

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB4128**

Introduced 10/15/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.6 new
725 ILCS 5/110-6.1

from Ch. 38, par. 110-6.1

Amends the Criminal Code of 2012. Creates the offense of failure to report a death. Provides that a person commits the offense when he or she knows or reasonably should know that a person is deceased and fails to report the death to a law enforcement agency within 24 hours after the person's discovery of the death. Provides that a person must report the death of another person to the law enforcement agency of the county where the corpse was found if the person believes that the death was caused by a homicide, accident, or other suspicious circumstance. Provides that a violation is a Class 4 felony. Amends the Code of Criminal Procedure of 1963. Provides that, upon verified petition by the State, the court shall hold a hearing and may deny a defendant pretrial release when the defendant is charged with failure to report a death and it is alleged that the defendant's pretrial release poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.

LRB104 14620 RLC 27762 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing the title of the Act and by adding Section 9-3.6 as
6 follows:

7 (720 ILCS 5/9-3.6 new)

8 Sec. 9-3.6. Failure to report a death.

9 (a) A person commits failure to report a death when he or
10 she knows or reasonably should know that a person is deceased
11 and fails to report the death to a law enforcement agency
12 within 24 hours after the person's discovery of the death.

13 (b) A person must report the death of another person to the
14 law enforcement agency of the county where the corpse was
15 found if the person believes that the death was caused by a
16 homicide, accident, or other suspicious circumstance.

17 (c) Sentence. Failure to report a death is a Class 4
18 felony.

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by changing Section 110-6.1 as follows:

21 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

1 Sec. 110-6.1. Denial of pretrial release.

2 (a) Upon verified petition by the State, the court shall
3 hold a hearing and may deny a defendant pretrial release only
4 if:

5 (1) the defendant is charged with a felony offense
6 other than a forcible felony for which, based on the
7 charge or the defendant's criminal history, a sentence of
8 imprisonment, without probation, periodic imprisonment, or
9 conditional discharge, is required by law upon conviction,
10 and it is alleged that the defendant's pretrial release
11 poses a real and present threat to the safety of any person
12 or persons or the community, based on the specific
13 articulable facts of the case;

14 (1.5) the defendant's pretrial release poses a real
15 and present threat to the safety of any person or persons
16 or the community, based on the specific articulable facts
17 of the case, and the defendant is charged with a forcible
18 felony, which as used in this Section, means treason,
19 first degree murder, second degree murder, predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, criminal sexual assault, armed robbery,
22 aggravated robbery, robbery, burglary where there is use
23 of force against another person, residential burglary,
24 home invasion, vehicular invasion, aggravated arson,
25 arson, aggravated kidnaping, kidnaping, aggravated battery
26 resulting in great bodily harm or permanent disability or

1 disfigurement, or any other felony which involves the
2 threat of or infliction of great bodily harm or permanent
3 disability or disfigurement;

4 (2) the defendant is charged with stalking or
5 aggravated stalking, and it is alleged that the
6 defendant's pre-trial release poses a real and present
7 threat to the safety of a victim of the alleged offense,
8 and denial of release is necessary to prevent fulfillment
9 of the threat upon which the charge is based;

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

20 (4) the defendant is charged with domestic battery or
21 aggravated domestic battery under Section 12-3.2 or 12-3.3
22 of the Criminal Code of 2012 and it is alleged that the
23 defendant's pretrial release poses a real and present
24 threat to the safety of any person or persons or the
25 community, based on the specific articulable facts of the
26 case;

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

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

(A) Section 24-1.2 (aggravated discharge of a firearm):

(B) Section 24-1.2-5 ~~24-2.5~~ (aggravated discharge of a machine gun or a firearm equipped with a device designed or used ~~use~~ for silencing the report of a firearm);

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

(D) Section 24-1.7 (unlawful possession of a firearm by a repeat felony offender):

(E) Section 24-2.2 (manufacture, sale, or transfer

1 of bullets or shells represented to be armor piercing
2 bullets, dragon's breath shotgun shells, bolo shells,
3 or flechette shells);

4 (F) Section 24-3 (unlawful sale or delivery of
5 firearms);

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

8 (H) Section 24-34 (unlawful sale of firearms by
9 liquor license);

10 (I) Section 24-3.5 (unlawful purchase of a
11 firearm);

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

13 (K) Section 24-3B (firearms trafficking);

14 (L) Section 10-9 (b) (involuntary servitude);

15 (M) Section 10-9 (c) (involuntary sexual servitude
16 of a minor);

