~
22 ~~trial.~~

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

24 (725 ILCS 5/Art. 110A rep.)

1 Section 60. The Code of Criminal Procedure of 1963 is
2 amended by repealing Article 110A.

3 Section 65. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 107-9, 109-1, and 110-3 as
5 follows:

6 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

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

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

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

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

13 (1) State the name of the accused if known, and if not
14 known the accused may be designated by any name or
15 description by which he can be identified with reasonable
16 certainty;

17 (2) State the offense with which the accused is
18 charged;

19 (3) State the time and place of the offense as
20 definitely as can be done by the complainant; and

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

22 (b-5) If an arrest warrant is sought and the request is
23 made by electronic means that has a simultaneous video and
24 audio transmission between the requester and a judge, the

1 judge may issue an arrest warrant based upon a sworn complaint
2 or sworn testimony communicated in the transmission.

3 (c) A warrant shall be issued by the court for the arrest
4 of the person complained against if it appears from the
5 contents of the complaint and the examination of the
6 complainant or other witnesses, if any, that the person
7 against whom the complaint was made has committed an offense.

8 (d) The warrant of arrest shall:

9 (1) Be in writing;

10 (2) Specify the name, sex and birth date of the person
11 to be arrested or if his name, sex or birth date is
12 unknown, shall designate such person by any name or
13 description by which he can be identified with reasonable
14 certainty;

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

16 (4) State the date when issued and the municipality or
17 county where issued;

18 (5) Be signed by the judge of the court with the title
19 of his office;

20 (6) Command that the person against whom the complaint
21 was made be arrested and brought before the court issuing
22 the warrant or if he is absent or unable to act before the
23 nearest or most accessible court in the same county;

24 (7) Specify the amount of bail; and

25 (8) Specify any geographical limitation placed on the
26 execution of the warrant, but such limitation shall not be

1 expressed in mileage.

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

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

12 (Source: P.A. 101-239, eff. 1-1-20.)

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

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

16 (a) When a complaint is presented to a court charging that
17 an offense, other than an offense listed in subsection (a) of
18 Section 110-6.1, has been committed it shall examine upon oath
19 or affirmation the complainant or any witnesses.

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

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

25 (2) State the offense with which the accused is

1 charged;

2 (3) State the time and place of the offense as
3 definitely as can be done by the complainant; and

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

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

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

16 (d) The summons ~~warrant of arrest~~ shall:

17 (1) Be in writing;

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

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

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

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

1 of his or her office; and

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

7 ~~(7) Specify the conditions of pretrial release; and~~

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

11 (e) The summons may be served in the same manner as the
12 summons in a civil action, except that police officers may
13 serve summons for violations of ordinances occurring within
14 their municipalities.

15 (f) When a complaint is presented to a court charging that
16 an offense that is listed under subsection (a) of Section
17 110-6.1 has been committed, the court may issue a warrant of
18 arrest in lieu of a summons.

19 (g) If the person summoned fails to appear by the date
20 required, a warrant may be issued by the court for the arrest
21 of the person complained against.

22 (h) The warrants of arrest issued under subsections (f) or
23 (g) shall incorporate the information included in the summons,
24 and:

25 (1) Specify any geographical limitation placed on the
26 execution of the warrant, but such limitation shall not be

1 expressed in mileage.

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

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

14 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23.)

15 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

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

17 Sec. 109-1. Person arrested.

18 (a) A person arrested with or without a warrant shall be
19 taken without unnecessary delay before the nearest and most
20 accessible judge in that county, except when such county is a
21 participant in a regional jail authority, in which event such
22 person may be taken to the nearest and most accessible judge,
23 irrespective of the county where such judge presides, and a
24 charge shall be filed. Whenever a person arrested either with
25 or without a warrant is required to be taken before a judge, a

1 charge may be filed against such person by way of a two-way
2 closed circuit television system, except that a hearing to
3 deny bail to the defendant may not be conducted by way of
4 closed circuit television.

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

12 (b) The judge shall:

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

15 (2) Advise the defendant of his right to counsel and
16 if indigent shall appoint a public defender or licensed
17 attorney at law of this State to represent him in
18 accordance with the provisions of Section 113-3 of this
19 Code;

20 (3) Schedule a preliminary hearing in appropriate
21 cases;

22 (4) Admit the defendant to bail in accordance with the
23 provisions of Article 110 of this Code; and

24 (5) Order the confiscation of the person's passport or
25 impose travel restrictions on a defendant arrested for
26 first degree murder or other violent crime as defined in

1 Section 3 of the Rights of Crime Victims and Witnesses
2 Act, if the judge determines, based on the factors in
3 Section 110-5 of this Code, that this will reasonably
4 ensure the appearance of the defendant and compliance by
5 the defendant with all conditions of release.

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

8 (d) At the initial appearance of a defendant in any
9 criminal proceeding, the court must advise the defendant in
10 open court that any foreign national who is arrested or
11 detained has the right to have notice of the arrest or
12 detention given to his or her country's consular
13 representatives and the right to communicate with those
14 consular representatives if the notice has not already been
15 provided. The court must make a written record of so advising
16 the defendant.

17 (e) If consular notification is not provided to a
18 defendant before his or her first appearance in court, the
19 court shall grant any reasonable request for a continuance of
20 the proceedings to allow contact with the defendant's
21 consulate. Any delay caused by the granting of the request by a
22 defendant shall temporarily suspend for the time of the delay
23 the period within which a person shall be tried as prescribed
24 by subsections (a), (b), or (e) of Section 103-5 of this Code
25 and on the day of the expiration of delay the period shall
26 continue at the point at which it was suspended.

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

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

4 Sec. 109-1. Person arrested; release from law enforcement
5 custody and initial court appearance, ~~geographical constraints~~
6 ~~prevent in person appearances.~~

7 (a) A person arrested with or without a warrant for an
8 offense for which pretrial release may be denied under
9 paragraphs (1) through (6) of Section 110-6.1 shall be taken
10 without unnecessary delay before the nearest and most
11 accessible judge in that county, except when such county is a
12 participant in a regional jail authority, in which event such
13 person may be taken to the nearest and most accessible judge,
14 irrespective of the county where such judge presides, within
15 48 hours, and a charge shall be filed. ~~Whenever a person~~
16 ~~arrested either with or without a warrant is required to be~~
17 ~~taken before a judge, a charge may be filed against such person~~
18 ~~by way of a two way closed circuit television system, except~~
19 ~~that a hearing to deny pretrial release to the defendant may~~
20 ~~not be conducted by way of closed circuit television.~~

21 (a-1) Law enforcement shall issue a citation in lieu of
22 custodial arrest, upon proper identification, for those
23 accused of ~~traffic~~ and Class B and C ~~criminal~~ misdemeanor
24 criminal and traffic offenses, ~~or~~ of petty or and business
25 offenses, or ordinance violations who pose no obvious threat

1 to the community or any person, or who have no obvious medical
2 or mental health issues that pose a risk to their own safety.
3 Those released on citation shall be scheduled into court
4 within 21 days.

5 (a-3) A person arrested with or without a warrant for an
6 offense for which pretrial release may not be denied may,
7 except as otherwise provided in this Code, be released by a law
8 enforcement ~~the~~ officer without appearing before a judge. The
9 releasing officer shall issue the person a notice ~~summons~~ to
10 appear within 21 days. A presumption in favor of pretrial
11 release shall be ~~by~~ applied by an arresting officer in the
12 exercise of his or her discretion under this Section.

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

20 (b) Upon initial appearance of a person before the court,
21 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 pretrial release in
6 accordance with the provisions of Article 110 ~~110/5~~ of
7 this Code, or upon verified petition of the State, proceed
8 with the setting of a detention hearing as provided in
9 Section 110-6.1; and

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

19 (c) The court may issue an order of protection in
20 accordance with the provisions of Article 112A of this Code.
21 Crime victims shall be given notice by the State's Attorney's
22 office of this hearing as required in paragraph (2) of
23 subsection (b) of Section 4.5 of the Rights of Crime Victims
24 and Witnesses Act and shall be informed of their opportunity
25 at this hearing to obtain an order of protection under Article
26 112A of this Code.

1 (d) At the initial appearance of a defendant in any
2 criminal proceeding, the court must advise the defendant in
3 open court that any foreign national who is arrested or
4 detained has the right to have notice of the arrest or
5 detention given to his or her country's consular
6 representatives and the right to communicate with those
7 consular representatives if the notice has not already been
8 provided. The court must make a written record of so advising
9 the defendant.

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

20 (f) At a ~~the~~ hearing at which conditions of pretrial
21 release are set, other than those required by paragraphs (1)
22 through (4) of subsection (a) of Section 110-10 ~~determined,~~
23 the person charged shall be present in person rather than by
24 video phone or any other form of electronic communication,
25 unless the physical health and safety of any person necessary
26 to the proceedings ~~the person~~ would be endangered by appearing

1 in court or the accused waives the right to be present in
2 person.

3 (g) Defense counsel shall be given adequate opportunity to
4 confer with the defendant ~~Defendant~~ prior to any hearing in
5 which conditions of release or the detention of the defendant
6 ~~Defendant~~ is to be considered, with a physical accommodation
7 made to facilitate attorney/client consultation.

8 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23;
9 revised 11-24-21.)

10 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

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

12 Sec. 110-3. Issuance of warrant. Upon failure to comply
13 with any condition of a bail bond or recognizance, the court
14 having jurisdiction at the time of such failure may, in
15 addition to any other action provided by law, issue a warrant
16 for the arrest of the person at liberty on bail or his own
17 recognizance. The contents of such a warrant shall be the same
18 as required for an arrest warrant issued upon complaint. When
19 a defendant is at liberty on bail or his own recognizance on a
20 felony charge and fails to appear in court as directed, the
21 court shall issue a warrant for the arrest of such person. Such
22 warrant shall be noted with a directive to peace officers to
23 arrest the person and hold such person without bail and to
24 deliver such person before the court for further proceedings.
25 A defendant who is arrested or surrenders within 30 days of the

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

4 (Source: P.A. 86-298; 86-984; 86-1028; revised 12-13-21.)

