



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4186

Introduced 10/28/2025, by Rep. Patrick Windhorst

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-6

from Ch. 38, par. 110-6

Amends the Code of Criminal Procedure of 1963. Provides that the pretrial services agency with jurisdiction over the defendant shall immediately notify a law enforcement agency located in the county or municipality where the defendant resides and the State's Attorney's office if a defendant on pretrial release violates a no contact order, is removed from electronic monitoring, or violates the conditions of an electronic monitoring order.

LRB104 14837 RLC 27981 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 Code of Criminal Procedure of 1963 is  
5 amended by changing Section 110-6 as follows:

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

7 Sec. 110-6. Revocation of pretrial release, modification  
8 of conditions of pretrial release, ~~and~~ sanctions for  
9 violations of conditions of pretrial release, and  
10 notifications to law enforcement and State's Attorneys.

11 (a) When a defendant has previously been granted pretrial  
12 release under this Section for a felony or Class A  
13 misdemeanor, that pretrial release may be revoked only if the  
14 defendant is charged with a felony or Class A misdemeanor that  
15 is alleged to have occurred during the defendant's pretrial  
16 release after a hearing on the court's own motion or upon the  
17 filing of a verified petition by the State.

18 When a defendant released pretrial is charged with a  
19 violation of a protective order or was previously convicted of  
20 a violation of a protective order and the subject of the  
21 protective order is the same person as the victim in the  
22 current underlying matter, the State shall file a verified  
23 petition seeking revocation of pretrial release.

1           Upon the filing of a petition or upon motion of the court  
2 seeking revocation, the court shall order the transfer of the  
3 defendant and the petition or motion to the court before which  
4 the previous felony or Class A misdemeanor is pending. The  
5 defendant may be held in custody pending transfer to and a  
6 hearing before such court. The defendant shall be transferred  
7 to the court before which the previous matter is pending  
8 without unnecessary delay, and the revocation hearing shall  
9 occur within 72 hours of the filing of the State's petition or  
10 the court's motion for revocation.

11           A hearing at which pretrial release may be revoked must be  
12 conducted in person (and not by way of two-way audio-visual  
13 communication) unless the accused waives the right to be  
14 present physically in court, the court determines that the  
15 physical health and safety of any person necessary to the  
16 proceedings would be endangered by appearing in court, or the  
17 chief judge of the circuit orders use of that system due to  
18 operational challenges in conducting the hearing in person.  
19 Such operational challenges must be documented and approved by  
20 the chief judge of the circuit, and a plan to address the  
21 challenges through reasonable efforts must be presented and  
22 approved by the Administrative Office of the Illinois Courts  
23 every 6 months.

24           The court before which the previous felony matter or Class  
25 A misdemeanor is pending may revoke the defendant's pretrial  
26 release after a hearing. During the hearing for revocation,

1 the defendant shall be represented by counsel and have an  
2 opportunity to be heard regarding the violation and evidence  
3 in mitigation. The court shall consider all relevant  
4 circumstances, including, but not limited to, the nature and  
5 seriousness of the violation or criminal act alleged. The  
6 State shall bear the burden of proving, by clear and  
7 convincing evidence, that no condition or combination of  
8 conditions of release would reasonably ensure the appearance  
9 of the defendant for later hearings or prevent the defendant  
10 from being charged with a subsequent felony or Class A  
11 misdemeanor.

12 In lieu of revocation, the court may release the defendant  
13 pre-trial, with or without modification of conditions of  
14 pretrial release.

15 If the case that caused the revocation is dismissed, the  
16 defendant is found not guilty in the case causing the  
17 revocation, or the defendant completes a lawfully imposed  
18 sentence on the case causing the revocation, the court shall,  
19 without unnecessary delay, hold a hearing on conditions of  
20 pretrial release pursuant to Section 110-5 and release the  
21 defendant with or without modification of conditions of  
22 pretrial release.

23 Both the State and the defendant may appeal an order  
24 revoking pretrial release or denying a petition for revocation  
25 of release.

26 (b) If a defendant previously has been granted pretrial

1 release under this Section for a Class B or Class C misdemeanor  
2 offense, a petty or business offense, or an ordinance  
3 violation and if the defendant is subsequently charged with a  
4 felony that is alleged to have occurred during the defendant's  
5 pretrial release or a Class A misdemeanor offense that is  
6 alleged to have occurred during the defendant's pretrial  
7 release, such pretrial release may not be revoked, but the  
8 court may impose sanctions under subsection (c).

