

HB3717



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3717

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

See Index

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

LRB100 10696 SLF 20920 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

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

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

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

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

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

7 (705 ILCS 105/27.3a)

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

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

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

8 1.1. Starting on July 6, 2012 (the effective date of Public
9 Act 97-761) and pursuant to an administrative order from the
10 chief judge of the circuit or the presiding judge of the county
11 authorizing such collection, a clerk of the circuit court in
12 any county that imposes a fee pursuant to subsection 1 of this
13 Section shall also charge and collect an additional \$10
14 operations fee for probation and court services department
15 operations.

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

22 1.2. With respect to the fee imposed and collected under
23 subsection 1.1 of this Section, each clerk shall transfer all
24 fees monthly to the county treasurer for deposit into the
25 probation and court services fund created under Section 15.1 of
26 the Probation and Probation Officers Act, and such monies shall

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

5 1.5. Starting on June 1, 2014, a clerk of the circuit court
6 in any county that imposes a fee pursuant to subsection 1 of
7 this Section, shall charge and collect an additional fee in an
8 amount equal to the amount of the fee imposed pursuant to
9 subsection 1 of this Section, except the fee imposed under this
10 subsection may not be more than \$15. This additional fee shall
11 be paid by the defendant in any felony, traffic, misdemeanor,
12 or local ordinance case upon a judgment of guilty or grant of
13 supervision. This fee shall not be paid by the defendant for
14 any violation listed in subsection 1.6 of this Section.

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

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

16 1.7. Starting on the 30th day after the effective date of
17 this amendatory Act of the 99th General Assembly, a clerk of
18 the circuit court in any county that imposes a fee pursuant to
19 subsection 1 of this Section shall also charge and collect an
20 additional \$9 e-business fee. The fee shall be paid at the time
21 of filing the first pleading, paper, or other appearance filed
22 by each party in all civil cases, except no additional fee
23 shall be required if more than one party is presented in a
24 single pleading, paper, or other appearance. The fee shall be
25 collected in the manner in which all other fees or costs are
26 collected. The fee shall be in addition to all other fees and

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

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

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

26 4. With respect to the fee imposed under subsection 1 of

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

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

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

23 7. With respect to the additional fee imposed under
24 subsection 1.6 of this Section, the fee shall be remitted by
25 the circuit clerk to the State Treasurer within one month after
26 receipt for deposit into the Conservation Police Operations

1 Assistance Fund.

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

10 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
11 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

12 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

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

1 ~~card for the cash deposit of bail bond fees.~~

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

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

2 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

3 Sec. 27.5. (a) All fees, fines, costs, additional
4 penalties, ~~bail balances assessed or forfeited,~~ and any other
5 amount paid by a person to the circuit clerk that equals an
6 amount less than \$55, except restitution under Section 5-5-6 of
7 the Unified Code of Corrections, reimbursement for the costs of
8 an emergency response as provided under Section 11-501 of the
9 Illinois Vehicle Code, any fees collected for attending a
10 traffic safety program under paragraph (c) of Supreme Court
11 Rule 529, any fee collected on behalf of a State's Attorney
12 under Section 4-2002 of the Counties Code or a sheriff under
13 Section 4-5001 of the Counties Code, or any cost imposed under
14 Section 124A-5 of the Code of Criminal Procedure of 1963, for
15 convictions, orders of supervision, or any other disposition
16 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, and except as otherwise
20 provided in this Section, shall be disbursed within 60 days
21 after receipt by the circuit clerk as follows: 47% shall be
22 disbursed to the entity authorized by law to receive the fine
23 imposed in the case; 12% shall be disbursed to the State
24 Treasurer; and 41% shall be disbursed to the county's general
25 corporate fund. Of the 12% disbursed to the State Treasurer,

1 1/6 shall be deposited by the State Treasurer into the Violent
2 Crime Victims Assistance Fund, 1/2 shall be deposited into the
3 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
4 be deposited into the Drivers Education Fund. For fiscal years
5 1992 and 1993, amounts deposited into the Violent Crime Victims
6 Assistance Fund, the Traffic and Criminal Conviction Surcharge
7 Fund, or the Drivers Education Fund shall not exceed 110% of
8 the amounts deposited into those funds in fiscal year 1991. Any
9 amount that exceeds the 110% limit shall be distributed as
10 follows: 50% shall be disbursed to the county's general
11 corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, Section 16-104c of the Illinois Vehicle
24 Code, and subsection (a) of Section 5-1101 of the Counties
25 Code, unless those amounts are specifically waived by the
26 judge. With respect to money collected by the circuit clerk as

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

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

21 (1) 50% of the amounts collected for felony offenses
22 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
23 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
24 Animals Act and Section 26-5 or 48-1 of the Criminal Code
25 of 1961 or the Criminal Code of 2012;

26 (2) 20% of the amounts collected for Class A and Class

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

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

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

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

1 16-104d of that Code.

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

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

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

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

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

25 (4) When a fine for a violation of subsection (a) of
26 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or

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

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

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

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

23 (8) When a victim impact panel fee is assessed pursuant
24 to subsection (b) of Section 11-501.01 of the Illinois
25 Vehicle Code, it shall be disbursed by the circuit clerk to
26 the victim impact panel to be attended by the defendant.

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

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

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

25 (Source: P.A. 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-658, eff. 6-23-14.)

1 (705 ILCS 105/27.6)

2 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
3 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
4 98-658, 98-1013, 99-78, and 99-455)

5 Sec. 27.6. (a) All fees, fines, costs, additional
6 penalties, ~~bail balances assessed or forfeited,~~ and any other
7 amount paid by a person to the circuit clerk equalling an
8 amount of \$55 or more, except the fine imposed by Section
9 5-9-1.15 of the Unified Code of Corrections, the additional fee
10 required by subsections (b) and (c), restitution under Section
11 5-5-6 of the Unified Code of Corrections, contributions to a
12 local anti-crime program ordered pursuant to Section
13 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
14 Corrections, reimbursement for the costs of an emergency
15 response as provided under Section 11-501 of the Illinois
16 Vehicle Code, any fees collected for attending a traffic safety
17 program under paragraph (c) of Supreme Court Rule 529, any fee
18 collected on behalf of a State's Attorney under Section 4-2002
19 of the Counties Code or a sheriff under Section 4-5001 of the
20 Counties Code, or any cost imposed under Section 124A-5 of the
21 Code of Criminal Procedure of 1963, for convictions, orders of
22 supervision, or any other disposition for a violation of
23 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
24 similar provision of a local ordinance, and any violation of
25 the Child Passenger Protection Act, or a similar provision of a

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

1 under this Section during the preceding year based upon
2 independent verification of fines and fees. All counties shall
3 be subject to this Section, except that counties with a
4 population under 2,000,000 may, by ordinance, elect not to be
5 subject to this Section. For offenses subject to this Section,
6 judges shall impose one total sum of money payable for
7 violations. The circuit clerk may add on no additional amounts
8 except for amounts that are required by Sections 27.3a and
9 27.3c of this Act, unless those amounts are specifically waived
10 by the judge. With respect to money collected by the circuit
11 clerk as a result of ~~forfeiture of bail~~, ex parte judgment or
12 guilty plea pursuant to Supreme Court Rule 529, the circuit
13 clerk shall first deduct and pay amounts required by Sections
14 27.3a and 27.3c of this Act. This Section is a denial and
15 limitation of home rule powers and functions under subsection
16 (h) of Section 6 of Article VII of the Illinois Constitution.

17 (b) In addition to any other fines and court costs assessed
18 by the courts, any person convicted or receiving an order of
19 supervision for driving under the influence of alcohol or drugs
20 shall pay an additional fee of \$100 to the clerk of the circuit
21 court. This amount, less 2 1/2% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the Treasurer within 60 days after receipt for
24 deposit into the Trauma Center Fund. This additional fee of
25 \$100 shall not be considered a part of the fine for purposes of
26 any reduction in the fine for time served either before or

1 after sentencing. Not later than March 1 of each year the
2 Circuit Clerk shall submit a report of the amount of funds
3 remitted to the State Treasurer under this subsection during
4 the preceding calendar year.

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

19 (c) In addition to any other fines and court costs assessed
20 by the courts, any person convicted for a violation of Sections
21 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 or a person sentenced for a violation of
23 the Cannabis Control Act, the Illinois Controlled Substances
24 Act, or the Methamphetamine Control and Community Protection
25 Act shall pay an additional fee of \$100 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

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

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

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

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

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

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

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

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

4 (g) (Blank).

5 (h) (Blank).

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

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

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

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

1 Illinois Vehicle Code.

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

17 (m) Of the amounts collected as fines under subsection (c)
18 of Section 411.4 of the Illinois Controlled Substances Act or
19 subsection (c) of Section 90 of the Methamphetamine Control and
20 Community Protection Act, 99% shall be deposited to the law
21 enforcement agency or fund specified and 1% shall be deposited
22 into the Circuit Court Clerk Operation and Administrative Fund
23 to be used to offset the costs incurred by the Circuit Court
24 Clerk in performing the additional duties required to collect
25 and disburse funds to entities of State and local government as
26 provided by law.