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

18 (O) Non-probationable violations: (i) unlawful
19 possession of weapons by felons or persons in the
20 Custody of the Department of Corrections facilities
21 (Section 24-1.1), (ii) aggravated unlawful possession
22 of a weapon (Section 24-1.6), or (iii) aggravated
23 possession of a stolen firearm (Section 24-3.9);

24 (P) Section 9-3 (reckless homicide and involuntary
25 manslaughter);

26 (P-1) Section 9-3.6 (failure to report a death);

- (Q) Section 19-3 (residential burglary);
- (R) Section 10-5 (child abduction);
- (S) Felony violations of Section 12C-5 (child endangerment);
- (T) Section 12-7.1 (hate crime);
- (U) Section 10-3.1 (aggravated unlawful restraint);
- (V) Section 12-9 (threatening a public official);
- (W) Subdivision (f) (1) of Section 12-3.05 (aggravated battery with a deadly weapon other than by discharge of a firearm);

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

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

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

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

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

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

(F) Subdivision (d)(1)(J) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence that resulted in bodily harm to a child under the age of 16);

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

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

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

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

(b) If the charged offense is a felony, as part of the detention hearing, the court shall determine whether there is probable cause the defendant has committed an offense, unless a hearing pursuant to Section 109-3 of this Code has already

1 been held or a grand jury has returned a true bill of
2 indictment against the defendant. If there is a finding of no
3 probable cause, the defendant shall be released. No such
4 finding is necessary if the defendant is charged with a
5 misdemeanor.

6 (c) Timing of petition.

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

14 (2) Upon filing, the court shall immediately hold a
15 hearing on the petition unless a continuance is requested.
16 If a continuance is requested and granted, the hearing
17 shall be held within 48 hours of the defendant's first
18 appearance if the defendant is charged with first degree
19 murder or a Class X, Class 1, Class 2, or Class 3 felony,
20 and within 24 hours if the defendant is charged with a
21 Class 4 or misdemeanor offense. The Court may deny or
22 grant the request for continuance. If the court decides to
23 grant the continuance, the Court retains the discretion to
24 detain or release the defendant in the time between the
25 filing of the petition and the hearing.

26 (d) Contents of petition.

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

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

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

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

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

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

(4) for offenses under subsection (b) of Section 407 of the Illinois Controlled Substances Act that are subject to paragraph (1) of subsection (a), no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article can mitigate the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, and the defendant poses a serious risk to not appear in court as required.

(f) Conduct of the hearings.

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

(2) The State or defendant may present evidence at the

1 hearing by way of proffer based upon reliable information.

2 (3) The defendant has the right to be represented by
3 counsel, and if he or she is indigent, to have counsel
4 appointed for him or her. The defendant shall have the
5 opportunity to testify, to present witnesses on his or her
6 own behalf, and to cross-examine any witnesses that are
7 called by the State. Defense counsel shall be given
8 adequate opportunity to confer with the defendant before
9 any hearing at which conditions of release or the
10 detention of the defendant are to be considered, with an
11 accommodation for a physical condition made to facilitate
12 attorney/client consultation. If defense counsel needs to
13 confer or consult with the defendant during any hearing
14 conducted via a 2-way ~~two-way~~ audio-visual communication
15 system, such consultation shall not be recorded and shall
16 be undertaken consistent with constitutional protections.

17 (3.5) A hearing at which pretrial release may be
18 denied must be conducted in person (and not by way of 2-way
19 ~~two-way~~ audio visual communication) unless the accused
20 waives the right to be present physically in court, the
21 court determines that the physical health and safety of
22 any person necessary to the proceedings would be
23 endangered by appearing in court, or the chief judge of
24 the circuit orders use of that system due to operational
25 challenges in conducting the hearing in person. Such
26 operational challenges must be documented and approved by

1 the chief judge of the circuit, and a plan to address the
2 challenges through reasonable efforts must be presented
3 and approved by the Administrative Office of the Illinois
4 Courts every 6 months.

5 (4) If the defense seeks to compel the complaining
6 witness to testify as a witness in its favor, it shall
7 petition the court for permission. When the ends of
8 justice so require, the court may exercise its discretion
9 and compel the appearance of a complaining witness. The
10 court shall state on the record reasons for granting a
11 defense request to compel the presence of a complaining
12 witness only on the issue of the defendant's pretrial
13 detention. In making a determination under this Section,
14 the court shall state on the record the reason for
15 granting a defense request to compel the presence of a
16 complaining witness, and only grant the request if the
17 court finds by clear and convincing evidence that the
18 defendant will be materially prejudiced if the complaining
19 witness does not appear. Cross-examination of a
20 complaining witness at the pretrial detention hearing for
21 the purpose of impeaching the witness' credibility is
22 insufficient reason to compel the presence of the witness.
23 In deciding whether to compel the appearance of a
24 complaining witness, the court shall be considerate of the
25 emotional and physical well-being of the witness. The
26 pre-trial detention hearing is not to be used for purposes

1 of discovery, and the post arraignment rules of discovery
2 do not apply. The State shall tender to the defendant,
3 prior to the hearing, copies, if any, of the defendant's
4 criminal history, if available, and any written or
5 recorded statements and the substance of any oral
6 statements made by any person, if in the State's
7 Attorney's possession at the time of the hearing.

