



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4903

by Rep. Dennis Tipsword

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-6

from Ch. 38, par. 110-6

Amends the Code of Criminal Procedure of 1963. Provides that when a defendant has previously been granted pretrial release for a felony or Class A misdemeanor, that pretrial release may be revoked after a hearing on the court's own motion or upon the filing of a verified petition by the State if the defendant: (1) is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release; (2) has abused or manipulated the pretrial release system causing undue delay on the proceedings; or (3) has shown that he or she will not appear for court regardless of the conditions of release that are imposed (rather than when a defendant has previously been granted pretrial release for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release). Establishes procedures for the pretrial release revocation hearings. Provides that the revocation hearing shall occur within 96 (rather than 72) hours of the filing of the State's petition or the court's motion for revocation. Provides that sanctions for violations of pretrial release may include imprisonment in the county jail for a period not exceeding 60 (rather than 30) days.

LRB104 17017 RLC 30432 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 Sections 110-5, 110-6, and 110-6.1 as
6 follows:

7 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

8 Sec. 110-6. Revocation of pretrial release, modification
9 of conditions of pretrial release, and sanctions for
10 violations of conditions of pretrial release.

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 after a
14 hearing on the court's own motion or upon the filing of a
15 verified petition by the State ~~only~~ if the defendant:

16 (1) is charged with a felony or Class A misdemeanor
17 that is alleged to have occurred during the defendant's
18 pretrial release;

19 (2) has abused or manipulated the pretrial release
20 system causing undue delay on the proceedings; or

21 (3) has shown that he or she will not appear for court
22 regardless of the conditions of release that are imposed.
23 ~~after a hearing on the court's own motion or upon the~~

1 ~~filing of a verified petition by the State.~~

2 When a defendant released pretrial is charged with a
3 violation of a protective order or was previously convicted of
4 a violation of a protective order and the subject of the
5 protective order is the same person as the victim in the
6 current underlying matter, the State shall file a verified
7 petition seeking revocation of pretrial release.

8 Upon the filing of a petition or upon motion of the court
9 seeking revocation, the court shall order the transfer of the
10 defendant and the petition or motion to the court before which
11 the previous felony or Class A misdemeanor is pending. The
12 defendant may be held in custody pending transfer to and a
13 hearing before such court. The defendant shall be transferred
14 to the court before which the previous matter is pending
15 without unnecessary delay, and the revocation hearing shall
16 occur within 96 ~~72~~ hours of the filing of the State's petition
17 or the court's motion for revocation.

18 A hearing at which pretrial release may be revoked must be
19 conducted in person (and not by way of two-way audio-visual
20 communication) unless the accused waives the right to be
21 present physically in court, the court determines that the
22 physical health and safety of any person necessary to the
23 proceedings would be endangered by appearing in court, or the
24 chief judge of the circuit orders use of that system due to
25 operational challenges in conducting the hearing in person.
26 Such 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 and
3 approved by the Administrative Office of the Illinois Courts
4 every 6 months.

5 For petitions filed under paragraph (1) of this subsection
6 (a), the ~~The~~ court before which the previous felony matter or
7 Class A misdemeanor is pending may revoke the defendant's
8 pretrial release after a hearing. During the hearing for
9 revocation, the defendant shall be represented by counsel and
10 have an opportunity to be heard regarding the violation and
11 evidence in mitigation. The court shall consider all relevant
12 circumstances, including, but not limited to, the nature and
13 seriousness of the violation or criminal act alleged. The
14 State shall bear the burden of proving, by clear and
15 convincing evidence, that no condition or combination of
16 conditions of release would reasonably ensure the appearance
17 of the defendant for later hearings or prevent the defendant
18 from being charged with a subsequent felony or Class A
19 misdemeanor.

20 For petitions filed under paragraph (2) of this subsection
21 (a), the court before which the felony matter or Class A
22 misdemeanor is pending may revoke the defendant's pretrial
23 release after a hearing. During the hearing for revocation,
24 the defendant shall be represented by counsel and have an
25 opportunity to be heard regarding the allegation the defendant
26 has abused and manipulated the pretrial release system causing

1 undue delay on the proceedings and evidence in mitigation. The
2 court shall consider all relevant circumstances, including,
3 but not limited to, the nature and seriousness of the conduct
4 alleged. The State shall bear the burden of proving, by clear
5 and convincing evidence, that no condition or combination of
6 conditions of release would reasonably ensure that the
7 defendant no longer abuses and manipulated the pretrial
8 release system causing undue delay on the proceedings.