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

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

22 (p) In addition to any other fees and penalties imposed,
23 any person who is convicted of or pleads guilty to a violation
24 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
25 shall pay an additional fee of \$250 to the clerk of the circuit
26 court. This additional fee of \$250 shall not be considered a

1 part of the fine for purposes of any reduction in the fine for
2 time served either before or after sentencing. This amount,
3 less 2.5% that shall be used to defray administrative costs
4 incurred by the clerk, shall be remitted by the clerk to the
5 Department of Insurance within 60 days after receipt for
6 deposit into the George Bailey Memorial Fund.

7 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
8 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

9 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
10 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
11 98-658, 98-1013, 99-78, and 99-455)

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

1 of the Counties Code or a sheriff under Section 4-5001 of the
2 Counties Code, or any cost imposed under Section 124A-5 of the
3 Code of Criminal Procedure of 1963, for convictions, orders of
4 supervision, or any other disposition for a violation of
5 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
6 similar provision of a local ordinance, and any violation of
7 the Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as otherwise provided in this
9 Section shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
17 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
18 be deposited into the Drivers Education Fund, and 6.948/17
19 shall be deposited into the Trauma Center Fund. Of the 6.948/17
20 deposited into the Trauma Center Fund from the 16.825%
21 disbursed to the State Treasurer, 50% shall be disbursed to the
22 Department of Public Health and 50% shall be disbursed to the
23 Department of Healthcare and Family Services. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction Surcharge
26 Fund, or the Drivers Education Fund shall not exceed 110% of

1 the amounts deposited into those funds in fiscal year 1991. Any
2 amount that exceeds the 110% limit shall be distributed as
3 follows: 50% shall be disbursed to the county's general
4 corporate fund and 50% shall be disbursed to the entity
5 authorized by law to receive the fine imposed in the case. Not
6 later than March 1 of each year the circuit clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this Section during the preceding year based upon
9 independent verification of fines and fees. All counties shall
10 be subject to this Section, except that counties with a
11 population under 2,000,000 may, by ordinance, elect not to be
12 subject to this Section. For offenses subject to this Section,
13 judges shall impose one total sum of money payable for
14 violations. The circuit clerk may add on no additional amounts
15 except for amounts that are required by Sections 27.3a and
16 27.3c of this Act, Section 16-104c of the Illinois Vehicle
17 Code, and subsection (a) of Section 5-1101 of the Counties
18 Code, unless those amounts are specifically waived by the
19 judge. With respect to money collected by the circuit clerk as
20 a result of ~~forfeiture of bail~~, ex parte judgment or guilty
21 plea pursuant to Supreme Court Rule 529, the circuit clerk
22 shall first deduct and pay amounts required by Sections 27.3a
23 and 27.3c of this Act. Unless a court ordered payment schedule
24 is implemented or fee requirements are waived pursuant to court
25 order, the clerk of the court may add to any unpaid fees and
26 costs a delinquency amount equal to 5% of the unpaid fees that

1 remain unpaid after 30 days, 10% of the unpaid fees that remain
2 unpaid after 60 days, and 15% of the unpaid fees that remain
3 unpaid after 90 days. Notice to those parties may be made by
4 signage posting or publication. The additional delinquency
5 amounts collected under this Section shall be deposited in the
6 Circuit Court Clerk Operation and Administrative Fund to be
7 used to defray administrative costs incurred by the circuit
8 clerk in performing the duties required to collect and disburse
9 funds. This Section is a denial and limitation of home rule
10 powers and functions under subsection (h) of Section 6 of
11 Article VII of the Illinois Constitution.

12 (b) In addition to any other fines and court costs assessed
13 by the courts, any person convicted or receiving an order of
14 supervision for driving under the influence of alcohol or drugs
15 shall pay an additional fee of \$100 to the clerk of the circuit
16 court. This amount, less 2 1/2% that shall be used to defray
17 administrative costs incurred by the clerk, shall be remitted
18 by the clerk to the Treasurer within 60 days after receipt for
19 deposit into the Trauma Center Fund. This additional fee of
20 \$100 shall not be considered a part of the fine for purposes of
21 any reduction in the fine for time served either before or
22 after sentencing. Not later than March 1 of each year the
23 Circuit Clerk shall submit a report of the amount of funds
24 remitted to the State Treasurer under this subsection during
25 the preceding calendar year.

26 (b-1) In addition to any other fines and court costs

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

14 (c) In addition to any other fines and court costs assessed
15 by the courts, any person convicted for a violation of Sections
16 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$100 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Trauma Center Fund. This
25 additional fee of \$100 shall not be considered a part of the
26 fine for purposes of any reduction in the fine for time served

1 either before or after sentencing. Not later than March 1 of
2 each year the Circuit Clerk shall submit a report of the amount
3 of funds remitted to the State Treasurer under this subsection
4 during the preceding calendar year.

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

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

22 (1) 50% of the amounts collected for felony offenses
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
25 Animals Act and Section 26-5 or 48-1 of the Criminal Code
26 of 1961 or the Criminal Code of 2012;

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

6 (3) 50% of the amounts collected for Class C
7 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
8 for Animals Act and Section 26-5 or 48-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

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

22 (f) This Section does not apply to the additional child
23 pornography fines assessed and collected under Section
24 5-9-1.14 of the Unified Code of Corrections.

25 (g) Any person convicted of or pleading guilty to a serious
26 traffic violation, as defined in Section 1-187.001 of the

1 Illinois Vehicle Code, shall pay an additional fee of \$35, to
2 be disbursed as provided in Section 16-104d of that Code. This
3 subsection (g) becomes inoperative on January 1, 2020.

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

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

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

19 (3) When a fine for a violation of Section 11-605.1 of
20 the Illinois Vehicle Code is \$250 or greater, the person
21 who violated that Section shall be charged an additional
22 \$125 as provided for by subsection (e) of Section 11-605.1
23 of the Illinois Vehicle Code, which shall be disbursed by
24 the circuit clerk to a State or county Transportation
25 Safety Highway Hire-back Fund as provided by subsection (e)
26 of Section 11-605.1 of the Illinois Vehicle Code.

1 (4) When a fine for a violation of subsection (a) of
2 Section 11-605 of the Illinois Vehicle Code is \$150 or
3 greater, the additional \$50 which is charged as provided
4 for by subsection (f) of Section 11-605 of the Illinois
5 Vehicle Code shall be disbursed by the circuit clerk to a
6 school district or districts for school safety purposes as
7 provided by subsection (f) of Section 11-605.

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

16 (6) When a mandatory drug court fee of up to \$5 is
17 assessed as provided in subsection (f) of Section 5-1101 of
18 the Counties Code, it shall be disbursed by the circuit
19 clerk as provided in subsection (f) of Section 5-1101 of
20 the Counties Code.

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

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

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

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

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

24 (j) (Blank).

25 (k) For any conviction or disposition of court supervision
26 for a violation of Section 11-1429 of the Illinois Vehicle

1 Code, the circuit clerk shall distribute the fines paid by the
2 person as specified by subsection (h) of Section 11-1429 of the
3 Illinois Vehicle Code.

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

19 (m) Of the amounts collected as fines under subsection (c)
20 of Section 411.4 of the Illinois Controlled Substances Act or
21 subsection (c) of Section 90 of the Methamphetamine Control and
22 Community Protection Act, 99% shall be deposited to the law
23 enforcement agency or fund specified and 1% shall be deposited
24 into the Circuit Court Clerk Operation and Administrative Fund
25 to be used to offset the costs incurred by the Circuit Court
26 Clerk in performing the additional duties required to collect

1 and disburse funds to entities of State and local government as
2 provided by law.

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

19 (o) The amounts collected as fines under Sections 10-9,
20 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
21 be collected by the circuit clerk and distributed as provided
22 under Section 5-9-1.21 of the Unified Code of Corrections in
23 lieu of any disbursement under subsection (a) of this Section.

24 (p) In addition to any other fees and penalties imposed,
25 any person who is convicted of or pleads guilty to a violation
26 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012

1 shall pay an additional fee of \$250 to the clerk of the circuit
2 court. This additional fee of \$250 shall not be considered a
3 part of the fine for purposes of any reduction in the fine for
4 time served either before or after sentencing. This amount,
5 less 2.5% that shall be used to defray administrative costs
6 incurred by the clerk, shall be remitted by the clerk to the
7 Department of Insurance within 60 days after receipt for
8 deposit into the George Bailey Memorial Fund.

9 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
10 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

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

13 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

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

15 (a) Whoever, having been released ~~admitted to bail for~~
16 ~~appearance~~ before any court of this State, incurs a forfeiture
17 of release ~~the bail~~ and knowingly fails to surrender himself or
18 herself within 30 days following the date of the forfeiture,
19 commits, if release ~~the bail~~ was given in connection with a
20 charge of felony or pending appeal or certiorari after
21 conviction of any offense, a felony of the next lower Class or
22 a Class A misdemeanor if the underlying offense was a Class 4
23 felony; or, if release ~~the bail~~ was given in connection with a
24 charge of committing a misdemeanor, or for appearance as a

1 witness, commits a misdemeanor of the next lower Class, but not
2 less than a Class C misdemeanor.

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

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

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

26 (d) Nothing in this Section shall interfere with or prevent

1 the exercise by any court of its power to punishment for
2 contempt. Any sentence imposed for violation of this Section
3 shall be served consecutive to the sentence imposed for the
4 charge for which release ~~bail~~ had been granted and with respect
5 to which the defendant has been convicted.