8 (5) The rules concerning the admissibility of evidence
9 in criminal trials do not apply to the presentation and
10 consideration of information at the hearing. At the trial
11 concerning the offense for which the hearing was conducted
12 neither the finding of the court nor any transcript or
13 other record of the hearing shall be admissible in the
14 State's case-in-chief, but shall be admissible for
15 impeachment, or as provided in Section 115-10.1 of this
16 Code, or in a perjury proceeding.

17 (6) The defendant may not move to suppress evidence or
18 a confession, however, evidence that proof of the charged
19 crime may have been the result of an unlawful search or
20 seizure, or both, or through improper interrogation, is
21 relevant in assessing the weight of the evidence against
22 the defendant.

23 (7) Decisions regarding release, conditions of
24 release, and detention prior to trial must be
25 individualized, and no single factor or standard may be
26 used exclusively to order detention. Risk assessment tools

1 may not be used as the sole basis to deny pretrial release.

2 (g) Factors to be considered in making a determination of
3 dangerousness. The court may, in determining whether the
4 defendant poses a real and present threat to the safety of any
5 person or persons or the community, based on the specific
6 articulable facts of the case, consider, but shall not be
7 limited to, evidence or testimony concerning:

8 (1) The nature and circumstances of any offense
9 charged, including whether the offense is a crime of
10 violence, involving a weapon, or a sex offense.

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

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

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

23 (3) The identity of any person or persons to whose
24 safety the defendant is believed to pose a threat, and the
25 nature of the threat.

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding
2 them.

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

4 (6) The age and physical condition of any victim or
5 complaining witness.

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

8 (8) Whether, at the time of the current offense or any
9 other offense or arrest, the defendant was on probation,
10 parole, aftercare release, mandatory supervised release,
11 or other release from custody pending trial, sentencing,
12 appeal, or completion of sentence for an offense under
13 federal or State ~~state~~ law.

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

19 (h) Detention order. The court shall, in any order for
20 detention:

21 (1) make a written finding summarizing the court's
22 reasons for concluding that the defendant should be denied
23 pretrial release, including why less restrictive
24 conditions would not avoid a real and present threat to
25 the safety of any person or persons or the community,
26 based on the specific articulable facts of the case, or

1 prevent the defendant's willful flight from prosecution;

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

5 (3) direct that the defendant be given a reasonable
6 opportunity for private consultation with counsel, and for
7 communication with others of his or her choice by
8 visitation, mail and telephone; and

9 (4) direct that the sheriff deliver the defendant as
10 required for appearances in connection with court
11 proceedings.

12 (i) **Detention.** If the court enters an order for the
13 detention of the defendant pursuant to subsection (e) of this
14 Section, the defendant shall be brought to trial on the
15 offense for which he is detained within 90 days after the date
16 on which the order for detention was entered. If the defendant
17 is not brought to trial within the 90-day period required by
18 the preceding sentence, he shall not be denied pretrial
19 release. In computing the 90-day period, the court shall omit
20 any period of delay resulting from a continuance granted at
21 the request of the defendant and any period of delay resulting
22 from a continuance granted at the request of the State with
23 good cause shown pursuant to Section 103-5.

24 (i-5) At each subsequent appearance of the defendant
25 before the court, the judge must find that continued detention
26 is necessary to avoid a real and present threat to the safety

1 of any person or persons or the community, based on the
2 specific articulable facts of the case, or to prevent the
3 defendant's willful flight from prosecution.

4 (j) Rights of the defendant. The defendant shall be
5 entitled to appeal any order entered under this Section
6 denying his or her pretrial release.

7 (k) Appeal. The State may appeal any order entered under
8 this Section denying any motion for denial of pretrial
9 release.

10 (l) Presumption of innocence. Nothing in this Section
11 shall be construed as modifying or limiting in any way the
12 defendant's presumption of innocence in further criminal
13 proceedings.

14 (m) Interest of victims.

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

20 (2) If the defendant is denied pretrial release, the
21 court may impose a no contact provision with the victim or
22 other interested party that shall be enforced while the
23 defendant remains in custody.

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