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

6 Sec. 110-3. Issuance of warrants and summonses ~~Options for~~
7 ~~warrant alternatives.~~

8 (a) Upon failure to comply with any condition of pretrial
9 release, ~~or recognizance~~ the court having jurisdiction at the
10 time of such failure may, on its own motion or upon motion from
11 the State, issue a summons or a warrant for the arrest of the
12 person at liberty on pretrial release. This Section shall be
13 construed to effectuate the goal of relying upon summonses
14 rather than warrants to assure the appearance of the defendant
15 in court whenever possible. The contents of such a summons or
16 warrant shall be the same as required for those issued upon
17 complaint under Section 107-9. ~~an order to show cause as to why~~
18 ~~he or she shall not be subject to revocation of pretrial~~
19 ~~release, or for sanctions, as provided in Section 110-6.~~
20 ~~Nothing in this Section prohibits the court from issuing a~~
21 ~~warrant under subsection (c) upon failure to comply with any~~
22 ~~condition of pretrial release or recognizance.~~

23 (b) A defendant who appears in court on the date assigned
24 or within 48 hours of service, whichever is later, in response
25 to a summons issued for failure to appear in court, shall not

1 be recorded in the official docket as having failed to appear
2 on the initial missed court date. If a person fails to appear
3 in court on the date listed on the summons, the court may issue
4 a warrant for the arrest of that person. ~~The order issued by~~
5 ~~the court shall state the facts alleged to constitute the~~
6 ~~hearing to show cause or otherwise why the person is subject to~~
7 ~~revocation of pretrial release. A certified copy of the order~~
8 ~~shall be served upon the person at least 48 hours in advance of~~
9 ~~the scheduled hearing.~~

10 (c) For the purpose of any risk assessment or future
11 evaluation of risk of willful flight or risk of failure to
12 appear, a non-appearance in court cured by an appearance in
13 response to a summons shall not be considered as evidence of
14 future likelihood of appearance in court. ~~If the person does~~
15 ~~not appear at the hearing to show cause or absconds, the court~~
16 ~~may, in addition to any other action provided by law, issue a~~
17 ~~warrant for the arrest of the person at liberty on pretrial~~
18 ~~release. The contents of such a warrant shall be the same as~~
19 ~~required for an arrest warrant issued upon complaint and may~~
20 ~~modify any previously imposed conditions placed upon the~~
21 ~~person, rather than revoking pretrial release or issuing a~~
22 ~~warrant for the person in accordance with the requirements in~~
23 ~~subsections (d) and (e) of Section 110-5. When a defendant is~~
24 ~~at liberty on pretrial release or his own recognizance on a~~
25 ~~felony charge and fails to appear in court as directed, the~~
26 ~~court may issue a warrant for the arrest of such person after~~

1 ~~his or her failure to appear at the show for cause hearing as~~
2 ~~provided in this Section. Such warrant shall be noted with a~~
3 ~~directive to peace officers to arrest the person and hold such~~
4 ~~person without pretrial release and to deliver such person~~
5 ~~before the court for further proceedings.~~

6 ~~(d) If the order as described in Subsection B is issued, a~~
7 ~~failure to appear shall not be recorded until the Defendant~~
8 ~~fails to appear at the hearing to show cause. For the purpose~~
9 ~~of any risk assessment or future evaluation of risk of willful~~
10 ~~flight or risk of failure to appear, a non appearance in court~~
11 ~~eured by an appearance at the hearing to show cause shall not~~
12 ~~be considered as evidence of future likelihood appearance in~~
13 ~~court.~~

14 (Source: P.A. 101-652, eff. 1-1-23; revised 12-13-21.)

15 Section 70. The Illinois Vehicle Code is amended by
16 changing Section 16-103 as follows:

17 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

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

19 Sec. 16-103. Arrest outside county where violation
20 committed.

21 Whenever a defendant is arrested upon a warrant charging a
22 violation of this Act in a county other than that in which such
23 warrant was issued, the arresting officer, immediately upon
24 the request of the defendant, shall take such defendant before

1 a circuit judge or associate circuit judge in the county in
2 which the arrest was made who shall admit the defendant to bail
3 for his appearance before the court named in the warrant. On
4 taking such bail, the circuit judge or associate circuit judge
5 shall certify such fact on the warrant and deliver the warrant
6 and undertaking of bail or other security, or the drivers
7 license of such defendant if deposited, under the law relating
8 to such licenses, in lieu of such security, to the officer
9 having charge of the defendant. Such officer shall then
10 immediately discharge the defendant from arrest and without
11 delay deliver such warrant and such undertaking of bail, or
12 other security or drivers license to the court before which
13 the defendant is required to appear.

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

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

16 Sec. 16-103. Arrest outside county where violation
17 committed.

18 Whenever a defendant is arrested upon a warrant charging a
19 violation of this Act in a county other than that in which such
20 warrant was issued, the arresting officer, immediately upon
21 the request of the defendant, shall take such defendant before
22 a circuit judge or associate circuit judge in the county in
23 which the arrest was made who shall admit the defendant to
24 pretrial release for his appearance before the court named in
25 the warrant. Upon releasing the defendant, ~~On setting the~~

1 ~~conditions of pretrial release~~ the circuit judge or associate
2 circuit judge shall certify such fact on the warrant and
3 deliver the warrant and the acknowledgment by the defendant of
4 his or her receiving the conditions of pretrial release, or
5 the drivers license of such defendant if deposited, under the
6 law relating to such licenses, ~~in lieu of such security,~~ to the
7 officer having charge of the defendant. Such officer shall
8 then immediately discharge the defendant from arrest and
9 without delay deliver such warrant and such acknowledgment by
10 the defendant of his or her receiving the conditions of
11 pretrial release or drivers license to the court before which
12 the defendant is required to appear.

13 (Source: P.A. 101-652, eff. 1-1-23; revised 11-24-21.)

14 Section 75. The Code of Criminal Procedure of 1963 is
15 amended by changing Sections 106D-1, 109-2, 110-1, 110-4,
16 110-5, 110-5.2, 110-6, 110-6.1, 110-10, 110-12, 110-14, and
17 110-17 and by adding Section 110-7.5 as follows:

18 (725 ILCS 5/106D-1)

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

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

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

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

7 (1) the initial appearance before a judge on a
8 criminal complaint, at which bail will be set;

9 (2) the waiver of a preliminary hearing;

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

12 (4) the presentation of a jury waiver;

13 (5) any status hearing;

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 102-486, eff. 8-20-21.)

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

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

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

1 permit the personal appearance to be made by means of two-way
2 audio-visual communication, including closed circuit
3 television and computerized video conference, in the following
4 proceedings:

5 (1) the initial appearance before a judge on a
6 criminal complaint as governed by subsection (f) of
7 Section 109-1, ~~at which the conditions of pretrial release~~
8 ~~will be set;~~

9 (2) the waiver of a preliminary hearing;

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

12 (4) the presentation of a jury waiver;

13 (5) any status hearing;

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

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

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

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

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

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

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

6 (c) Nothing in this Section shall be construed to prohibit
7 other court appearances through the use of two-way
8 audio-visual communication, upon waiver of any right the
9 person in custody or confinement may have to be present
10 physically, or if the physical health and safety of any person
11 necessary to the proceedings would be endangered by appearing
12 in court.

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

19 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
20 revised 10-12-21.)

21 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

22 (Text of Section before 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. He shall be admitted to bail in the amount specified in
6 the warrant or, for offenses other than felonies, in an amount
7 as set by the judge, and such bail shall be conditioned on his
8 appearing in the court issuing the warrant on a certain date.
9 The judge may hold a hearing to determine if the defendant is
10 the same person as named in the 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 (Source: P.A. 86-298.)

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

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

23 (a) Any person arrested in a county other than the one in
24 which a warrant for his arrest was issued shall be taken
25 without unnecessary delay before the nearest and most

1 accessible judge in the county where the arrest was made or, if
2 no additional delay is created, before the nearest and most
3 accessible judge in the county from which the warrant was
4 issued. ~~Upon arrival in the county in which the warrant was~~
5 ~~issued, the status of the arrested person's release status~~
6 ~~shall be determined by the release revocation process~~
7 ~~described in Section 110-6.~~ The judge may hold a hearing to
8 determine if the defendant is the same person as named in the
9 warrant.

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

19 (c) Whenever a person is taken before a judge in any county
20 when a warrant for arrest issued by another Illinois county
21 exists, the person shall first be given a hearing under
22 Section 110-5, 110-6, or 110-6.1, as appropriate, on any
23 charge pending before the court in which the appropriate
24 hearing has not yet taken place. The judge shall then enter an
25 order regarding the outstanding warrant in another county:

26 (1) The court shall order the sheriff to immediately

1 contact the sheriff in any county where any warrant is
2 outstanding and notify them of the detention of the
3 individual.

4 (2) At any time, but no later than 72 hours after the
5 end of any detention issued on the charge in the arresting
6 county, the county where the warrant is outstanding shall
7 do one of the following:

8 (A) transport the person to the county where the
9 warrant was issued for a hearing under Section 110-6
10 or 110-6.1 in the matter for which the warrant was
11 issued;

12 (B) if the accused waives their right to an
13 in-person hearing, hold a videoconference hearing on
14 the charge for which the warrant was issued;

15 (C) quash the warrant and order the person
16 released on the case for which the warrant was issued.

17 (3) If the county where the warrant was issued fails
18 to take any of the actions listed in paragraph (2) within
19 72 hours after the issuance of any order of release on the
20 matter in the arresting county, the defendant shall be
21 released from custody on the warrant, the circuit judge or
22 associate circuit judge in the county of arrest shall set
23 conditions of release under Section 110-5, and shall admit
24 the defendant to pretrial release for his appearance
25 before the court named in the warrant. Upon releasing the
26 defendant, the circuit judge or associate circuit judge

1 shall certify such fact on the warrant and deliver the
2 warrant and the acknowledgment by the defendant of his or
3 her receiving the conditions of pretrial release to the
4 officer having charge of the defendant from arrest and
5 without delay deliver such warrant and such acknowledgment
6 by the defendant of his or her receiving the conditions to
7 the court before which the defendant is required to
8 appear.

9 (d) If warrants exist in more than two Illinois counties,
10 the judge in the county of arrest shall order that the process
11 described in paragraphs (1) through (3) of subsection (c)
12 occur in each county in whatever order the judge finds most
13 appropriate. Each judge in each subsequent county shall then
14 follow the rules in this Section.