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

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

13 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

14 Sec. 103-5. Speedy trial.➤

15 (a) Every person in custody in this State for an alleged
16 offense shall be tried by the court having jurisdiction within
17 120 days from the date he or she was taken into custody unless
18 delay is occasioned by the defendant, by an examination for
19 fitness ordered pursuant to Section 104-13 of this Act, by a
20 fitness hearing, by an adjudication of unfitness to stand
21 trial, by a continuance allowed pursuant to Section 114-4 of
22 this Act after a court's determination of the defendant's
23 physical incapacity for trial, or by an interlocutory appeal.
24 Delay shall be considered to be agreed to by the defendant

1 unless he or she objects to the delay by making a written
2 demand for trial or an oral demand for trial on the record. The
3 provisions of this subsection (a) do not apply to a person on
4 release ~~bail~~ or recognizance for an offense but who is in
5 custody for a violation of his or her parole, aftercare
6 release, or mandatory supervised release for another offense.

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

12 (b) Every person on release ~~bail~~ or recognizance shall be
13 tried by the court having jurisdiction within 160 days from the
14 date defendant demands trial unless delay is occasioned by the
15 defendant, by an examination for fitness ordered pursuant to
16 Section 104-13 of this Act, by a fitness hearing, by an
17 adjudication of unfitness to stand trial, by a continuance
18 allowed pursuant to Section 114-4 of this Act after a court's
19 determination of the defendant's physical incapacity for
20 trial, or by an interlocutory appeal. The defendant's failure
21 to appear for any court date set by the court operates to waive
22 the defendant's demand for trial made under this subsection.

23 For purposes of computing the 160 day period under this
24 subsection (b), every person who was in custody for an alleged
25 offense and demanded trial and is subsequently released on
26 conditions ~~bail~~ or recognizance and demands trial, shall be

1 given credit for time spent in custody following the making of
2 the demand while in custody. Any demand for trial made under
3 this subsection (b) shall be in writing; and in the case of a
4 defendant not in custody, the demand for trial shall include
5 the date of any prior demand made under this provision while
6 the defendant was in custody.

7 (c) If the court determines that the State has exercised
8 without success due diligence to obtain evidence material to
9 the case and that there are reasonable grounds to believe that
10 such evidence may be obtained at a later day the court may
11 continue the cause on application of the State for not more
12 than an additional 60 days. If the court determines that the
13 State has exercised without success due diligence to obtain
14 results of DNA testing that is material to the case and that
15 there are reasonable grounds to believe that such results may
16 be obtained at a later day, the court may continue the cause on
17 application of the State for not more than an additional 120
18 days.

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

23 (e) If a person is simultaneously in custody upon more than
24 one charge pending against him in the same county, or
25 simultaneously demands trial upon more than one charge pending
26 against him in the same county, he shall be tried, or adjudged

1 guilty after waiver of trial, upon at least one such charge
2 before expiration relative to any of such pending charges of
3 the period prescribed by subsections (a) and (b) of this
4 Section. Such person shall be tried upon all of the remaining
5 charges thus pending within 160 days from the date on which
6 judgment relative to the first charge thus prosecuted is
7 rendered pursuant to the Unified Code of Corrections or, if
8 such trial upon such first charge is terminated without
9 judgment and there is no subsequent trial of, or adjudication
10 of guilt after waiver of trial of, such first charge within a
11 reasonable time, the person shall be tried upon all of the
12 remaining charges thus pending within 160 days from the date on
13 which such trial is terminated; if either such period of 160
14 days expires without the commencement of trial of, or
15 adjudication of guilt after waiver of trial of, any of such
16 remaining charges thus pending, such charge or charges shall be
17 dismissed and barred for want of prosecution unless delay is
18 occasioned by the defendant, by an examination for fitness
19 ordered pursuant to Section 104-13 of this Act, by a fitness
20 hearing, by an adjudication of unfitness for trial, by a
21 continuance allowed pursuant to Section 114-4 of this Act after
22 a court's determination of the defendant's physical incapacity
23 for trial, or by an interlocutory appeal; provided, however,
24 that if the court determines that the State has exercised
25 without success due diligence to obtain evidence material to
26 the case and that there are reasonable grounds to believe that

1 such evidence may be obtained at a later day the court may
2 continue the cause on application of the State for not more
3 than an additional 60 days.

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

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

18 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

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

20 Every sheriff, chief of police or other person who is in
21 charge of any jail, police station or other building where
22 persons under arrest are held in custody pending investigation,
23 ~~bail~~ or other criminal proceedings, shall post in every room,
24 other than cells, of such buildings where persons are held in
25 custody, in conspicuous places where it may be seen and read by

1 persons in custody and others, a poster, printed in large type,
2 containing a verbatim copy in the English language of the
3 provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
4 110-4, and sub-parts (a) and (b) of Sections 110-7 and 113-3 of
5 this Code. Each person who is in charge of any courthouse or
6 other building in which any trial of an offense is conducted
7 shall post in each room primarily used for such trials and in
8 each room in which defendants are confined or wait, pending
9 trial, in conspicuous places where it may be seen and read by
10 persons in custody and others, a poster, printed in large type,
11 containing a verbatim copy in the English language of the
12 provisions of Sections 103-6, 113-1, 113-4 and 115-1 and of
13 subparts (a) and (b) of Section 113-3 of this Code.

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

15 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

16 Sec. 104-17. Commitment for Treatment; Treatment Plan.

17 (a) If the defendant is eligible to be or has been released
18 on conditions or ~~on bail or~~ on his or her own recognizance, the
19 court shall select the least physically restrictive form of
20 treatment therapeutically appropriate and consistent with the
21 treatment plan.

22 (b) If the defendant's disability is mental, the court may
23 order him or her placed for treatment in the custody of the
24 Department of Human Services, or the court may order him or her
25 placed in the custody of any other appropriate public or

1 private mental health facility or treatment program which has
2 agreed to provide treatment to the defendant. If the defendant
3 is placed in the custody of the Department of Human Services,
4 the defendant shall be placed in a secure setting. During the
5 period of time required to determine the appropriate placement
6 the defendant shall remain in jail. If upon the completion of
7 the placement process the Department of Human Services
8 determines that the defendant is currently fit to stand trial,
9 it shall immediately notify the court and shall submit a
10 written report within 7 days. In that circumstance the
11 placement shall be held pending a court hearing on the
12 Department's report. Otherwise, upon completion of the
13 placement process, the sheriff shall be notified and shall
14 transport the defendant to the designated facility. The
15 placement may be ordered either on an inpatient or an
16 outpatient basis.

17 (c) If the defendant's disability is physical, the court
18 may order him placed under the supervision of the Department of
19 Human Services which shall place and maintain the defendant in
20 a suitable treatment facility or program, or the court may
21 order him placed in an appropriate public or private facility
22 or treatment program which has agreed to provide treatment to
23 the defendant. The placement may be ordered either on an
24 inpatient or an outpatient basis.

25 (d) The clerk of the circuit court shall transmit to the
26 Department, agency or institution, if any, to which the

1 defendant is remanded for treatment, the following:

2 (1) a certified copy of the order to undergo treatment.

3 Accompanying the certified copy of the order to undergo
4 treatment shall be the complete copy of any report prepared
5 under Section 104-15 of this Code or other report prepared
6 by a forensic examiner for the court;

7 (2) the county and municipality in which the offense
8 was committed;

9 (3) the county and municipality in which the arrest
10 took place;

11 (4) a copy of the arrest report, criminal charges,
12 arrest record; and

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

15 (e) Within 30 days of entry of an order to undergo
16 treatment, the person supervising the defendant's treatment
17 shall file with the court, the State, and the defense a report
18 assessing the facility's or program's capacity to provide
19 appropriate treatment for the defendant and indicating his
20 opinion as to the probability of the defendant's attaining
21 fitness within a period of time from the date of the finding of
22 unfitness. For a defendant charged with a felony, the period of
23 time shall be one year. For a defendant charged with a
24 misdemeanor, the period of time shall be no longer than the
25 sentence if convicted of the most serious offense. If the
26 report indicates that there is a substantial probability that

1 the defendant will attain fitness within the time period, the
2 treatment supervisor shall also file a treatment plan which
3 shall include:

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

5 (2) A description of treatment goals with respect to
6 rendering the defendant fit, a specification of the
7 proposed treatment modalities, and an estimated timetable
8 for attainment of the goals;

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

11 (Source: P.A. 98-1025, eff. 8-22-14; 99-140, eff. 1-1-16.)

12 (725 ILCS 5/106D-1)

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

15 (a) Whenever the appearance in person in court, in either a
16 civil or criminal proceeding, is required of anyone held in a
17 place of custody or confinement operated by the State or any of
18 its political subdivisions, including counties and
19 municipalities, the chief judge of the circuit by rule may
20 permit the personal appearance to be made by means of two-way
21 audio-visual communication, including closed circuit
22 television and computerized video conference, in the following
23 proceedings:

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

- 1 (2) the waiver of a preliminary hearing;
- 2 (3) the arraignment on an information or indictment at
- 3 which a plea of not guilty will be entered;
- 4 (4) the presentation of a jury waiver;
- 5 (5) any status hearing;
- 6 (6) any hearing conducted under the Sexually Violent
- 7 Persons Commitment Act at which no witness testimony will
- 8 be taken; and
- 9 (7) at any hearing conducted under the Sexually Violent
- 10 Persons Commitment Act at which no witness testimony will
- 11 be taken.