9 (b-1) The pretrial services agency with jurisdiction over  
10 the defendant shall immediately notify a law enforcement  
11 agency located in the county or municipality where the  
12 defendant resides and the State's Attorney's office if a  
13 defendant on pretrial release violates a no contact order, is  
14 removed from electronic monitoring, or violates the conditions  
15 of an electronic monitoring order.

16 (c) The court shall follow the procedures set forth in  
17 Section 110-3 to ensure the defendant's appearance in court if  
18 the defendant:

19 (1) fails to appear in court as required by the  
20 defendant's conditions of release;

21 (2) is charged with a felony or Class A misdemeanor  
22 offense that is alleged to have occurred during the  
23 defendant's pretrial release after having been previously  
24 granted pretrial release for a Class B or Class C  
25 misdemeanor, a petty or business offense, or an ordinance  
26 violation that is alleged to have occurred during the

1 defendant's pretrial release;

2 (3) is charged with a Class B or C misdemeanor  
3 offense, petty or business offense, or ordinance violation  
4 that is alleged to have occurred during the defendant's  
5 pretrial release; or

6 (4) violates any other condition of pretrial release  
7 set by the court.

8 In response to a violation described in this subsection,  
9 the court may issue a warrant specifying that the defendant  
10 must appear before the court for a hearing for sanctions and  
11 may not be released by law enforcement before that appearance.

12 (d) When a defendant appears in court pursuant to a  
13 summons or warrant issued in accordance with Section 110-3 or  
14 after being arrested for an offense that is alleged to have  
15 occurred during the defendant's pretrial release, the State  
16 may file a verified petition requesting a hearing for  
17 sanctions.

18 (e) During the hearing for sanctions, the defendant shall  
19 be represented by counsel and have an opportunity to be heard  
20 regarding the violation and evidence in mitigation. The State  
21 shall bear the burden of proving by clear and convincing  
22 evidence that:

23 (1) the defendant committed an act that violated a  
24 term of the defendant's pretrial release;

25 (2) the defendant had actual knowledge that the  
26 defendant's action would violate a court order;

1           (3) the violation of the court order was willful; and  
2           (4) the violation was not caused by a lack of access to  
3 financial monetary resources.

4           (f) Sanctions for violations of pretrial release may  
5 include:

6           (1) a verbal or written admonishment from the court;  
7           (2) imprisonment in the county jail for a period not  
8 exceeding 30 days;  
9           (3) (Blank); or  
10           (4) a modification of the defendant's pretrial  
11 conditions.

12           (g) The court may, at any time, after motion by either  
13 party or on its own motion, remove previously set conditions  
14 of pretrial release, subject to the provisions in this  
15 subsection. The court may only add or increase conditions of  
16 pretrial release at a hearing under this Section.

17           The court shall not remove a previously set condition of  
18 pretrial release regulating contact with a victim or witness  
19 in the case, unless the subject of the condition has been given  
20 notice of the hearing as required in paragraph (1) of  
21 subsection (b) of Section 4.5 of the Rights of Crime Victims  
22 and Witnesses Act. If the subject of the condition of release  
23 is not present, the court shall follow the procedures of  
24 paragraph (10) of subsection (c-1) of the Rights of Crime  
25 Victims and Witnesses Act.

26           (h) Crime victims shall be given notice by the State's

1 Attorney's office of all hearings under this Section as  
2 required in paragraph (1) of subsection (b) of Section 4.5 of  
3 the Rights of Crime Victims and Witnesses Act and shall be  
4 informed of their opportunity at these hearings to obtain a  
5 protective order.

6 (i) Nothing in this Section shall be construed to limit  
7 the State's ability to file a verified petition seeking denial  
8 of pretrial release under subsection (a) of Section 110-6.1 or  
9 subdivision (d) (2) of Section 110-6.1.

10 (j) At each subsequent appearance of the defendant before  
11 the court, the judge must find that continued detention under  
12 this Section is necessary to reasonably ensure the appearance  
13 of the defendant for later hearings or to prevent the  
14 defendant from being charged with a subsequent felony or Class  
15 A misdemeanor.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)