15 (e) This Section applies only to warrants issued by
16 Illinois circuit or municipal courts. ~~If a defendant is~~
17 charged with a felony offense, but has a warrant in another
18 county, the defendant shall be taken to the county that issued
19 the warrant within 72 hours of the completion of condition or
20 detention hearing, so that release or detention status can be
21 resolved. This provision shall not apply to warrants issued
22 outside of Illinois.

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

24 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

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

1 Sec. 110-1. Definitions.

2 (a) "Security" is that which is required to be pledged to
3 insure the payment of bail.

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

9 (c) The phrase "for which a sentence of imprisonment,
10 without conditional and revocable release, shall be imposed by
11 law as a consequence of conviction" means an offense for which
12 a sentence of imprisonment, without probation, periodic
13 imprisonment or conditional discharge, is required by law upon
14 conviction.

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

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

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

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

21 ~~(a) (Blank).~~

22 "Specific, real and present threat to the safety of any
23 person or persons" means a specific, real, and present threat
24 to the safety of any individual person or any identifiable
25 group of individuals. A generalized threat to the community

1 does not qualify as such a threat.

2 ~~(b)~~ "Sureties" encompasses the ~~monetary and~~ nonmonetary
3 requirements set by the court as conditions for release either
4 before or after conviction.

5 ~~(c)~~ The phrase "for which a sentence of imprisonment,
6 without conditional and revocable release, shall be imposed by
7 law as a consequence of conviction" means an offense for which
8 a sentence of imprisonment, without probation, periodic
9 imprisonment or conditional discharge, is required by law upon
10 conviction.

11 ~~(d)~~ ~~(Blank.)~~

12 ~~(e)~~ "Willful flight" means planning or attempting to
13 intentionally evade prosecution by concealing oneself. Simple
14 past non-appearance in court alone is not evidence of future
15 intent to evade prosecution.

16 (Source: P.A. 101-652, eff. 1-1-23; revised 11-24-21.)

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

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

19 Sec. 110-4. Bailable Offenses.

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

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

1 is necessary to prevent fulfillment of that threat.

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

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

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

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

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

19 Sec. 110-4. Presumption of pretrial ~~Pretrial~~ release.

20 (a) All persons charged with an offense shall be eligible
21 for pretrial release before conviction. It is presumed that a
22 defendant is entitled to pretrial release on the condition
23 that the defendant attend all required court proceedings and
24 the defendant does not commit any criminal offense, and
25 complies with all terms of pretrial release, including, but

1 not limited to, orders of protection under both Section 112A-4
2 of this Code and Section 214 of the Illinois Domestic Violence
3 Act of 1986, all civil no contact orders, and all stalking no
4 contact orders. Pretrial release may only be denied when a
5 person is charged with an offense listed in Section 110-6.1 ~~or~~
6 ~~when the defendant has a high likelihood of willful flight,~~
7 and after the court has held a hearing under Section 110-6.1.

8 (b) At all pretrial hearings, the prosecution shall have
9 the burden to prove by clear and convincing evidence that any
10 condition of release is necessary. A person seeking pretrial
11 release who is charged with a capital offense or an offense for
12 which a sentence of life imprisonment may be imposed shall not
13 be eligible for release pretrial until a hearing is held
14 wherein such person has the burden of demonstrating that the
15 proof of his guilt is not evident and the presumption is not
16 great.

17 (c) (Blank.) ~~Where it is alleged that pretrial should be~~
18 ~~denied to a person upon the grounds that the person presents a~~
19 ~~real and present threat to the physical safety of any person or~~
20 ~~persons, the burden of proof of such allegations shall be upon~~
21 ~~the State.~~

22 (d) (Blank.) ~~When it is alleged that pretrial should be~~
23 ~~denied to a person charged with stalking or aggravated~~
24 ~~stalking upon the grounds set forth in Section 110-6.3 of this~~
25 ~~Code, the burden of proof of those allegations shall be upon~~
26 ~~the State.~~

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

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

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

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

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

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

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

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

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

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

20 (b) The amount of bail shall be:

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

1 all times remain a matter of public record with the clerk
2 of the court.

3 (2) Not oppressive.

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

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

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

1 shall inquire into any matters stated in any justifying
2 affidavits, and may also inquire into matters appropriate to
3 the determination which shall include, but are not limited to,
4 the following:

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

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

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

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

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

19 The State's Attorney has a right to attend the hearing, to
20 call witnesses and to examine any witness in the proceeding.
21 The court shall, upon request of the State's Attorney,
22 continue the proceedings for a reasonable period to allow the
23 State's Attorney to investigate the matter raised in any
24 testimony or affidavit. If the hearing is granted after the
25 accused has posted bail, the court shall conduct a hearing
26 consistent with this subsection (b-5). At the conclusion of

1 the hearing, the court must issue an order either approving or
2 disapproving the bail.

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

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

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

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

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

25 (2) whether the person has a history of domestic
26 violence, as defined in the Illinois Domestic Violence

1 Act, or a history of other criminal acts;

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

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

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

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

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

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

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

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

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

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

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

1 means a spouse or a current or former partner in a cohabitation
2 or dating relationship.

3 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
4 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

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

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

8 (a) In determining which ~~or~~ conditions of pretrial
9 release, if any, ~~which~~ will reasonably assure the appearance
10 of a defendant as required, ~~or~~ the safety of any other person
11 or persons, ~~the community~~ and the likelihood of compliance by
12 the defendant with all the conditions of pretrial release, the
13 court shall, on the basis of available information, take into
14 account such matters as:

15 (1) the nature and circumstances of the offense
16 charged;

17 (2) the weight of the evidence against the ~~eligible~~
18 defendant, except that the court may consider the
19 admissibility of any evidence sought to be excluded;

20 (3) the history and characteristics of the ~~eligible~~
21 defendant, including:

22 (A) the ~~eligible~~ defendant's character, physical
23 and mental condition, family ties, employment,
24 financial resources, length of residence in the
25 community, community ties, past relating to drug or

1 alcohol abuse, conduct, history criminal history, and
2 record concerning appearance at court proceedings; and

3 (B) whether, at the time of the current offense or
4 arrest, the ~~eligible~~ defendant was on probation,
5 parole, or on other release pending trial, sentencing,
6 appeal, or completion of sentence for an offense under
7 federal law, or the law of this or any other state;

8 (4) the nature and seriousness of any ~~the~~ specific,
9 real, and present threat to the safety of any person or
10 persons that would be posed by the ~~eligible~~ defendant's
11 release, if applicable, as required under paragraph (7.5)
12 of Section 4 of the Rights of Crime Victims and Witnesses
13 Act; and

14 (5) the nature and seriousness of the risk of
15 obstructing or attempting to obstruct the criminal justice
16 process that would be posed by the ~~eligible~~ defendant's
17 release, if applicable.

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

26 (b-5) When a person is charged with a violation of an order

1 of protection under Section 12-3.4 or 12-30 of the Criminal
2 Code of 1961 or the Criminal Code of 2012 or when a person is
3 charged with domestic battery, aggravated domestic battery,
4 kidnapping, aggravated kidnaping, unlawful restraint,
5 aggravated unlawful restraint, stalking, aggravated stalking,
6 cyberstalking, harassment by telephone, harassment through
7 electronic communications, or an attempt to commit first
8 degree murder committed against an intimate partner regardless
9 whether an order of protection has been issued against the
10 person,

11 (1) whether the alleged incident involved harassment
12 or abuse, as defined in the Illinois Domestic Violence Act
13 of 1986;

14 (2) whether the person has a history of domestic
15 violence, as defined in the Illinois Domestic Violence
16 Act, or a history of other criminal acts;

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

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

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

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

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

26 (8) based on the severity of the alleged incident that

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

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

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

16 (11) whether the person has expressed suicidal or
17 homicidal ideations;

18 (11.5) 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 behavior, or
21 lack of that behavior.

22 (c) In cases of stalking or aggravated stalking under
23 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
24 court may consider the following additional factors:

25 (1) 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 commitment,
4 domestic relations or other proceedings;

5 (2) Any evidence of the defendant's psychological,
6 psychiatric or other similar social history that tends to
7 indicate a violent, abusive, or assaultive nature, or lack
8 of any such history;~~;~~

9 (3) The nature of the threat which is the basis of the
10 charge against the defendant;

11 (4) Any statements made by, or attributed to the
12 defendant, together with the circumstances surrounding
13 them;

14 (5) The age and physical condition of any person
15 allegedly assaulted by the defendant;

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

18 (7) 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 behavior, or
21 lack of that behavior.

22 (d) The Court may use a regularly validated risk
23 assessment tool to aid its determination of appropriate
24 conditions of release as provided for in Section 110-6.4. ~~Risk~~
25 ~~assessment tools may not be used as the sole basis to deny~~
26 ~~pretrial release.~~ If a risk assessment tool is used, the

1 defendant's counsel shall be provided with the information and
2 scoring system of the risk assessment tool used to arrive at
3 the determination. The defendant retains the right to
4 challenge the validity of a risk assessment tool used by the
5 court and to present evidence relevant to the defendant's
6 challenge.

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

24 (f) Prior to the defendant's first appearance and with
25 sufficient time for meaningful attorney-client contact to
26 gather information in order to advocate effectively for

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

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

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

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

1 that program, at the same rate described in subsection (b) of
2 Section 5-4.5-100 of the Unified Code of Corrections ~~unified~~
3 ~~code of correction~~.

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

15 (j) Crime Victims shall be given notice by the State's
16 Attorney's office of this hearing as required in paragraph (1)
17 of subsection (b) of Section 4.5 of the Rights of Crime Victims
18 and Witnesses Act and shall be informed of their opportunity
19 at this hearing to obtain an order of protection under Article
20 112A of this Code.

21 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
22 102-558, eff. 8-20-21; revised 12-15-21.)

23 (725 ILCS 5/110-5.2)

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

25 Sec. 110-5.2. Bail; pregnant pre-trial detainee.

1 (a) It is the policy of this State that a pre-trial
2 detainee shall not be required to deliver a child while in
3 custody absent a finding by the court that continued pre-trial
4 custody is necessary to protect the public or the victim of the
5 offense on which the charge is based.

6 (b) If the court reasonably believes that a pre-trial
7 detainee will give birth while in custody, the court shall
8 order an alternative to custody unless, after a hearing, the
9 court determines:

10 (1) that the release of the pregnant pre-trial
11 detainee would pose a real and present threat to the
12 physical safety of the alleged victim of the offense and
13 continuing custody is necessary to prevent the fulfillment
14 of the threat upon which the charge is based; or

15 (2) that the release of the pregnant pre-trial
16 detainee would pose a real and present threat to the
17 physical safety of any person or persons or the general
18 public.