12 (b) The two-way audio-visual communication facilities must
13 provide two-way audio-visual communication between the court
14 and the place of custody or confinement, and must include a
15 secure line over which the person in custody and his or her
16 counsel, if any, may communicate.

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

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

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

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
2 Sec. 107-4. Arrest by peace officer from other
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States and
6 the District of Columbia.

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

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

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

18 (a-3) Any peace officer employed by a law enforcement
19 agency of this State may conduct temporary questioning pursuant
20 to Section 107-14 of this Code and may make arrests in any
21 jurisdiction within this State: (1) if the officer is engaged
22 in the investigation of criminal activity that occurred in the
23 officer's primary jurisdiction and the temporary questioning
24 or arrest relates to, arises from, or is conducted pursuant to
25 that investigation; or (2) if the officer, while on duty as a

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

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

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

23 (c) If an arrest is made in this State by a peace officer
24 of another State in accordance with the provisions of this
25 Section he shall without unnecessary delay take the person
26 arrested before the circuit court of the county in which the

1 arrest was made. Such court shall conduct a hearing for the
2 purpose of determining the lawfulness of the arrest. If the
3 court determines that the arrest was lawful it shall commit the
4 person arrested, to await for a reasonable time the issuance of
5 an extradition warrant by the Governor of this State, or
6 release the person with conditions with that ~~admit him to bail~~
7 ~~for such~~ purpose. If the court determines that the arrest was
8 unlawful it shall discharge the person arrested.

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

10 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

11 Sec. 109-1. Person arrested.

12 (a) A person arrested with or without a warrant shall be
13 taken without unnecessary delay before the nearest and most
14 accessible judge in that county, except when such county is a
15 participant in a regional jail authority, in which event such
16 person may be taken to the nearest and most accessible judge,
17 irrespective of the county where such judge presides, and a
18 charge shall be filed. Whenever a person arrested either with
19 or without a warrant is required to be taken before a judge, a
20 charge may be filed against such person by way of a two-way
21 closed circuit television system, except that a hearing to deny
22 release ~~bail~~ to the defendant may not be conducted by way of
23 closed circuit television.

24 (b) The judge shall:

25 (1) Inform the defendant of the charge against him and

1 shall provide him with a copy of the charge;

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

7 (3) Schedule a preliminary hearing in appropriate
8 cases;

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

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

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

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

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

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

15 (Source: P.A. 98-143, eff. 1-1-14; 99-78, eff. 7-20-15; 99-190,
16 eff. 1-1-16.)

17 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

18 Sec. 109-2. Person arrested in another county. (a) Any
19 person arrested in a county other than the one in which a
20 warrant for his or her arrest was issued shall be taken without
21 unnecessary delay before the nearest and most accessible judge
22 in the county where the arrest was made or, if no additional
23 delay is created, before the nearest and most accessible judge
24 in the county from which the warrant was issued. He or she
25 shall be released ~~admitted to bail in the amount specified in~~

1 ~~the warrant or, for offenses other than felonies, in an amount~~
2 ~~as set by the judge, and such bail shall be~~ conditioned on his
3 or her appearing in the court issuing the warrant on a certain
4 date. The judge may hold a hearing to determine if the
5 defendant is the same person as named in the warrant.

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

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

16 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

17 Sec. 110-1. Definitions.

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

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

25 (c) The phrase "for which a sentence of imprisonment,

1 without conditional and revocable release, shall be imposed by
2 law as a consequence of conviction" means an offense for which
3 a sentence of imprisonment, without probation, periodic
4 imprisonment or conditional discharge, is required by law upon
5 conviction.

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

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

10 (725 ILCS 5/110-1.5 new)

11 Sec. 110-1.5. Abolishment of monetary bail. Under this
12 amendatory Act of the 100th General Assembly, the requirement
13 of posting monetary bail is abolished, except as provided in
14 the Uniform Extradition Act which is a compact that has been
15 entered between this State and its sister states.

16 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

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

1 110-12 of this Code regarding any change in his or her address,
2 the defendant may be released on his or her own recognizance.
3 The defendant's address shall at all times remain a matter of
4 public record with the clerk of the court. A failure to appear
5 as required by such recognizance shall constitute an offense
6 subject to the penalty provided in Section 32-10 of the
7 Criminal Code of 2012 for violation of release ~~the bail bond~~,
8 and any obligated sum fixed in the recognizance shall be
9 forfeited and collected in accordance with subsection (g) of
10 Section 110-7 of this Code.

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

22 The State may appeal any order permitting release by
23 personal recognizance.

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

25 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

1 Sec. 110-3. Issuance of warrant. Upon failure to comply
2 with any condition of release ~~a bail bond~~ or recognizance the
3 court having jurisdiction at the time of such failure may, in
4 addition to any other action provided by law, issue a warrant
5 for the arrest of the person at liberty on release ~~bail~~ or his
6 or her own recognizance. The contents of such a warrant shall
7 be the same as required for an arrest warrant issued upon
8 complaint. When a defendant is at liberty on release ~~bail~~ or
9 his or her own recognizance on a felony charge and fails to
10 appear in court as directed, the court shall issue a warrant
11 for the arrest of such person. Such warrant shall be noted with
12 a directive to peace officers to arrest the person and hold
13 such person without release ~~bail~~ and to deliver such person
14 before the court for further proceedings. A defendant who is
15 arrested or surrenders within 30 days of the issuance of such
16 warrant shall not be released ~~bailable~~ in the case in question
17 unless he or she shows by the preponderance of the evidence
18 that his or her failure to appear was not intentional.

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

20 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

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

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

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

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

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

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

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

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

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

21 Sec. 110-5. Determining ~~the amount of bail and~~ conditions
22 of release.

23 (a) In determining whether to release a defendant ~~the~~
24 ~~amount of monetary bail or conditions of release, if any, which~~
25 ~~will reasonably assure the appearance of a defendant as~~

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

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

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

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

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

25 ~~(1) Sufficient to assure compliance with the~~
26 ~~conditions set forth in the bail bond, which shall include~~

1 ~~the defendant's current address with a written~~
2 ~~admonishment to the defendant that he or she must comply~~
3 ~~with the provisions of Section 110-12 regarding any change~~
4 ~~in his or her address. The defendant's address shall at all~~
5 ~~times remain a matter of public record with the clerk of~~
6 ~~the court.~~

7 ~~(2) Not oppressive.~~

8 ~~(3) Considerate of the financial ability of the~~
9 ~~accused.~~

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

23 (b-5) (Blank). ~~Upon the filing of a written request~~
24 ~~demonstrating reasonable cause, the State's Attorney may~~
25 ~~request a source of bail hearing either before or after the~~
26 ~~posting of any funds. If the hearing is granted, before the~~

1 ~~posting of any bail, the accused must file a written notice~~
2 ~~requesting that the court conduct a source of bail hearing. The~~
3 ~~notice must be accompanied by justifying affidavits stating the~~
4 ~~legitimate and lawful source of funds for bail. At the hearing,~~
5 ~~the court shall inquire into any matters stated in any~~
6 ~~justifying affidavits, and may also inquire into matters~~
7 ~~appropriate to the determination which shall include, but are~~
8 ~~not limited to, the following:~~

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

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

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

17 ~~(4) the background, character, reputation, and~~
18 ~~relationship to the accused of the person posting cash~~
19 ~~bail.~~

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

22 ~~The State's Attorney has a right to attend the hearing, to~~
23 ~~call witnesses and to examine any witness in the proceeding.~~
24 ~~The court shall, upon request of the State's Attorney, continue~~
25 ~~the proceedings for a reasonable period to allow the State's~~
26 ~~Attorney to investigate the matter raised in any testimony or~~

1 ~~affidavit. If the hearing is granted after the accused has~~
2 ~~posted bail, the court shall conduct a hearing consistent with~~
3 ~~this subsection (b-5). At the conclusion of the hearing, the~~
4 ~~court must issue an order either approving or disapproving the~~
5 ~~bail.~~

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

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

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

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

25 ~~(1) whether the alleged incident involved harassment~~
26 ~~or abuse, as defined in the Illinois Domestic Violence Act~~

1 ~~of 1986;~~

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

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

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

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

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

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

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

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

25 ~~(10) whether the person has exhibited obsessive or~~
26 ~~controlling behaviors toward the alleged victim,~~

1 ~~including, but not limited to, stalking, surveillance, or~~
2 ~~isolation of the alleged victim or victim's family member~~
3 ~~or members;~~

4 ~~(11) whether the person has expressed suicidal or~~
5 ~~homicidal ideations;~~

6 ~~(12) based on any information contained in the~~
7 ~~complaint and any police reports, affidavits, or other~~
8 ~~documents accompanying the complaint,~~

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

1 ~~the record the court's reasons for making those determinations.~~
2 ~~The cost of the electronic surveillance and risk assessment~~
3 ~~shall be paid by, or on behalf, of the defendant. As used in~~
4 ~~this subsection (f), "intimate partner" means a spouse or a~~
5 ~~current or former partner in a cohabitation or dating~~
6 ~~relationship.~~

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

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

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

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

17 (Source: P.A. 98-558, eff. 1-1-14; 98-1012, eff. 1-1-15;
18 99-143, eff. 7-27-15.)