9 For petitions filed under paragraph (3) of this subsection
10 (a), the court before which the felony matter or Class A
11 misdemeanor is pending may revoke the defendant's pretrial
12 release after a hearing. During the hearing for revocation,
13 the defendant shall be represented by counsel and have an
14 opportunity to be heard regarding the allegation the defendant
15 has shown that he or she will not appear for court regardless
16 of the conditions of release that are imposed. The court shall
17 consider all relevant circumstances, including, but not
18 limited to, the number of instances in which the defendant has
19 failed to appear in court in which the petition was filed as
20 well as the number of instances in which the defendant has
21 failed to appear in other matters. The State shall bear the
22 burden of proving, by clear and convincing evidence, that no
23 condition or combination of conditions of release would
24 reasonably ensure that the defendant will appear for future
25 court hearings.

26 In lieu of revocation, the court may release the defendant

1 pre-trial, with or without modification of conditions of
2 pretrial release.

3 If the case that caused the revocation is dismissed, the
4 defendant is found not guilty in the case causing the
5 revocation, or the defendant completes a lawfully imposed
6 sentence on the case causing the revocation, the court shall,
7 without unnecessary delay, hold a hearing on conditions of
8 pretrial release pursuant to Section 110-5 and release the
9 defendant with or without modification of conditions of
10 pretrial release.

11 Both the State and the defendant may appeal an order
12 revoking pretrial release or denying a petition for revocation
13 of release.

14 (b) If a defendant previously has been granted pretrial
15 release under this Section for a Class B or Class C misdemeanor
16 offense, a petty or business offense, or an ordinance
17 violation and if the defendant is subsequently charged with a
18 felony that is alleged to have occurred during the defendant's
19 pretrial release or a Class A misdemeanor offense that is
20 alleged to have occurred during the defendant's pretrial
21 release, such pretrial release may not be revoked, but the
22 court may impose sanctions under subsection (c).

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

26 (1) fails to appear in court as required by the

1 defendant's conditions of release;

2 (2) is charged with a felony or Class A misdemeanor
3 offense that is alleged to have occurred during the
4 defendant's pretrial release after having been previously
5 granted pretrial release for a Class B or Class C
6 misdemeanor, a petty or business offense, or an ordinance
7 violation that is alleged to have occurred during the
8 defendant's pretrial release;

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

13 (4) violates any other condition of pretrial release
14 set by the court.

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

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

25 (e) During the hearing for sanctions, the defendant shall
26 be represented by counsel and have an opportunity to be heard

1 regarding the violation and evidence in mitigation. The State
2 shall bear the burden of proving by clear and convincing
3 evidence that:

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

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

8 (3) the violation of the court order was willful; and

9 (4) the violation was not caused by a lack of access to
10 financial monetary resources.

11 (f) Sanctions for violations of pretrial release may
12 include:

13 (1) a verbal or written admonishment from the court;

14 (2) imprisonment in the county jail for a period not
15 exceeding 60 ~~30~~ days;

16 (3) (Blank); or

17 (4) a modification of the defendant's pretrial
18 conditions.

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

24 The court shall not remove a previously set condition of
25 pretrial release regulating contact with a victim or witness
26 in the case, unless the subject of the condition has been given

1 notice of the hearing as required in paragraph (1) of
2 subsection (b) of Section 4.5 of the Rights of Crime Victims
3 and Witnesses Act. If the subject of the condition of release
4 is not present, the court shall follow the procedures of
5 paragraph (10) of subsection (c-1) of the Rights of Crime
6 Victims and Witnesses Act.

7 (h) Crime victims shall be given notice by the State's
8 Attorney's office of all hearings under this Section as
9 required in paragraph (1) of subsection (b) of Section 4.5 of
10 the Rights of Crime Victims and Witnesses Act and shall be
11 informed of their opportunity at these hearings to obtain a
12 protective order.

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

17 (j) At each subsequent appearance of the defendant before
18 the court, the judge must find that continued detention under
19 this Section is necessary to reasonably ensure the appearance
20 of the defendant for later hearings or to prevent the
21 defendant from being charged with a subsequent felony or Class
22 A misdemeanor.

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