19 (c) The court may order a pregnant or post-partum detainee
20 to be subject to electronic monitoring as a condition of
21 pre-trial release or order other condition or combination of
22 conditions the court reasonably determines are in the best
23 interest of the detainee and the public.

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

1 (Source: P.A. 100-630, eff. 1-1-19.)

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

3 Sec. 110-5.2. Pretrial release of pregnant detainees~~+~~
4 ~~pregnant pre-trial detainee.~~

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

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

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

25 (2) after a hearing under Section 110-6.1 that

1 considers the circumstances of the pregnancy, the court
2 determines that continued detention is the only way to
3 prevent a specific, real, and present threat to the safety
4 of any person or persons, 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. ~~The court may~~
15 ~~order a pregnant or post partum detainee to be subject to~~
16 ~~electronic monitoring as a condition of pre trial release or~~
17 ~~order other condition or combination of conditions the court~~
18 ~~reasonably determines are in the best interest of the detainee~~
19 ~~and the public.~~

20 (d) This Section shall be applicable to a pregnant
21 pretrial ~~pre trial~~ detainee in custody on or after the
22 effective date of this amendatory Act of the 100th General
23 Assembly.

24 (Source: P.A. 100-630, eff. 1-1-19; 101-652, eff. 1-1-23.)

25 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

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

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

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

18 (a-5) In addition to any other available motion or
19 procedure under this Code, a person in custody solely for a
20 Category B offense due to an inability to post monetary bail
21 shall be brought before the court at the next available court
22 date or 7 calendar days from the date bail was set, whichever
23 is earlier, for a rehearing on the amount or conditions of bail
24 or release pending further court proceedings. The court may
25 reconsider conditions of release for any other person whose
26 inability to post monetary bail is the sole reason for

1 continued incarceration, including a person in custody for a
2 Category A offense or a Category A offense and a Category B
3 offense. The court may deny the rehearing permitted under this
4 subsection (a-5) if the person has failed to appear as
5 required before the court and is incarcerated based on a
6 warrant for failure to appear on the same original criminal
7 offense.

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

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

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

23 (e) Upon verified application by the State stating facts
24 or circumstances constituting a violation or a threatened
25 violation of any of the conditions of the bail bond the court
26 may issue a warrant commanding any peace officer to bring the

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

23 (f) Where the alleged violation consists of the violation
24 of one or more felony statutes of any jurisdiction which would
25 be a forcible felony in Illinois or a Class 2 or greater
26 offense under the Illinois Controlled Substances Act, the

1 Cannabis Control Act, or the Methamphetamine Control and
2 Community Protection Act and the defendant is on bail for the
3 alleged commission of a felony, or where the defendant is on
4 bail for a felony domestic battery (enhanced pursuant to
5 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
6 or the Criminal Code of 2012), aggravated domestic battery,
7 aggravated battery, unlawful restraint, aggravated unlawful
8 restraint or domestic battery in violation of item (1) of
9 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
10 or the Criminal Code of 2012 against a family or household
11 member as defined in Section 112A-3 of this Code and the
12 violation is an offense of domestic battery against the same
13 victim the court shall, on the motion of the State or its own
14 motion, revoke bail in accordance with the following
15 provisions:

16 (1) The court shall hold the defendant without bail
17 pending the hearing on the alleged breach; however, if the
18 defendant is not admitted to bail the hearing shall be
19 commenced within 10 days from the date the defendant is
20 taken into custody or the defendant may not be held any
21 longer without bail, unless delay is occasioned by the
22 defendant. Where defendant occasions the delay, the
23 running of the 10 day period is temporarily suspended and
24 resumes at the termination of the period of delay. Where
25 defendant occasions the delay with 5 or fewer days
26 remaining in the 10 day period, the court may grant a

1 period of up to 5 additional days to the State for good
2 cause shown. The State, however, shall retain the right to
3 proceed to hearing on the alleged violation at any time,
4 upon reasonable notice to the defendant and the court.

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

1 (3) Upon a finding by the court that the State has
2 established by clear and convincing evidence that the
3 defendant has committed a forcible felony or a Class 2 or
4 greater offense under the Illinois Controlled Substances
5 Act, the Cannabis Control Act, or the Methamphetamine
6 Control and Community Protection Act while admitted to
7 bail, or where the defendant is on bail for a felony
8 domestic battery (enhanced pursuant to subsection (b) of
9 Section 12-3.2 of the Criminal Code of 1961 or the
10 Criminal Code of 2012), aggravated domestic battery,
11 aggravated battery, unlawful restraint, aggravated
12 unlawful restraint or domestic battery in violation of
13 item (1) of subsection (a) of Section 12-3.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 against
15 a family or household member as defined in Section 112A-3
16 of this Code and the violation is an offense of domestic
17 battery, against the same victim, the court shall revoke
18 the bail of the defendant and hold the defendant for trial
19 without bail. Neither the finding of the court nor any
20 transcript or other record of the hearing shall be
21 admissible in the State's case in chief, but shall be
22 admissible for impeachment, or as provided in Section
23 115-10.1 of this Code or in a perjury proceeding.

24 (4) If the bail of any defendant is revoked pursuant
25 to paragraph (f) (3) of this Section, the defendant may
26 demand and shall be entitled to be brought to trial on the

1 offense with respect to which he was formerly released on
2 bail within 90 days after the date on which his bail was
3 revoked. If the defendant is not brought to trial within
4 the 90 day period required by the preceding sentence, he
5 shall not be held longer without bail. In computing the 90
6 day period, the court shall omit any period of delay
7 resulting from a continuance granted at the request of the
8 defendant.

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

24 (g) The State may appeal any order where the court has
25 increased or reduced the amount of bail or altered the
26 conditions of the bail bond or granted bail where it has

1 previously been revoked.

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

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

4 Sec. 110-6. Revocation of pretrial release, modification
5 of conditions of pretrial release, and sanctions for
6 violations of conditions of pretrial release.

7 (a) When a defendant has previously been ~~is~~ granted
8 pretrial release under this Section for a Felony or Class A
9 misdemeanor under the Criminal Code of 2012 or the Illinois
10 Vehicle Code, such ~~section, that~~ pretrial release may be
11 revoked only if the defendant is charged with a new felony or
12 Class A misdemeanor under the Criminal Code of 2012 or the
13 Illinois Vehicle Code that is alleged to have occurred during
14 the defendant's pretrial release, after a hearing on the
15 court's own motion or upon filing of a verified petition by the
16 State. under the following conditions:

17 ~~(1) if the defendant is charged with a detainable~~
18 ~~felony as defined in 110-6.1, a defendant may be detained~~
19 ~~after the State files a verified petition for such a~~
20 ~~hearing, and gives the defendant notice as prescribed in~~
21 ~~110-6.1; or~~

22 ~~(2) in accordance with subsection (b) of this section.~~

23 ~~(b) Revocation due to a new criminal charge: If an~~
24 ~~individual, while on pretrial release for a Felony or Class A~~
25 ~~misdemeanor under this Section, is charged with a new felony~~

1 ~~er Class A misdemeanor under the Criminal Code of 2012, the~~
2 ~~court may, on its own motion or motion of the state, begin~~
3 ~~proceedings to revoke the individual's' pretrial release.~~

4 ~~(1) When the defendant is charged with a felony or~~
5 ~~class A misdemeanor offense and while free on pretrial~~
6 ~~release bail is charged with a subsequent felony or class~~
7 ~~A misdemeanor offense that is alleged to have occurred~~
8 ~~during the defendant's pretrial release, the state may~~
9 ~~file a verified petition for revocation of pretrial~~
10 ~~release.~~

11 (1) ~~(2)~~ When a defendant who has been released
12 pretrial ~~on pretrial release~~ is charged with a violation
13 of an order of protection issued under Section 112A-14 of
14 this Code, or Section 214 of the Illinois Domestic
15 Violence Act of 1986 or previously was convicted of a
16 violation of an order of protection under Section 12-3.4
17 or 12-30 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, and the subject of the order of protection is the
19 same person as the victim in the underlying matter, the
20 state shall file a verified petition seeking ~~for~~
21 revocation of pretrial release.

22 (2) ~~(3)~~ Upon the filing of a this petition, or upon
23 motion of the court, seeking revocation, the court shall
24 order the transfer of the defendant and the petition or
25 motion ~~application~~ to the court before which the previous
26 felony or Class A misdemeanor matter is pending. The

1 defendant may ~~shall~~ be held in custody ~~without bond~~
2 pending transfer to and a hearing before such court. The
3 defendant shall be transferred to the court before which
4 the previous matter is pending without unnecessary delay.
5 In no event shall the time between the filing of the
6 State's petition or the court's motion ~~state's petition~~
7 for revocation and the defendant's appearance in ~~before~~
8 the court before which the previous matter is pending
9 exceed 72 hours.

10 (3) ~~(4)~~ The court before which the previous felony or
11 Class A misdemeanor matter is pending may revoke the
12 defendant's pretrial release only if it finds, after
13 considering all relevant circumstances including, but not
14 limited to, the nature and seriousness of the violation or
15 criminal act alleged, by ~~the court finds~~ clear and
16 convincing evidence that no condition or combination of
17 conditions of release would reasonably assure the
18 appearance of the defendant for later hearings or prevent
19 the defendant from being charged with a subsequent felony
20 or class A misdemeanor.

21 (4) ~~(5)~~ In lieu of revocation, the court may release
22 the defendant pre-trial, with or without modification of
23 conditions of pretrial release.

24 (5) ~~(6)~~ If the case that caused the revocation is
25 dismissed, the defendant is found not guilty in the case
26 causing the revocation, or the defendant completes a

1 lawfully imposed sentence on the case causing the
2 revocation, the court shall, without unnecessary delay,
3 hold a hearing on conditions of pretrial release pursuant
4 to Section ~~section~~ 110-5 and release the defendant with or
5 without modification of conditions of pretrial release.

6 (6) ~~(7)~~ Both the State and the defendant ~~state and the~~
7 ~~defense~~ may appeal an order revoking pretrial release or
8 denying a petition for revocation of release.