19 (725 ILCS 5/110-5.1)

20 Sec. 110-5.1. ~~Bail~~, Release of certain persons charged with
21 violent crimes against family or household members.

22 (a) Subject to subsection (c), a person who is charged with
23 a violent crime shall appear before the court for the setting
24 of release ~~bail~~ if the alleged victim was a family or household
25 member at the time of the alleged offense, and if any of the

1 following applies:

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

14 (2) the arresting officer indicates in a police report
15 or other document accompanying the complaint any of the
16 following:

17 (A) that the arresting officer observed on the
18 alleged victim objective manifestations of physical
19 harm that the arresting officer reasonably believes
20 are a result of the alleged offense;

21 (B) that the arresting officer reasonably believes
22 that the person had on the person's person at the time
23 of the alleged offense a deadly weapon;

24 (C) that the arresting officer reasonably believes
25 that the person presents a credible threat of serious
26 physical harm to the alleged victim or to any other

1 person if released ~~on bail~~ before trial.

2 (b) To the extent that information about any of the
3 following is available to the court, the court shall consider
4 all of the following, in addition to any other circumstances
5 considered by the court, before releasing ~~setting bail for~~ a
6 person who appears before the court pursuant to subsection (a):

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

9 (2) the mental health of the person;

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

12 (4) whether the person is potentially a threat to any
13 other person;

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

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

18 (7) the severity of the alleged violence that is the
19 basis of the alleged offense, including, but not limited
20 to, the duration of the alleged violent incident, and
21 whether the alleged violent incident involved serious
22 physical injury, sexual assault, strangulation, abuse
23 during the alleged victim's pregnancy, abuse of pets, or
24 forcible entry to gain access to the alleged victim;

25 (8) whether a separation of the person from the alleged
26 victim or a termination of the relationship between the

1 person and the alleged victim has recently occurred or is
2 pending;

3 (9) whether the person has exhibited obsessive or
4 controlling behaviors toward the alleged victim,
5 including, but not limited to, stalking, surveillance, or
6 isolation of the alleged victim;

7 (10) whether the person has expressed suicidal or
8 homicidal ideations;

9 (11) any information contained in the complaint and any
10 police reports, affidavits, or other documents
11 accompanying the complaint.

12 (c) Upon the court's own motion or the motion of a party
13 and upon any terms that the court may direct, a court may
14 permit a person who is required to appear before it by
15 subsection (a) to appear by video conferencing equipment. If,
16 in the opinion of the court, the appearance in person or by
17 video conferencing equipment of a person who is charged with a
18 misdemeanor and who is required to appear before the court by
19 subsection (a) is not practicable, the court may waive the
20 appearance and release the person. ~~on bail on one or both of~~
21 ~~the following types of bail in an amount set by the court:~~

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

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

1 Subsection (a) does not create a right in a person to
2 appear before the court for release ~~the setting of bail~~ or
3 prohibit a court from requiring any person charged with a
4 violent crime who is not described in subsection (a) from
5 appearing before the court for release ~~the setting of bail~~.

6 (d) As used in this Section:

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

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

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

12 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

13 Sec. 110-6. (a) Upon verified application by the State or
14 the defendant or on its own motion the court before which the
15 proceeding is pending ~~may increase or reduce the amount of bail~~
16 ~~or~~ may alter the conditions of release ~~the bail bond~~ or grant
17 release ~~bail~~ where it has been previously revoked or denied. If
18 release ~~bail~~ has been previously revoked pursuant to subsection
19 (f) of this Section or if release ~~bail~~ has been denied to the
20 defendant pursuant to subsection (e) of Section 110-6.1 or
21 subsection (e) of Section 110-6.3, the defendant shall be
22 required to present a verified application setting forth in
23 detail any new facts not known or obtainable at the time of the
24 previous revocation or denial of release ~~bail~~ proceedings. If
25 the court grants release ~~bail~~ where it has been previously

1 revoked or denied, the court shall state on the record of the
2 proceedings the findings of facts and conclusion of law upon
3 which such order is based.

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

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

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

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

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

19 (f) Where the alleged violation consists of the violation
20 of one or more felony statutes of any jurisdiction which would
21 be a forcible felony in Illinois or a Class 2 or greater
22 offense under the Illinois Controlled Substances Act, the
23 Cannabis Control Act, or the Methamphetamine Control and
24 Community Protection Act and the defendant is on release ~~bail~~
25 for the alleged commission of a felony, or where the defendant
26 is on release ~~bail~~ for a felony domestic battery (enhanced

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

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

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

24 (3) Upon a finding by the court that the State has
25 established by clear and convincing evidence that the
26 defendant has committed a forcible felony or a Class 2 or

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

22 (4) If the release bail of any defendant is revoked
23 pursuant to paragraph (f) (3) of this Section, the
24 defendant may demand and shall be entitled to be brought to
25 trial on the offense with respect to which he was formerly
26 released ~~on bail~~ within 90 days after the date on which his

1 release bail was revoked. If the defendant is not brought
2 to trial within the 90 day period required by the preceding
3 sentence, he shall not be held longer without release bail.
4 In computing the 90 day period, the court shall omit any
5 period of delay resulting from a continuance granted at the
6 request of the defendant.

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

1 where it has previously been revoked.

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

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

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

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

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

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

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

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

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

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

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

22 (c) Conduct of the hearings.

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

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

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

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

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

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

23 (d) Factors to be considered in making a determination of
24 dangerousness. The court may, in determining whether the
25 defendant poses a real and present threat to the physical
26 safety of any person or persons, consider but shall not be

1 limited to evidence or testimony concerning:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

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

22 (a) The court may order that a person who has been found
23 guilty of an offense and who is waiting imposition or execution
24 of sentence be held without release ~~bond~~ unless the court finds
25 by clear and convincing evidence that the person is not likely

1 to flee or pose a danger to any other person or the community
2 if released under Sections 110-5 and 110-10 of this Act.

3 (b) The court may order that person who has been found
4 guilty of an offense and sentenced to a term of imprisonment be
5 held without release ~~bond~~ unless the court finds by clear and
6 convincing evidence that:

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

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

13 (Source: P.A. 96-1200, eff. 7-22-10.)

14 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

15 Sec. 110-6.3. Denial of release ~~bail~~ in stalking and
16 aggravated stalking offenses.

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

1 (1) A petition may be filed without prior notice to the
2 defendant at the first appearance before a judge, or within
3 21 calendar days, except as provided in Section 110-6,
4 after arrest and release of the defendant upon reasonable
5 notice to defendant; provided that while the petition is
6 pending before the court, the defendant if previously
7 released shall not be detained.

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

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

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

4 (2) the defendant poses a real and present threat to
5 the physical safety of the alleged victim of the offense;
6 and

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

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

16 (c) Conduct of the hearings.

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

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

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

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

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

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

14 (A) the defendant poses a real and present threat
15 to the physical safety of the alleged victim of the
16 offense; and

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

20 shall be supported by clear and convincing evidence
21 presented by the State.

22 (d) Factors to be considered in making a determination of
23 the threat to the alleged victim of the offense. The court may,
24 in determining whether the defendant poses, at the time of the
25 hearing, a real and present threat to the physical safety of
26 the alleged victim of the offense, consider but shall not be

1 limited to evidence or testimony concerning:

2 (1) The nature and circumstances of the offense
3 charged;

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

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

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

16 (3) The nature of the threat which is the basis of the
17 charge against the defendant;

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 any person
22 assaulted by the defendant;

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

25 (7) Whether, at the time of the current offense or any
26 other offense or arrest, the defendant was on probation,

1 parole, aftercare release, mandatory supervised release or
2 other release from custody pending trial, sentencing,
3 appeal or completion of sentence for an offense under
4 federal or state law;

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

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

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

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

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

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

25 (f) If the court enters an order for the detention of the
26 defendant under subsection (e) of this Section, the defendant

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

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

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

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

19 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
20 98-558, eff. 1-1-14.)

21 (725 ILCS 5/110-6.5)

22 Sec. 110-6.5. Drug testing program. The Chief Judge of the
23 circuit may establish a drug testing program as provided by
24 this Section in any county in the circuit if the county board
25 has approved the establishment of the program and the county

1 probation department or pretrial services agency has consented
2 to administer it. The drug testing program shall be conducted
3 under the following provisions:

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

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

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

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

21 (c) A defendant who consents to periodic drug testing as
22 set forth in this Section shall sign an agreement with the
23 court that, during the period of release, the defendant shall
24 refrain from using illegal drugs and that the defendant will
25 comply with the conditions of the testing program. The
26 agreement shall be on a form prescribed by the court and shall

1 be executed at the time of the release ~~bail~~ hearing. This
2 agreement shall be made a specific condition of release ~~bail~~.

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

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

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

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

14 (4) Sample collection shall be documented, and the
15 documentation procedures shall include:

16 (i) Labeling of samples so as to reasonably
17 preclude the probability of erroneous identification
18 of test results; and

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

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

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

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

13 (f) After the initial test, a subsequent confirmed positive
14 test result indicative of continued drug use shall result in
15 the following:

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

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

25 (g) The court shall, upon motion of the State or upon its
26 own motion, conduct a hearing in connection with any defendant

1 who fails to appear for testing, fails to cooperate with the
2 persons conducting the testing program, attempts to submit a
3 sample not his or her own or has had a confirmed positive test
4 result indicative of continued drug use for the second or
5 subsequent time after the initial test. The hearing shall be
6 conducted in accordance with the procedures of Section 110-6.

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

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

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

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

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

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

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

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

23 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

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

25 (a) ~~The person for whom bail has been set shall execute the~~

1 ~~bail bond and deposit with the clerk of the court before which~~
2 ~~the proceeding is pending a sum of money equal to 10% of the~~
3 ~~bail, but in no event shall such deposit be less than \$25. The~~
4 ~~clerk of the court shall provide a space on each form for a~~
5 ~~person other than the accused who has provided the money for~~
6 ~~the posting of bail to so indicate and a space signed by an~~
7 ~~accused who has executed the bail bond indicating whether a~~
8 ~~person other than the accused has provided the money for the~~
9 ~~posting of bail. The form shall also include a written notice~~
10 ~~to such person who has provided the defendant with the money~~
11 ~~for the posting of bail indicating that the bail may be used to~~
12 ~~pay costs, attorney's fees, fines, or other purposes authorized~~
13 ~~by the court and if the defendant fails to comply with the~~
14 ~~conditions of the bail bond, the court shall enter an order~~
15 ~~declaring the bail to be forfeited. The written notice must be:~~
16 ~~(1) distinguishable from the surrounding text; (2) in bold type~~
17 ~~or underscored; and (3) in a type size at least 2 points larger~~
18 ~~than the surrounding type. When a person for whom bail has been~~
19 ~~set is charged with an offense under the Illinois Controlled~~
20 ~~Substances Act or the Methamphetamine Control and Community~~
21 ~~Protection Act which is a Class X felony, or making a terrorist~~
22 ~~threat in violation of Section 29D-20 of the Criminal Code of~~
23 ~~1961 or the Criminal Code of 2012 or an attempt to commit the~~
24 ~~offense of making a terrorist threat, the court may require the~~
25 ~~defendant to deposit a sum equal to 100% of the bail. Where any~~
26 ~~person is charged with a forcible felony is released while free~~

1 ~~on bail~~ and is the subject of proceedings under Section 109-3
2 of this Code the judge conducting the preliminary examination
3 may also conduct a hearing upon the application of the State
4 pursuant to the provisions of Section 110-6 of this Code to
5 alter conditions of release ~~increase or revoke the bail~~ for
6 that person's prior alleged offense.

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

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

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

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

26 (f) (Blank). ~~When the conditions of the bail bond have been~~

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

1 ~~ease until the bail bond is first used to satisfy court costs~~
2 ~~in the case in which the bail bond has been deposited.~~

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

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

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

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

21 (i) When a court appearance is required for an alleged
22 violation of the Criminal Code of 1961, the Criminal Code of
23 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
24 and Aquatic Life Code, the Child Passenger Protection Act, or a
25 comparable offense of a unit of local government as specified
26 in Supreme Court Rule 551, and if the accused does not appear

1 in court on the date set for appearance or any date to which
2 the case may be continued and the court issues an arrest
3 warrant for the accused, based upon his or her failure to
4 appear when having so previously been ordered to appear by the
5 court, the accused upon his or her release ~~admission to bail~~
6 shall be assessed by the court a fee of \$75. Payment of the fee
7 shall be a condition of release unless otherwise ordered by the
8 court. ~~The fee shall be in addition to any bail that the~~
9 ~~accused is required to deposit for the offense for which the~~
10 ~~accused has been charged and may not be used for the payment of~~
11 ~~court costs or fines assessed for the offense.~~ The clerk of the
12 court shall remit \$70 of the fee assessed to the arresting
13 agency who brings the offender in on the arrest warrant. If the
14 Department of State Police is the arresting agency, \$70 of the
15 fee assessed shall be remitted by the clerk of the court to the
16 State Treasurer within one month after receipt for deposit into
17 the State Police Operations Assistance Fund. The clerk of the
18 court shall remit \$5 of the fee assessed to the Circuit Court
19 Clerk Operation and Administrative Fund as provided in Section
20 27.3d of the Clerks of Courts Act.

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

22 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

23 Sec. 110-9. Release ~~Taking of bail~~ by peace officer. A
24 peace officer may ~~When bail has been set by a judicial officer~~
25 ~~for a particular offense or offender any sheriff or other peace~~

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

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

15 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

24 (2) Submit himself or herself to the orders and process
25 of the court;

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

2 (4) Not violate any criminal statute of any
3 jurisdiction;

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

26 (6) At a time and place designated by the court, submit

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

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

1 offense, unless the defendant places his or her mental
2 competency in issue.

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

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

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

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

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

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

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

21 (7) Undergo medical or psychiatric treatment;

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

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

26 (10) Support his or her dependents;

1 (11) If a minor resides with his or her parents or in a
2 foster home, attend school, attend a non-residential
3 program for youths, and contribute to his or her own
4 support at home or in a foster home;

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

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

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

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

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

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

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

26 (14.2) The court shall impose upon all defendants,

1 including those defendants subject to paragraph (14.1)
2 above, placed under direct supervision of the Pretrial
3 Services Agency, Probation Department or Court Services
4 Department in a pretrial ~~bond~~ home supervision capacity
5 with the use of an approved monitoring device, as a
6 condition of release ~~such bail bond~~, a fee which shall
7 represent costs incidental to such electronic monitoring
8 for each day of ~~such bail~~ supervision ordered by the court,
9 unless after determining the inability of the defendant to
10 pay the fee, the court assesses a lesser fee or no fee as
11 the case may be. The fee shall be collected by the clerk of
12 the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of
14 the circuit court shall pay all monies collected from this
15 fee to the county treasurer who shall use the monies
16 collected to defray the costs of corrections. The county
17 treasurer shall deposit the fee collected in the county
18 working cash fund under Section 6-27001 or Section 6-29002
19 of the Counties Code, as the case may be, except as
20 provided in an administrative order of the Chief Judge of
21 the circuit court.

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

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

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

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

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

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

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

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

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

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

- 1 1. Vacate the household.
- 2 2. Make payment of temporary support to his dependents.
- 3 3. Refrain from contact or communication with the child
- 4 victim, except as ordered by the court.

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

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

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

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

25 (f) If the defendant is released ~~admitted to bail~~ after
26 conviction the conditions of release ~~the bail bond~~ shall be

1 that he or she will, in addition to the conditions set forth in
2 subsections (a) and (b) hereof:

3 (1) Duly prosecute his appeal;

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

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

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

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

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

17 (Source: P.A. 99-797, eff. 8-12-16.)

18 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

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

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

1 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

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

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

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

17 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

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

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

1 justice or avoiding prosecution.

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

3 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

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

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

20 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

21 Sec. 112A-23. Enforcement of orders of protection.

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

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

5 (i) remedies described in paragraphs (1), (2),
6 (3), (14), or (14.5) of subsection (b) of Section
7 112A-14,

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

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

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

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

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

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

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

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

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

1 ~~Bond~~ shall be set unless specifically denied in writing.

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

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

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

18 (1) By service, delivery, or notice under Section
19 112A-10.

20 (2) By notice under Section 112A-11.

21 (3) By service of an order of protection under Section
22 112A-22.

23 (4) By other means demonstrating actual knowledge of
24 the contents of the order.

25 (e) The enforcement of an order of protection in civil or
26 criminal court shall not be affected by either of the

1 following:

2 (1) The existence of a separate, correlative order
3 entered under Section 112A-15.

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

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

10 (g) Penalties.

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

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

23 (3) To the extent permitted by law, the court is
24 encouraged to:

25 (i) increase the penalty for the knowing violation
26 of any order of protection over any penalty previously

1 imposed by any court for respondent's violation of any
2 order of protection or penal statute involving
3 petitioner as victim and respondent as defendant;

4 (ii) impose a minimum penalty of 24 hours
5 imprisonment for respondent's first violation of any
6 order of protection; and

7 (iii) impose a minimum penalty of 48 hours
8 imprisonment for respondent's second or subsequent
9 violation of an order of protection

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

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

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

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

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

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

1 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

2 Sec. 115-4.1. Absence of defendant.

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

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

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

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

1 defendant.

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

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

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

24 (g) A defendant whose motion under paragraph (e) for a new
25 trial or new sentencing hearing has been denied may file a
26 notice of appeal therefrom. Such notice may also include a

1 request for review of the judgment and sentence not vacated by
2 the trial court.

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

4 (725 ILCS 5/102-7 rep.)

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

6 (725 ILCS 5/110-13 rep.)

7 (725 ILCS 5/110-14 rep.)

8 (725 ILCS 5/110-15 rep.)

9 (725 ILCS 5/110-17 rep.)

10 Section 25. The Code of Criminal Procedure of 1963 is
11 amended by repealing Sections 102-7, 110-8, 110-13, 110-14,
12 110-15, and 110-17.

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

15 (725 ILCS 185/20) (from Ch. 38, par. 320)

16 Sec. 20. In preparing and presenting its written reports
17 under Sections 17 and 19, pretrial services agencies shall in
18 appropriate cases include specific recommendations for
19 conditions of release ~~the setting, increase, or decrease of~~
20 ~~bail~~; the release of the interviewee on his or her own
21 recognizance ~~in sums certain~~; and the imposition of pretrial
22 conditions of release ~~to bail~~ or recognizance designed to
23 minimize the risks of nonappearance, the commission of new

1 offenses while awaiting trial, and other potential
2 interference with the orderly administration of justice. In
3 establishing objective internal criteria of any such
4 recommendation policies, the agency may utilize so-called
5 "point scales" for evaluating the aforementioned risks, but no
6 interviewee shall be considered as ineligible for particular
7 agency recommendations by sole reference to such procedures.