9 (b) If a defendant has previously been granted pretrial
10 release under this section for a Class B or Class C misdemeanor
11 offense under the Criminal Code of 2012 or the Illinois
12 Vehicle Code, a petty or business offense, or ordinance
13 violation, and is subsequently charged with a felony or class
14 A misdemeanor offense under the Criminal Code of 2012 or the
15 Illinois Vehicle Code that is alleged to have occurred during
16 the defendant's pretrial release, such pretrial release may
17 not be revoked, but may be cause for sanctions under
18 subsection (c).

19 (c) Sanctions for violation of pretrial release ~~Violations~~
20 ~~other than re-arrest for a felony or class A misdemeanor.~~

21 (1) If a defendant:

22 (A) ~~(1)~~ fails to appear in court as required by
23 their conditions of release;

24 (B) is charged with a new felony or class A
25 misdemeanor offense that is alleged to have occurred
26 during the defendant's pretrial release under the

1 Criminal Code of 2012 or the Illinois Vehicle Code
2 after having been previously granted pretrial release
3 for a Class B or Class C misdemeanor under the Criminal
4 Code of 2012 or the Illinois Vehicle Code, a petty or
5 business offense, or ordinance violation that is
6 alleged to have occurred during the defendant's
7 pretrial release;

8 (C) ~~(2)~~ is charged with a class B or C misdemeanor
9 offense under the Criminal Code of 2012 or the
10 Illinois Vehicle Code, petty offense, business traffic
11 offense, or ordinance violation that is alleged to
12 have occurred during the defendant's pretrial release;
13 or

14 (D) ~~(3)~~ violates any other condition of pretrial
15 release set by the court,

16 the court shall follow the procedures set forth in Section
17 110-3 to ensure the defendant's appearance in court to address
18 the violation.

19 (2) ~~(d)~~ When a defendant appears in court pursuant to
20 a summons or warrant issued in accordance with Section
21 110-3 for a notice to show cause hearing, or after being
22 arrested on a warrant issued because of a failure to
23 appear at a notice to show cause hearing, or after being
24 arrested for an offense that is alleged to have occurred
25 during the defendant's pretrial release other than a
26 felony or class A misdemeanor, the state may file a

1 verified petition requesting a hearing for sanctions.

2 (3) ~~(e)~~ During the hearing for sanctions, the
3 defendant shall be represented by counsel and have an
4 opportunity to be heard regarding the violation and
5 evidence in mitigation. The court shall only impose
6 sanctions if it finds by clear and convincing evidence
7 that:

8 (A) the 1. ~~The~~ defendant committed an act that
9 violated a term of their pretrial release;

10 (B) the 2. ~~The~~ defendant had actual knowledge that
11 their action would violate a court order;

12 (C) the 3. ~~The~~ violation of the court order was
13 willful; and

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

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

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

20 (B) imprisonment in a 2. ~~Imprisonment in the~~
21 county jail for a period not exceeding 30 days; or

22 ~~3. A fine of not more than \$200; or~~

23 (C) a 4. ~~A~~ modification of the defendant's
24 pretrial conditions.

25 (d) (g) Modification of Pretrial Conditions.

26 (1) (a) The court may, at any time, after motion by

1 either party or on its own motion, remove previously set
2 conditions of pretrial release, subject to the provisions
3 in paragraph (2) of this subsection (d) ~~section (e)~~. The
4 court may only add or increase conditions of pretrial
5 release at a hearing under this Section, ~~in a warrant~~
6 ~~issued under Section 110-3, or upon motion from the state.~~

7 (2) ~~(b)~~ Modification of conditions of release
8 regarding contact with victims or witnesses. The court
9 shall not remove a previously set condition of pretrial
10 release bond regulating contact with a victim or witness
11 in the case, unless the subject of the condition has been
12 given notice of the hearing as required in paragraph (1)
13 of subsection (b) of Section 4.5 of the Rights of Crime
14 Victims and Witnesses Act. If the subject of the condition
15 of release is not present, the court shall follow the
16 procedures of paragraph (10) of subsection (c-1) of the
17 Rights of Crime Victims and Witnesses Act.

18 (e) ~~(h)~~ Notice to Victims. + Crime Victims shall be given
19 notice by the State's Attorney's office of all hearings in
20 this section as required in paragraph (1) of subsection (b) of
21 Section 4.5 of the Rights of Crime Victims and Witnesses Act
22 and shall be informed of their opportunity at these hearing to
23 obtain an order of protection under Article 112A of this Code.

24 (f) Nothing in this section shall be construed to limit
25 the State's ability to file a verified petition seeking denial
26 of pretrial release under subsection (a) of Section 110-6.1 or

1 under paragraph (2) of subsection (d) of Section 110-6.1.

2 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19;
3 101-652, eff. 1-1-23.)

4 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

6 Sec. 110-6.1. Denial of bail in non-probationable felony
7 offenses.

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

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

23 (2) The hearing shall be held immediately upon the
24 defendant's appearance before the court, unless for good
25 cause shown the defendant or the State seeks a

1 continuance. A continuance on motion of the defendant may
2 not exceed 5 calendar days, and a continuance on the
3 motion of the State may not exceed 3 calendar days. The
4 defendant may be held in custody during such continuance.

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

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

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

20 (3) the court finds that no condition or combination
21 of conditions set forth in subsection (b) of Section
22 110-10 of this Article, can reasonably assure the physical
23 safety of any other person or persons.

24 (c) Conduct of the hearings.

25 (1) The hearing on the defendant's culpability and
26 dangerousness shall be conducted in accordance with the

1 following provisions:

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

1 copies of defendant's criminal history, if any, if
2 available, and any written or recorded statements and
3 the substance of any oral statements made by any
4 person, if relied upon by the State in its petition.
5 The rules concerning the admissibility of evidence in
6 criminal trials do not apply to the presentation and
7 consideration of information at the hearing. At the
8 trial concerning the offense for which the hearing was
9 conducted neither the finding of the court nor any
10 transcript or other record of the hearing shall be
11 admissible in the State's case in chief, but shall be
12 admissible for impeachment, or as provided in Section
13 115-10.1 of this Code, or in a perjury proceeding.

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

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

25 (d) Factors to be considered in making a determination of
26 dangerousness. The court may, in determining whether the

1 defendant poses a real and present threat to the physical
2 safety of any person or persons, consider but shall not be
3 limited to evidence or testimony concerning:

4 (1) The nature and circumstances of any offense
5 charged, including whether the offense is a crime of
6 violence, involving a weapon.

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

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

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

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

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

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

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

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

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

14 (e) Detention order. The court shall, in any order for
15 detention:

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

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

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

26 (4) direct that the sheriff deliver the defendant as

1 required for appearances in connection with court
2 proceedings.

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

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

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

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

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

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

23 Sec. 110-6.1. Denial of pretrial release.

24 (a) Upon verified petition by the State, the court shall
25 hold a hearing and may deny a defendant pretrial release only

1 if:

2 (1) the defendant is charged with a forcible felony
3 offense for which a sentence of imprisonment, without
4 probation, periodic imprisonment or conditional discharge,
5 is required by law upon conviction, and it is alleged that
6 the defendant's pretrial release poses a specific, real
7 and present threat to any person or persons ~~the~~
8 ~~community~~;

9 (2) the defendant is charged with stalking or
10 aggravated stalking and it is alleged that the defendant's
11 pre-trial release poses a real and present threat to the
12 physical safety of a victim of the alleged offense, and
13 denial of release is necessary to prevent fulfillment of
14 the threat upon which the charge is based;

15 (3) the victim ~~of abuse~~ was a family or household
16 member as defined by paragraph (6) of Section 103 of the
17 Illinois Domestic Violence Act of 1986, and the person
18 charged, at the time of the alleged offense, was subject
19 to the terms of an order of protection issued under
20 Section 112A-14 of this Code, or Section 214 of the
21 Illinois Domestic Violence Act of 1986 or previously was
22 convicted of a violation of an order of protection under
23 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 or a violent crime if the victim was
25 a family or household member as defined by paragraph (6)
26 of the Illinois Domestic Violence Act of 1986 at the time

1 of the offense or a violation of a substantially similar
2 municipal ordinance or law of this or any other state or
3 the United States if the victim was a family or household
4 member as defined by paragraph (6) of Section 103 of the
5 Illinois Domestic Violence Act of 1986 at the time of the
6 offense, and it is alleged that the defendant's pre-trial
7 release poses a specific, real, and present threat to the
8 ~~physical~~ safety of any person or persons;

9 (3.5) (i) the victim was the subject of an order of
10 protection issued under Section 112A-14 of this Code, or
11 Section 214 of the Illinois Domestic Violence Act of 1989,
12 a stalking no contact order under the Stalking No Contact
13 Order Act, or of a civil no contact order under the Civil
14 No Contact Order Act, and (ii) it is alleged that the
15 defendant's pretrial release poses a specific, real and
16 present threat to the safety of any person or persons;

17 (4) the defendant is charged with domestic battery or
18 aggravated domestic battery under Section 12-3.2 or 12-3.3
19 of the Criminal Code of 2012 and it is alleged that the
20 defendant's pretrial release poses a specific, real, and
21 present threat to the ~~physical~~ safety of any person or
22 persons;

23 (5) the defendant is charged with any offense under
24 Article 11 of the Criminal Code of 2012, except for
25 Sections 11-14, 11-14.1, 11-14.2, 11-14.3, 11-14.4, 11-18,
26 11-18.1, 11-20, 11-21, 11-30, 11-35, 11-40, and 11-45 of

1 the Criminal Code of 2012, or similar provisions of the
2 Criminal Code of 1961 and it is alleged that the
3 defendant's pretrial release poses a specific, real, and
4 present threat to the physical safety of any person or
5 persons;

6 (6) the defendant is charged with any of these
7 violations under the Criminal Code of 2012 and it is
8 alleged that the defendant's pretrial releases poses a
9 specific, real, and present threat to the ~~physical~~ safety
10 of any ~~specifically identifiable~~ person or persons.:-

11 (A) Section 24-1.2 (aggravated discharge of a
12 firearm);

13 (B) Section 24-2.5 (aggravated discharge of a
14 machine gun or a firearm equipped with a device
15 designed or use for silencing the report of a
16 firearm);

17 (C) Section 24-1.5 (reckless discharge of a
18 firearm);

19 (D) Section 24-1.7 (armed habitual criminal);

20 (E) Section 24-2.2 2 (manufacture, sale or
21 transfer of bullets or shells represented to be armor
22 piercing bullets, dragon's breath shotgun shells, bolo
23 shells or flechette shells);

24 (F) Section 24-3 (unlawful sale or delivery of
25 firearms);

26 (G) Section 24-3.3 (unlawful sale or delivery of

1 firearms on the premises of any school);

2 (H) Section 24-34 (unlawful sale of firearms by
3 liquor licensee ~~license~~);

4 (I) Section 24-3.5 ~~(unlawful purchase of a~~
5 firearm);

6 (J) Section 24-3A (gunrunning); or

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

8 (L) Section 10-9 (b) (involuntary servitude);

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

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

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

18 (7) the person has a high likelihood of willful flight
19 to avoid prosecution and is charged with:

20 (A) Any felony described in Sections (a)(1)
21 through (a) (6) ~~(5)~~ of this Section; or

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

23 (b) If the charged offense is a felony, the Court shall
24 hold a hearing pursuant to 109-3 of this Code before the
25 beginning of the detention hearing to determine whether there
26 is probable cause the defendant has committed an offense,

1 unless a grand jury has returned a true bill of indictment
2 against the defendant. If there is a finding of no probable
3 cause, the defendant shall be released. No such finding is
4 necessary if the defendant is charged with a misdemeanor.

5 (c) Timing of petition.

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

13 (2) ~~(2)~~ Upon filing, the court shall immediately hold
14 a hearing on the petition unless a continuance is
15 requested. If a continuance is requested and granted, the
16 hearing shall be held within 48 hours of the defendant's
17 first appearance if the defendant is charged with a Class
18 X, Class 1, Class 2, or Class 3 felony, and within 24 hours
19 if the defendant is charged with a Class 4 or misdemeanor
20 offense. The Court may deny ~~and~~ or grant the request for
21 continuance. If the court decides to grant the
22 continuance, the Court retains the discretion to detain or
23 release the defendant in the time between the filing of
24 the petition and the hearing.

25 (d) Contents of petition.

26 (1) The petition shall be verified by the State and

1 shall state the grounds upon which it contends the
2 defendant should be denied pretrial release, including the
3 identity of the ~~specific~~ person or persons to whose safety
4 the State believes the defendant poses a specific, real,
5 and present threat or the reasons the defendant has a high
6 likelihood of willful flight ~~danger to~~.

7 (2) When the State seeks to file a second or
8 subsequent petition under this section, the State shall be
9 required to present a verified application setting forth
10 in detail any new facts not known or obtainable at the time
11 of the filing of the previous petition. ~~Only one petition~~
12 ~~may be filed under this Section.~~

13 (e) Eligibility. ~~+~~ All defendants shall be presumed
14 eligible for pretrial release, and the State shall bear the
15 burden of proving by clear and convincing evidence that:

16 (1) the proof is evident or the presumption great that
17 the defendant has committed an offense listed in
18 paragraphs (1) through (6) of subsection (a); ~~7~~ and

19 (2) the defendant poses a specific, real, and present
20 threat to the safety of any ~~a specific, identifiable~~
21 person or persons, by conduct which may include, but is
22 not limited to, a forcible felony, the obstruction of
23 justice, intimidation, injury, or abuse as defined by
24 paragraph (1) of Section 103 of the Illinois Domestic
25 Violence Act of 1986, or the person poses a high
26 likelihood of willful flight to avoid prosecution; and

1 (3) no condition or combination of conditions set
2 forth in subsection (b) of Section 110-10 of this Article
3 can mitigate the specific, real, and present threat to the
4 safety of any person or persons or the defendant's willful
5 flight.

6 (f) Conduct of the hearings.

7 (1) Prior to the hearing the State shall tender to the
8 defendant copies of defendant's criminal history
9 available, any written or recorded statements, and the
10 substance of any oral statements made by any person, if
11 relied upon by the State in its petition, and any police
12 reports in the State's Attorney's possession at the time
13 of the hearing that are required to be disclosed to the
14 defense under Illinois Supreme Court rules.

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

17 (3) The defendant has the right to be represented by
18 counsel, and if he or she is indigent, to have counsel
19 appointed for him or her. The defendant shall have the
20 opportunity to testify, to present witnesses on his or her
21 own behalf, and to cross-examine any witnesses that are
22 called by the State.

23 (3.5) A hearing at which pretrial release may be
24 denied must be conducted in person (and not by way of
25 closed circuit television) unless the physical health and
26 safety of any person necessary to the proceedings would be

1 endangered by appearing in court, or the accused waives
2 the right to be present in person.

3 (4) If the defense seeks to call the complaining
4 witness as a witness in its favor, it shall petition the
5 court for permission. When the ends of justice so require,
6 the court may exercise its discretion and compel the
7 appearance of a complaining witness. The court shall state
8 on the record reasons for granting a defense request to
9 compel the presence of a complaining witness. In making a
10 determination under this section, the court shall state on
11 the record the reason for granting a defense request to
12 compel the presence of a complaining witness, and only
13 grant the request if the court finds by clear and
14 convincing evidence that the defendant will be materially
15 prejudiced if the complaining witness does not appear.
16 Cross-examination of a complaining witness at the pretrial
17 detention hearing for the purpose of impeaching the
18 witness' credibility is insufficient reason to compel the
19 presence of the witness. In deciding whether to compel the
20 appearance of a complaining witness, the court shall be
21 considerate of the emotional and physical well-being of
22 the witness. The pre-trial detention hearing is not to be
23 used for purposes of discovery, and the post arraignment
24 rules of discovery do not apply.

25 (5) The rules concerning the admissibility of evidence
26 in criminal trials do not apply to the presentation and

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

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

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

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

26 (1) The nature and circumstances of any offense

1 charged, including whether the offense is a crime of
2 violence, involving a weapon, or a sex offense.

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

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

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

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

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

21 (5) The age and physical condition of the defendant;

22 (6) The age and physical condition of any victim or
23 complaining witness;

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

26 (8) Whether, at the time of the current offense or any

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

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

11 (h) Detention order. The court shall, in any order for
12 detention:

13 (1) make a written finding summarizing ~~briefly~~
14 ~~summarize the evidence of the defendant's guilt or~~
15 ~~innocence, and~~ the court's reasons for concluding that the
16 defendant should be denied pretrial release, including why
17 less restrictive conditions would not avoid a specific,
18 real and present threat to the safety of any person or
19 persons or prevent the defendant's willful flight from
20 prosecution;

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

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

1 visitation, mail and telephone; and

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

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

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

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

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

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

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

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

5 (1) Crime victims shall be given notice by the State's
6 Attorney's office of this hearing as required in paragraph
7 (1) of subsection (b) of Section 4.5 of the Rights of Crime
8 Victims and Witnesses Act and shall be informed of their
9 opportunity at this hearing to obtain an order of
10 protection under Article 112A of this Code.

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

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

16 (725 ILCS 5/110-7.5 new)

17 Sec. 110-7.5. Previously deposited bail security.

18 (a) On or after January 1, 2023, any person having been
19 previously released pretrial on the condition of depositing of
20 security shall be allowed to remain on pretrial release under
21 the terms of their original bail bond. This Section shall not
22 limit the State's Attorney's ability to file a verified
23 petition for detention under Section 110-6.1 or a petition for
24 revocation or sanctions under Section 110-6.

25 (b) On or after January 1, 2023, any person who remains in

1 pretrial detention after having been ordered released with
2 pretrial conditions, including the condition of depositing
3 security, shall be entitled to a hearing under subsection (e)
4 of Section 110-6.

5 (c) Processing of previously deposited bail security. The
6 provisions of this Section shall apply to all monetary bonds,
7 regardless of whether they were previously posted in cash or
8 in the form of stocks, bonds, or real estate.

9 (1) Once security has been deposited and a charge is
10 pending or is thereafter filed in or transferred to a
11 court of competent jurisdiction, the latter court may
12 continue the original security in that court or modify the
13 conditions of pretrial release subject to the provisions
14 of Section 110-6.

15 (2) After conviction, the court may order that a
16 previously deposited security stand pending appeal,
17 reconsider conditions of release, or deny release subject
18 to the provisions of Section 110-6.2.

19 (3) After the entry of an order by the trial court
20 granting or denying pretrial release pending appeal,
21 either party may apply to the reviewing court having
22 jurisdiction or to a justice thereof sitting in vacation
23 for an order modifying the conditions of pretrial release
24 or denying pretrial release subject to the provisions of
25 Section 110-6.2.

26 (4) When the conditions of the previously posted bail

1 bond have been performed and the accused has been
2 discharged from all obligations in the cause, the clerk of
3 the court shall return to the accused or to the
4 defendant's designee by an assignment executed at the time
5 the bail amount is deposited, unless the court orders
6 otherwise, 90% of the sum which had been deposited and
7 shall retain as bail bond costs 10% of the amount
8 deposited. However, in no event shall the amount retained
9 by the clerk as bail bond costs be less than \$5.

10 Notwithstanding the foregoing, in counties with a
11 population of 3,000,000 or more, in no event shall the
12 amount retained by the clerk as bail bond costs exceed
13 \$100. Bail bond deposited by or on behalf of a defendant in
14 one case may be used, in the court's discretion, to
15 satisfy financial obligations of that same defendant
16 incurred in a different case due to a fine, court costs,
17 restitution or fees of the defendant's attorney of record.
18 In counties with a population of 3,000,000 or more, the
19 court shall not order bail bond deposited by or on behalf
20 of a defendant in one case to be used to satisfy financial
21 obligations of that same defendant in a different case
22 until the bail bond is first used to satisfy court costs
23 and attorney's fees in the case in which the bail bond has
24 been deposited and any other unpaid child support
25 obligations are satisfied.

26 In counties with a population of less than 3,000,000,

1 the court shall not order bail bond deposited by or on
2 behalf of a defendant in one case to be used to satisfy
3 financial obligations of that same defendant in a
4 different case until the bail bond is first used to
5 satisfy court costs in the case in which the bail bond has
6 been deposited.

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

11 (5) If there is an alleged violation of the conditions
12 of pretrial release in a matter in which the defendant has
13 previously deposited security, the court having
14 jurisdiction shall follow the procedures for revocation of
15 pretrial release or sanctions set forth in Section 110-6.
16 The previously deposited security shall be returned to the
17 defendant following the procedures of paragraph (4) of
18 subsection (a) of this Section once the defendant has been
19 discharged from all obligations in the cause.