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

9 (725 ILCS 185/22) (from Ch. 38, par. 322)

10 Sec. 22. If so ordered by the court, the pretrial services
11 agency shall prepare and submit for the court's approval and
12 signature a uniform release order on the uniform form
13 established by the Supreme Court in all cases where an
14 interviewee may be released from custody under conditions
15 contained in an agency report. Such conditions shall become
16 part of the conditions of release ~~the bail bond~~. A copy of the
17 uniform release order shall be provided to the defendant and
18 defendant's attorney of record, and the prosecutor.

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

20 (725 ILCS 185/34)

21 Sec. 34. Probation and court services departments
22 considered pretrial services agencies. For the purposes of
23 administering the provisions of Public Act 95-773, known as the
24 Cindy Bischof Law, all probation and court services departments

1 are to be considered pretrial services agencies under this Act
2 and under the release ~~bail bond~~ provisions of the Code of
3 Criminal Procedure of 1963.

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

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

7 (725 ILCS 225/16) (from Ch. 60, par. 33)

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

9 Unless the offense with which the prisoner is charged is
10 shown to be an offense punishable by death or life imprisonment
11 under the laws of the state in which it was committed, a judge
12 in this State may admit the person arrested to bail by bond,
13 with sufficient sureties, and in such sum as he deems proper,
14 conditioned for his appearance before him at a time specified
15 in such bond, and for his surrender, to be arrested upon the
16 warrant of the Governor of this State. Bail under this Act and
17 the procedures for it shall be as provided by Supreme Court
18 Rule.

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

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

22 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

1 Sec. 5-6-4. Violation, Modification or Revocation of
2 Probation, of Conditional Discharge or Supervision or of a
3 sentence of county impact incarceration - Hearing.

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

8 (1) in the case of probation violations, order the
9 issuance of a notice to the offender to be present by the
10 County Probation Department or such other agency
11 designated by the court to handle probation matters; and in
12 the case of conditional discharge or supervision
13 violations, such notice to the offender shall be issued by
14 the Circuit Court Clerk; and in the case of a violation of
15 a sentence of county impact incarceration, such notice
16 shall be issued by the Sheriff;

17 (2) order a summons to the offender to be present for
18 hearing; or

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

23 Personal service of the petition for violation of probation
24 or the issuance of such warrant, summons or notice shall toll
25 the period of probation, conditional discharge, supervision,
26 or sentence of county impact incarceration until the final

1 determination of the charge, and the term of probation,
2 conditional discharge, supervision, or sentence of county
3 impact incarceration shall not run until the hearing and
4 disposition of the petition for violation.

5 (b) The court shall conduct a hearing of the alleged
6 violation. The court shall release the defendant ~~admit the~~
7 ~~offender to bail~~ pending the hearing unless the alleged
8 violation is itself a criminal offense in which case the
9 offender shall be released ~~admitted to bail~~ on such terms as
10 are provided in the Code of Criminal Procedure of 1963, as
11 amended. In any case where an offender remains incarcerated
12 only as a result of his alleged violation of the court's
13 earlier order of probation, supervision, conditional
14 discharge, or county impact incarceration such hearing shall be
15 held within 14 days of the onset of said incarceration, unless
16 the alleged violation is the commission of another offense by
17 the offender during the period of probation, supervision or
18 conditional discharge in which case such hearing shall be held
19 within the time limits described in Section 103-5 of the Code
20 of Criminal Procedure of 1963, as amended.

21 (c) The State has the burden of going forward with the
22 evidence and proving the violation by the preponderance of the
23 evidence. The evidence shall be presented in open court with
24 the right of confrontation, cross-examination, and
25 representation by counsel.

26 (d) Probation, conditional discharge, periodic

1 imprisonment and supervision shall not be revoked for failure
2 to comply with conditions of a sentence or supervision, which
3 imposes financial obligations upon the offender unless such
4 failure is due to his willful refusal to pay.

5 (e) If the court finds that the offender has violated a
6 condition at any time prior to the expiration or termination of
7 the period, it may continue him on the existing sentence, with
8 or without modifying or enlarging the conditions, or may impose
9 any other sentence that was available under Article 4.5 of
10 Chapter V of this Code or Section 11-501 of the Illinois
11 Vehicle Code at the time of initial sentencing. If the court
12 finds that the person has failed to successfully complete his
13 or her sentence to a county impact incarceration program, the
14 court may impose any other sentence that was available under
15 Article 4.5 of Chapter V of this Code or Section 11-501 of the
16 Illinois Vehicle Code at the time of initial sentencing, except
17 for a sentence of probation or conditional discharge. If the
18 court finds that the offender has violated paragraph (8.6) of
19 subsection (a) of Section 5-6-3, the court shall revoke the
20 probation of the offender. If the court finds that the offender
21 has violated subsection (o) of Section 5-6-3.1, the court shall
22 revoke the supervision of the offender.

23 (f) The conditions of probation, of conditional discharge,
24 of supervision, or of a sentence of county impact incarceration
25 may be modified by the court on motion of the supervising
26 agency or on its own motion or at the request of the offender

1 after notice and a hearing.

2 (g) A judgment revoking supervision, probation,
3 conditional discharge, or a sentence of county impact
4 incarceration is a final appealable order.

5 (h) Resentencing after revocation of probation,
6 conditional discharge, supervision, or a sentence of county
7 impact incarceration shall be under Article 4. The term on
8 probation, conditional discharge or supervision shall not be
9 credited by the court against a sentence of imprisonment or
10 periodic imprisonment unless the court orders otherwise. The
11 amount of credit to be applied against a sentence of
12 imprisonment or periodic imprisonment when the defendant
13 served a term or partial term of periodic imprisonment shall be
14 calculated upon the basis of the actual days spent in
15 confinement rather than the duration of the term.

16 (i) Instead of filing a violation of probation, conditional
17 discharge, supervision, or a sentence of county impact
18 incarceration, an agent or employee of the supervising agency
19 with the concurrence of his or her supervisor may serve on the
20 defendant a Notice of Intermediate Sanctions. The Notice shall
21 contain the technical violation or violations involved, the
22 date or dates of the violation or violations, and the
23 intermediate sanctions to be imposed. Upon receipt of the
24 Notice, the defendant shall immediately accept or reject the
25 intermediate sanctions. If the sanctions are accepted, they
26 shall be imposed immediately. If the intermediate sanctions are

1 rejected or the defendant does not respond to the Notice, a
2 violation of probation, conditional discharge, supervision, or
3 a sentence of county impact incarceration shall be immediately
4 filed with the court. The State's Attorney and the sentencing
5 court shall be notified of the Notice of Sanctions. Upon
6 successful completion of the intermediate sanctions, a court
7 may not revoke probation, conditional discharge, supervision,
8 or a sentence of county impact incarceration or impose
9 additional sanctions for the same violation. A notice of
10 intermediate sanctions may not be issued for any violation of
11 probation, conditional discharge, supervision, or a sentence
12 of county impact incarceration which could warrant an
13 additional, separate felony charge. The intermediate sanctions
14 shall include a term of home detention as provided in Article
15 8A of Chapter V of this Code for multiple or repeat violations
16 of the terms and conditions of a sentence of probation,
17 conditional discharge, or supervision.

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

23 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
24 96-1200, eff. 7-22-10.)

25 Section 45. The County Jail Good Behavior Allowance Act is

1 amended by changing Section 3 as follows:

2 (730 ILCS 130/3) (from Ch. 75, par. 32)

3 Sec. 3. The good behavior of any person who commences a
4 sentence of confinement in a county jail for a fixed term of
5 imprisonment after January 1, 1987 shall entitle such person to
6 a good behavior allowance, except that: (1) a person who
7 inflicted physical harm upon another person in committing the
8 offense for which he is confined shall receive no good behavior
9 allowance; and (2) a person sentenced for an offense for which
10 the law provides a mandatory minimum sentence shall not receive
11 any portion of a good behavior allowance that would reduce the
12 sentence below the mandatory minimum; and (3) a person
13 sentenced to a county impact incarceration program; and (4) a
14 person who is convicted of criminal sexual assault under
15 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of
16 Section 12-13 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, criminal sexual abuse, or aggravated criminal sexual
18 abuse shall receive no good behavior allowance. The good
19 behavior allowance provided for in this Section shall not apply
20 to individuals sentenced for a felony to probation or
21 conditional discharge where a condition of such probation or
22 conditional discharge is that the individual serve a sentence
23 of periodic imprisonment or to individuals sentenced under an
24 order of court for civil contempt.

25 Such good behavior allowance shall be cumulative and

1 awarded as provided in this Section.