20 (6) If security was previously deposited for failure
21 to appear in a matter involving enforcement of child
22 support or maintenance, the amount of the cash deposit on
23 the bond, less outstanding costs, may be awarded to the
24 person or entity to whom the child support or maintenance
25 is due.

26 (7) After a judgment for a fine and court costs or

1 either is entered in the prosecution of a cause in which a
2 deposit of security was previously made, the balance of
3 such deposit shall be applied to the payment of the
4 judgment.

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

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

7 Sec. 110-10. Conditions of bail bond.

8 (a) If a person is released prior to conviction, either
9 upon payment of bail security or on his or her own
10 recognizance, the conditions of the bail bond shall be that he
11 or she will:

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

15 (2) Submit himself or herself to the orders and
16 process of the court;

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

18 (4) Not violate any criminal statute of any
19 jurisdiction;

20 (5) At a time and place designated by the court,
21 surrender all firearms in his or her possession to a law
22 enforcement officer designated by the court to take
23 custody of and impound the firearms and physically
24 surrender his or her Firearm Owner's Identification Card
25 to the clerk of the circuit court when the offense the

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

18 (6) At a time and place designated by the court,
19 submit to a psychological evaluation when the person has
20 been charged with a violation of item (4) of subsection
21 (a) of Section 24-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 and that violation occurred in a
23 school or in any conveyance owned, leased, or contracted
24 by a school to transport students to or from school or a
25 school-related activity, or on any public way within 1,000
26 feet of real property comprising any school.

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

21 (b) The court may impose other conditions, such as the
22 following, if the court finds that such conditions are
23 reasonably necessary to assure the defendant's appearance in
24 court, protect the public from the defendant, or prevent the
25 defendant's unlawful interference with the orderly
26 administration of justice:

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

3 (2) Refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) Refrain from approaching or communicating with
6 particular persons or classes of persons;

7 (4) Refrain from going to certain described
8 geographical areas or premises;

9 (5) Refrain from engaging in certain activities or
10 indulging in intoxicating liquors or in certain drugs;

11 (6) Undergo treatment for drug addiction or
12 alcoholism;

13 (7) Undergo medical or psychiatric treatment;

14 (8) Work or pursue a course of study or vocational
15 training;

16 (9) Attend or reside in a facility designated by the
17 court;

18 (10) Support his or her dependents;

19 (11) If a minor resides with his or her parents or in a
20 foster home, attend school, attend a non-residential
21 program for youths, and contribute to his or her own
22 support at home or in a foster home;

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

24 (13) Remain in the custody of such designated person
25 or organization agreeing to supervise his release. Such
26 third party custodian shall be responsible for notifying

1 the court if the defendant fails to observe the conditions
2 of release which the custodian has agreed to monitor, and
3 shall be subject to contempt of court for failure so to
4 notify the court;

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

11 (14.1) The court shall impose upon a defendant who is
12 charged with any alcohol, cannabis, methamphetamine, or
13 controlled substance violation and is placed under direct
14 supervision of the Pretrial Services Agency, Probation
15 Department or Court Services Department in a pretrial bond
16 home supervision capacity with the use of an approved
17 monitoring device, as a condition of such bail bond, a fee
18 that represents costs incidental to the electronic
19 monitoring for each day of such bail supervision ordered
20 by the court, unless after determining the inability of
21 the defendant to pay the fee, the court assesses a lesser
22 fee or no fee as the case may be. The fee shall be
23 collected by the clerk of the circuit court, except as
24 provided in an administrative order of the Chief Judge of
25 the circuit court. The clerk of the circuit court shall
26 pay all monies collected from this fee to the county

1 treasurer for deposit in the substance abuse services fund
2 under Section 5-1086.1 of the Counties Code, except as
3 provided in an administrative order of the Chief Judge of
4 the circuit court.

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

15 The Chief Judge of the circuit court may suspend any
16 additional charges or fees for late payment, interest, or
17 damage to any device;

18 (14.2) The court shall impose upon all defendants,
19 including those defendants subject to paragraph (14.1)
20 above, placed under direct supervision of the Pretrial
21 Services Agency, Probation Department or Court Services
22 Department in a pretrial bond home supervision capacity
23 with the use of an approved monitoring device, as a
24 condition of such bail bond, a fee which shall represent
25 costs incidental to such electronic monitoring for each
26 day of such bail supervision ordered by the court, unless

1 after determining the inability of the defendant to pay
2 the fee, the court assesses a lesser fee or no fee as the
3 case may be. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The clerk of
6 the circuit court shall pay all monies collected from this
7 fee to the county treasurer who shall use the monies
8 collected to defray the costs of corrections. The county
9 treasurer shall deposit the fee collected in the county
10 working cash fund under Section 6-27001 or Section 6-29002
11 of the Counties Code, as the case may be, except as
12 provided in an administrative order of the Chief Judge of
13 the circuit court.

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

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

1 (14.3) The Chief Judge of the Judicial Circuit may
2 establish reasonable fees to be paid by a person receiving
3 pretrial services while under supervision of a pretrial
4 services agency, probation department, or court services
5 department. Reasonable fees may be charged for pretrial
6 services including, but not limited to, pretrial
7 supervision, diversion programs, electronic monitoring,
8 victim impact services, drug and alcohol testing, DNA
9 testing, GPS electronic monitoring, assessments and
10 evaluations related to domestic violence and other
11 victims, and victim mediation services. The person
12 receiving pretrial services may be ordered to pay all
13 costs incidental to pretrial services in accordance with
14 his or her ability to pay those costs;

15 (14.4) For persons charged with violating Section
16 11-501 of the Illinois Vehicle Code, refrain from
17 operating a motor vehicle not equipped with an ignition
18 interlock device, as defined in Section 1-129.1 of the
19 Illinois Vehicle Code, pursuant to the rules promulgated
20 by the Secretary of State for the installation of ignition
21 interlock devices. Under this condition the court may
22 allow a defendant who is not self-employed to operate a
23 vehicle owned by the defendant's employer that is not
24 equipped with an ignition interlock device in the course
25 and scope of the defendant's employment;

26 (15) Comply with the terms and conditions of an order

1 of protection issued by the court under the Illinois
2 Domestic Violence Act of 1986 or an order of protection
3 issued by the court of another state, tribe, or United
4 States territory;

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

7 (17) Such other reasonable conditions as the court may
8 impose.

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 granting bail or releasing the
15 defendant on his own recognizance, the judge shall impose
16 conditions to restrict the defendant's access to the victim
17 which may include, but are not limited to conditions that he
18 will:

19 1. Vacate the household.

20 2. Make payment of temporary support to his
21 dependents.

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

24 (d) When a person is charged with a criminal offense and
25 the victim is a family or household member as defined in
26 Article 112A, conditions shall be imposed at the time of the

1 defendant's release on bond that restrict the defendant's
2 access to the victim. Unless provided otherwise by the court,
3 the restrictions shall include requirements that the defendant
4 do the following:

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

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

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

18 (f) If the defendant is admitted to bail after conviction
19 the conditions of the bail bond 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 bailed.

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 remaining on bond pending sentencing.

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

14 (Source: P.A. 101-138, eff. 1-1-20.)

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

16 Sec. 110-10. Conditions of pretrial release.

17 (a) If a person is released prior to conviction, the
18 conditions of pretrial release shall be that he or she will:

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

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

24 (3) (Blank);

25 (4) Not violate any criminal statute of any

1 jurisdiction;

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

25 (6) At a time and place designated by the court,
26 submit to a psychological evaluation when the person has

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

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

1 defendant places his or her mental competency in issue.

2 (b) Additional conditions of release shall be set only
3 when it is determined that they are necessary to assure the
4 defendant's appearance in court, assure the defendant does not
5 commit any criminal offense, assure the defendant complies
6 with all conditions of pretrial release, ~~The court may impose~~
7 ~~other conditions, such as the following, if the court finds~~
8 ~~that such conditions are reasonably necessary to assure the~~
9 ~~defendant's appearance in court, protect the public from the~~
10 ~~defendant,~~ or prevent the defendant's unlawful interference
11 with the orderly administration of justice. However,
12 conditions shall include the least restrictive means and be
13 individualized. Conditions shall not mandate rehabilitative
14 services unless directly tied to the risk of pretrial
15 misconduct. Conditions of supervision shall not include
16 punitive measures such as community service work or
17 restitution. Conditions may include the following:

18 (0.05) Not depart this State without leave of the
19 court;

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

22 (2) Refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described

1 geographical areas or premises;

2 ~~(5) Refrain from engaging in certain activities or~~
3 ~~indulging in intoxicating liquors or in certain drugs;~~

4 ~~(6) Undergo treatment for drug addiction or~~
5 ~~alcoholism;~~

6 ~~(7) Undergo medical or psychiatric treatment;~~

7 ~~(8) Work or pursue a course of study or vocational~~
8 ~~training;~~

9 ~~(9) Attend or reside in a facility designated by the~~
10 ~~court;~~

11 ~~(10) Support his or her dependents;~~

12 ~~(11) If a minor resides with his or her parents or in a~~
13 ~~foster home, attend school, attend a non-residential~~
14 ~~program for youths, and contribute to his or her own~~
15 ~~support at home or in a foster home;~~

16 ~~(12) Observe any curfew ordered by the court;~~

17 ~~(13) Remain in the custody of such designated person~~
18 ~~or organization agreeing to supervise his release. Such~~
19 ~~third party custodian shall be responsible for notifying~~
20 ~~the court if the defendant fails to observe the conditions~~
21 ~~of release which the custodian has agreed to monitor, and~~
22 ~~shall be subject to contempt of court for failure so to~~
23 ~~notify the court;~~

24 (5) ~~(14)~~ Be placed under direct supervision of the
25 Pretrial Services Agency, Probation Department or Court
26 Services Department in a pretrial home supervision

1 capacity with or without the use of an approved electronic
2 monitoring device subject to Article 8A of Chapter V of
3 the Unified Code of Corrections;

4 ~~(14.1) The court may impose upon a defendant who is~~
5 ~~charged with any alcohol, cannabis, methamphetamine, or~~
6 ~~controlled substance violation and is placed under direct~~
7 ~~supervision of the Pretrial Services Agency, Probation~~
8 ~~Department or Court Services Department in a pretrial home~~
9 ~~supervision capacity with the use of an approved~~
10 ~~monitoring device, as a condition of such pretrial~~
11 ~~monitoring, a fee that represents costs incidental to the~~
12 ~~electronic monitoring for each day of such pretrial~~
13 ~~supervision ordered by the court, unless after determining~~
14 ~~the inability of the defendant to pay the fee, the court~~
15 ~~assesses a lesser fee or no fee as the case may be. The fee~~
16 ~~shall be collected by the clerk of the circuit court,~~
17 ~~except as provided in an administrative order of the Chief~~
18 ~~Judge of the circuit court. The clerk of the circuit court~~
19 ~~shall pay all monies collected from this fee to the county~~
20 ~~treasurer for deposit in the substance abuse services fund~~
21 ~~under Section 5-1086.1 of the Counties Code, except as~~
22 ~~provided in an administrative order of the Chief Judge of~~
23 ~~the circuit court.~~

24 ~~The Chief Judge of the circuit court of the county may~~
25 ~~by administrative order establish a program for electronic~~
26 ~~monitoring of offenders with regard to drug related and~~

1 ~~alcohol related offenses, in which a vendor supplies and~~
2 ~~monitors the operation of the electronic monitoring~~
3 ~~device, and collects the fees on behalf of the county. The~~
4 ~~program shall include provisions for indigent offenders~~
5 ~~and the collection of unpaid fees. The program shall not~~
6 ~~unduly burden the offender and shall be subject to review~~
7 ~~by the Chief Judge.~~

8 ~~The Chief Judge of the circuit court may suspend any~~
9 ~~additional charges or fees for late payment, interest, or~~
10 ~~damage to any device;~~

11 ~~(14.2) The court may impose upon all defendants,~~
12 ~~including those defendants subject to paragraph (14.1)~~
13 ~~above, placed under direct supervision of the Pretrial~~
14 ~~Services Agency, Probation Department or Court Services~~
15 ~~Department in a pretrial home supervision capacity with~~
16 ~~the use of an approved monitoring device, as a condition~~
17 ~~of such release, a fee which shall represent costs~~
18 ~~incidental to such electronic monitoring for each day of~~
19 ~~such supervision ordered by the court, unless after~~
20 ~~determining the inability of the defendant to pay the fee,~~
21 ~~the court assesses a lesser fee or no fee as the case may~~
22 ~~be. The fee shall be collected by the clerk of the circuit~~
23 ~~court, except as provided in an administrative order of~~
24 ~~the Chief Judge of the circuit court. The clerk of the~~
25 ~~circuit court shall pay all monies collected from this fee~~
26 ~~to the county treasurer who shall use the monies collected~~

1 ~~to defray the costs of corrections. The county treasurer~~
2 ~~shall deposit the fee collected in the county working cash~~
3 ~~fund under Section 6-27001 or Section 6-29002 of the~~
4 ~~Counties Code, as the case may be, except as provided in an~~
5 ~~administrative order of the Chief Judge of the circuit~~
6 ~~court.~~

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

17 ~~The Chief Judge of the circuit court may suspend any~~
18 ~~additional charges or fees for late payment, interest, or~~
19 ~~damage to any device;~~

20 ~~(14.3) The Chief Judge of the Judicial Circuit may~~
21 ~~establish reasonable fees to be paid by a person receiving~~
22 ~~pretrial services while under supervision of a pretrial~~
23 ~~services agency, probation department, or court services~~
24 ~~department. Reasonable fees may be charged for pretrial~~
25 ~~services including, but not limited to, pretrial~~
26 ~~supervision, diversion programs, electronic monitoring,~~

1 ~~victim impact services, drug and alcohol testing, DNA~~
2 ~~testing, GPS electronic monitoring, assessments and~~
3 ~~evaluations related to domestic violence and other~~
4 ~~victims, and victim mediation services. The person~~
5 ~~receiving pretrial services may be ordered to pay all~~
6 ~~costs incidental to pretrial services in accordance with~~
7 ~~his or her ability to pay those costs.~~

8 (6) ~~(14.4)~~ For persons charged with violating Section
9 11-501 of the Illinois Vehicle Code, refrain from
10 operating a motor vehicle not equipped with an ignition
11 interlock device, as defined in Section 1-129.1 of the
12 Illinois Vehicle Code, pursuant to the rules promulgated
13 by the Secretary of State for the installation of ignition
14 interlock devices. Under this condition the court may
15 allow a defendant who is not self-employed to operate a
16 vehicle owned by the defendant's employer that is not
17 equipped with an ignition interlock device in the course
18 and scope of the defendant's employment;

19 (7) ~~(15)~~ Comply with the terms and conditions of an
20 order of protection issued by the court under the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory;

24 (8) Sign a written admonishment requiring that he or
25 she comply with the provisions of Section 110-12 regarding
26 any change in his or her address. The defendant's address

1 shall at all times remain a matter of record with the clerk
2 of the court ~~(16) (Blank)~~; and

3 (9) ~~(17)~~ Such other reasonable conditions as the court
4 may impose, so long as these conditions are the least
5 restrictive means to achieve the goals listed in
6 subsection (b), are individualized, and in accordance with
7 national best practices as detailed in the Pretrial
8 Supervision Standards of the Supreme Court.

9 The defendant shall receive verbal and written
10 notification of conditions of pretrial release and future
11 court dates, including the date, time, and location of court.

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

21 1. Vacate the household.

22 2. Make payment of temporary support to his
23 dependents.

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

26 (d) When a person is charged with a criminal offense and

1 the victim is a family or household member as defined in
2 Article 112A, conditions shall be imposed at the time of the
3 defendant's release that restrict the defendant's access to
4 the victim. Unless provided otherwise by the court, the
5 restrictions shall include requirements that the defendant do
6 the following:

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

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

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

20 (f) If the defendant is released after conviction
21 following appeal or other post-conviction proceeding, the
22 conditions of the pretrial release shall be that he will, in
23 addition to the conditions set forth in subsections (a) and
24 (b) hereof:

25 (1) Duly prosecute his appeal;

26 (2) Appear at such time and place as the court may

1 direct;

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

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

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

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender, at a time and place
10 designated by the court, any and all firearms in his or her
11 possession and his or her Firearm Owner's Identification Card
12 as a condition of being released pending sentencing.

13 ~~(h) In the event the defendant is denied pretrial release,~~
14 ~~the court may impose a no contact provision with the victim or~~
15 ~~other interested party that shall be enforced while the~~
16 ~~defendant remains in custody.~~

17 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23.)

18 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

20 Sec. 110-12. Notice of change of address. A defendant who
21 has been admitted to bail shall file a written notice with the
22 clerk of the court before which the proceeding is pending of
23 any change in his or her address within 24 hours after such
24 change, except that a defendant who has been admitted to bail
25 for a forcible felony as defined in Section 2-8 of the Criminal

1 Code of 2012 shall file a written notice with the clerk of the
2 court before which the proceeding is pending and the clerk
3 shall immediately deliver a time stamped copy of the written
4 notice to the State's Attorney charged with the prosecution
5 within 24 hours prior to such change. The address of a
6 defendant who has been admitted to bail shall at all times
7 remain a matter of ~~public~~ record with the clerk of the court.
8 (Source: P.A. 97-1150, eff. 1-25-13.)

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

10 Sec. 110-12. Notice of change of address. A defendant who
11 has been admitted to pretrial release shall file a written
12 notice with the clerk of the court before which the proceeding
13 is pending of any change in his or her address within 24 hours
14 after such change, except that a defendant who has been
15 admitted to pretrial release for a forcible felony as defined
16 in Section 2-8 of the Criminal Code of 2012 shall file a
17 written notice with the clerk of the court before which the
18 proceeding is pending and the clerk shall immediately deliver
19 a time stamped copy of the written notice to the State's
20 Attorney charged with the prosecution within 24 hours prior to
21 such change. The address of a defendant who has been admitted
22 to pretrial release shall at all times remain a matter of
23 ~~public~~ record with the clerk of the court.
24 (Source: P.A. 101-652, eff. 1-1-23.)

1 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 110-14. Credit toward fines for pretrial
4 incarceration ~~on bailable offense~~; credit against monetary
5 bail for certain offenses.

6 (a) Any person incarcerated on a bailable offense who does
7 not supply bail and against whom a fine is levied on conviction
8 of the offense shall be allowed a credit of \$30 for each day so
9 incarcerated upon application of the defendant. However, in no
10 case shall the amount so allowed or credited exceed the amount
11 of the fine.

12 (b) Subsection (a) does not apply to a person incarcerated
13 for sexual assault as defined in paragraph (1) of subsection
14 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

15 (c) A person subject to bail on a Category B offense shall
16 have \$30 deducted from his or her 10% cash bond amount every
17 day the person is incarcerated. The sheriff shall calculate
18 and apply this \$30 per day reduction and send notice to the
19 circuit clerk if a defendant's 10% cash bond amount is reduced
20 to \$0, at which point the defendant shall be released upon his
21 or her own recognizance.

22 (d) The court may deny the incarceration credit in
23 subsection (c) of this Section if the person has failed to
24 appear as required before the court and is incarcerated based
25 on a warrant for failure to appear on the same original
26 criminal offense.

1 ~~(e) This Section is repealed on January 1, 2023.~~

2 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
3 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
4 12-17-21.)

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

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 110-17. Unclaimed bail deposits. Any sum of money
8 deposited by any person to secure his or her release from
9 custody which remains unclaimed by the person entitled to its
10 return for 3 years after the conditions of the bail bond have
11 been performed and the accused has been discharged from all
12 obligations in the cause shall be presumed to be abandoned and
13 subject to disposition under the Revised Uniform Unclaimed
14 Property Act.

15 ~~This Section is repealed on January 1, 2023.~~

16 (Source: P.A. 101-81, eff. 7-12-19; P.A. 101-652, eff. 7-1-21.
17 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
18 12-17-21.)

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 99. Effective date. This Act takes effect upon
3 becoming law.

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5 ILCS 160/4a

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20 ILCS 2605/2605-302

was 20 ILCS 2605/55a in part

6

50 ILCS 205/3b

7

110 ILCS 12/15

8

215 ILCS 5/143.19

from Ch. 73, par. 755.19

9

625 ILCS 5/6-204

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