2 The good behavior allowance rate shall be cumulative and
3 awarded on the following basis:

4 The prisoner shall receive one day of good behavior
5 allowance for each day of service of sentence in the county
6 jail, and one day of good behavior allowance for each day of
7 incarceration in the county jail before sentencing for the
8 offense that he or she is currently serving sentence ~~but was~~
9 ~~unable to post bail before sentencing~~, except that a prisoner
10 serving a sentence of periodic imprisonment under Section 5-7-1
11 of the Unified Code of Corrections shall only be eligible to
12 receive good behavior allowance if authorized by the sentencing
13 judge. Each day of good behavior allowance shall reduce by one
14 day the prisoner's period of incarceration set by the court.
15 For the purpose of calculating a prisoner's good behavior
16 allowance, a fractional part of a day shall not be calculated
17 as a day of service of sentence in the county jail unless the
18 fractional part of the day is over 12 hours in which case a
19 whole day shall be credited on the good behavior allowance.

20 If consecutive sentences are served and the time served
21 amounts to a total of one year or more, the good behavior
22 allowance shall be calculated on a continuous basis throughout
23 the entire time served beginning on the first date of sentence
24 or incarceration, as the case may be.

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

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

3 (740 ILCS 22/220)

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

5 (a) Nothing in this Act shall preclude any Illinois court
6 from enforcing a valid protective order issued in another
7 state.

8 (b) Illinois courts may enforce civil no contact orders
9 through both criminal proceedings and civil contempt
10 proceedings, unless the action which is second in time is
11 barred by collateral estoppel or the constitutional
12 prohibition against double jeopardy.

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

17 (b-2) The court may hold the parents, guardian, or legal
18 custodian of a minor respondent in civil or criminal contempt
19 for a violation of any provision of any order entered under
20 this Act for conduct of the minor respondent in violation of
21 this Act if the parents, guardian, or legal custodian directed,
22 encouraged, or assisted the respondent minor in such conduct.

23 (c) Criminal prosecution. A violation of any civil no
24 contact order, whether issued in a civil or criminal
25 proceeding, shall be enforced by a criminal court when the

1 respondent commits the crime of violation of a civil no contact
2 order pursuant to Section 219 by having knowingly violated:

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

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

9 Prosecution for a violation of a civil no contact order
10 shall not bar a concurrent prosecution for any other crime,
11 including any crime that may have been committed at the time of
12 the violation of the civil no contact order.

13 (d) Contempt of court. A violation of any valid Illinois
14 civil no contact order, whether issued in a civil or criminal
15 proceeding, may be enforced through civil or criminal contempt
16 procedures, as appropriate, by any court with jurisdiction,
17 regardless of where the act or acts which violated the civil no
18 contact order were committed, to the extent consistent with the
19 venue provisions of this Act.

20 (1) In a contempt proceeding where the petition for a
21 rule to show cause or petition for adjudication of criminal
22 contempt sets forth facts evidencing an immediate danger
23 that the respondent will flee the jurisdiction or inflict
24 physical abuse on the petitioner or minor children or on
25 dependent adults in the petitioner's care, the court may
26 order the attachment of the respondent without prior

1 service of the petition for a rule to show cause, the rule
2 to show cause, the petition for adjudication of criminal
3 contempt or the adjudication of criminal contempt. Bond
4 shall be set unless specifically denied in writing.

5 (2) A petition for a rule to show cause or a petition
6 for adjudication of criminal contempt for violation of a
7 civil no contact order shall be treated as an expedited
8 proceeding.

9 (e) Actual knowledge. A civil no contact order may be
10 enforced pursuant to this Section if the respondent violates
11 the order after the respondent has actual knowledge of its
12 contents as shown through one of the following means:

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

14 (2) by notice under Section 218;

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

17 (4) by other means demonstrating actual knowledge of
18 the contents of the order.

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

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

24 (2) any finding or order entered in a conjoined
25 criminal proceeding.

26 (g) Circumstances. The court, when determining whether or

1 not a violation of a civil no contact order has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (h) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a crime
7 or contempt of court under subsection (a) or (b) of this
8 Section, the penalty shall be the penalty that generally
9 applies in such criminal or contempt proceedings, and may
10 include one or more of the following: incarceration,
11 payment of restitution, a fine, payment of attorneys' fees
12 and costs, or community service.

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

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any civil no contact order over any penalty
21 previously imposed by any court for respondent's
22 violation of any civil no contact order or penal
23 statute involving petitioner as victim and respondent
24 as defendant;

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 civil no contact order; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of a civil no contact order unless the court
5 explicitly finds that an increased penalty or that
6 period of imprisonment would be manifestly unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of a civil no contact order, a criminal court may
9 consider evidence of any previous violations of a civil no
10 contact order:

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

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

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

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

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

24 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

1 Sec. 223. Enforcement of orders of protection.

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

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

9 (i) remedies described in paragraphs (1), (2),
10 (3), (14), or (14.5) of subsection (b) of Section 214
11 of this Act; or

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

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

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

25 (2) The respondent commits the crime of child abduction
26 pursuant to Section 10-5 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, by having knowingly violated:

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

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

10 (b) When violation is contempt of court. A violation of any
11 valid Illinois order of protection, whether issued in a civil
12 or criminal proceeding, may be enforced through civil or
13 criminal contempt procedures, as appropriate, by any court with
14 jurisdiction, regardless where the act or acts which violated
15 the order of protection were committed, to the extent
16 consistent with the venue provisions of this Act. Nothing in
17 this Act shall preclude any Illinois court from enforcing any
18 valid order of protection issued in another state. Illinois
19 courts may enforce orders of protection through both criminal
20 prosecution and contempt proceedings, unless the action which
21 is second in time is barred by collateral estoppel or the
22 constitutional prohibition against double jeopardy.

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction,
26 conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in
2 petitioner's care, the court may order the attachment of
3 the respondent without prior service of the rule to show
4 cause or the petition for a rule to show cause. Bond shall
5 be set unless specifically denied in writing.

6 (2) A petition for a rule to show cause for violation
7 of an order of protection shall be treated as an expedited
8 proceeding.

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

13 (b-2) The court may hold the parents, guardian, or legal
14 custodian of a minor respondent in civil or criminal contempt
15 for a violation of any provision of any order entered under
16 this Act for conduct of the minor respondent in violation of
17 this Act if the parents, guardian, or legal custodian directed,
18 encouraged, or assisted the respondent minor in such conduct.

19 (c) Violation of custody or support orders or temporary or
20 final judgments allocating parental responsibilities. A
21 violation of remedies described in paragraphs (5), (6), (8), or
22 (9) of subsection (b) of Section 214 of this Act may be
23 enforced by any remedy provided by Section 607.5 of the
24 Illinois Marriage and Dissolution of Marriage Act. The court
25 may enforce any order for support issued under paragraph (12)
26 of subsection (b) of Section 214 in the manner provided for

1 under Parts V and VII of the Illinois Marriage and Dissolution
2 of Marriage Act.

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

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

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

9 (3) By service of an order of protection under Section
10 222.

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

13 (e) The enforcement of an order of protection in civil or
14 criminal court shall not be affected by either of the
15 following:

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

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

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

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this
26 subsection, where the court finds the commission of a crime

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

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

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

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

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

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

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

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may
2 consider evidence of any violations of an order of
3 protection:

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

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

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

14 (5) In addition to any other penalties, the court shall
15 impose an additional fine of \$20 as authorized by Section
16 5-9-1.11 of the Unified Code of Corrections upon any person
17 convicted of or placed on supervision for a violation of an
18 order of protection. The additional fine shall be imposed
19 for each violation of this Section.

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

1

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2

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3	625 ILCS 5/16-103	from Ch. 95 1/2, par. 16-103
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5	705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
6	705 ILCS 105/27.5	from Ch. 25, par. 27.5
7	705 ILCS 105/27.6	
8	720 ILCS 5/32-10	from Ch. 38, par. 32-10
9	725 ILCS 5/103-5	from Ch. 38, par. 103-5
10	725 ILCS 5/103-7	from Ch. 38, par. 103-7
11	725 ILCS 5/104-17	from Ch. 38, par. 104-17
12	725 ILCS 5/106D-1	
13	725 ILCS 5/107-4	from Ch. 38, par. 107-4
14	725 ILCS 5/109-1	from Ch. 38, par. 109-1
15	725 ILCS 5/109-2	from Ch. 38, par. 109-2
16	725 ILCS 5/110-1	from Ch. 38, par. 110-1
17	725 ILCS 5/110-1.5 new	
18	725 ILCS 5/110-2	from Ch. 38, par. 110-2
19	725 ILCS 5/110-3	from Ch. 38, par. 110-3
20	725 ILCS 5/110-4	from Ch. 38, par. 110-4
21	725 ILCS 5/110-5	from Ch. 38, par. 110-5
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24	725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
25	725 ILCS 5/110-6.2	from Ch. 38, par. 110-6.2

1	725 ILCS 5/110-6.3	from Ch. 38, par. 110-6.3
2	725 ILCS 5/110-6.5	
3	725 ILCS 5/110-7	from Ch. 38, par. 110-7
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6	725 ILCS 5/110-11	from Ch. 38, par. 110-11
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10	725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
11	725 ILCS 5/115-4.1	from Ch. 38, par. 115-4.1
12	725 ILCS 5/102-7 rep.	
13	725 ILCS 5/110-8 rep.	
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15	725 ILCS 5/110-14 rep.	
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17	725 ILCS 5/110-17 rep.	
18	725 ILCS 185/20	from Ch. 38, par. 320
19	725 ILCS 185/22	from Ch. 38, par. 322
20	725 ILCS 185/34	
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23	730 ILCS 130/3	from Ch. 75, par. 32
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