



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4906

by Rep. Dennis Tipsword

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-6.1

from Ch. 38, par. 110-6.1

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 if the defendant is charged with: (1) violation of conditions of pretrial release, 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 (2) a felony or misdemeanor offense and (i) has abused and manipulated the pretrial release system causing undue delay on the proceedings or (ii) has shown that he or she will not appear for court regardless of the conditions of release that are imposed. Establishes timelines for different offenses for filing petitions seeking pretrial detention. Provides that if the State seeks as a basis to file a petition for pretrial detention that a person charged with a felony or misdemeanor offense (i) has abused and manipulated the pretrial release system causing undue delay on the proceedings or (ii) has shown that he or she will not appear for court regardless of the conditions of release that are imposed, the State shall be required to present a verified application setting forth in detail the conduct of the defendant that forms the basis of the allegation that the defendant has abused and manipulated the pretrial release system causing undue delay on the proceedings or has shown that he will not appear for court regardless of the conditions of release that are imposed. Provides that upon verified application by the defendant, the court before which the proceeding is pending may reconsider the continued detention of the defendant. Provides that the defendant shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the previous detention hearing. Provides that if the court grants release where it had previously detained the defendant, the court shall state on the record of the proceedings the findings of facts and conclusions of law upon which such order is based. Makes other changes.

LRB104 17018 RLC 30433 b

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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-6.1 as follows:

6 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

8 (a) Upon verified petition by the State, the court shall
9 hold a hearing and may deny a defendant pretrial release only
10 if:

11 (1) the defendant is charged with a felony offense
12 other than a forcible felony for which, based on the
13 charge or the defendant's criminal history, a sentence of
14 imprisonment, without probation, periodic imprisonment, or
15 conditional discharge, is required by law upon conviction,
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 (1.5) the defendant's pretrial release poses a real
21 and present threat to the safety of any person or persons
22 or the community, based on the specific articulable facts
23 of the case, and the defendant is charged with a forcible

1 felony, which as used in this Section, means treason,
2 first degree murder, second degree murder, predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, criminal sexual assault, armed robbery,
5 aggravated robbery, robbery, burglary where there is use
6 of force against another person, residential burglary,
7 home invasion, vehicular invasion, aggravated arson,
8 arson, aggravated kidnaping, kidnaping, aggravated battery
9 resulting in great bodily harm or permanent disability or
10 disfigurement, or any other felony which involves the
11 threat of or infliction of great bodily harm or permanent
12 disability or disfigurement;

13 (2) the defendant is charged with stalking or
14 aggravated stalking, and it is alleged that the
15 defendant's pre-trial release poses a real and present
16 threat to the safety of a victim of the alleged offense,
17 and denial of release is necessary to prevent fulfillment
18 of the threat upon which the charge is based;

19 (3) the defendant is charged with a violation of an
20 order of protection issued under Section 112A-14 of this
21 Code or Section 214 of the Illinois Domestic Violence Act
22 of 1986, a stalking no contact order under Section 80 of
23 the Stalking No Contact Order Act, or a civil no contact
24 order under Section 213 of the Civil No Contact Order Act,
25 and it is alleged that the defendant's pretrial release
26 poses a real and present threat to the safety of any person

1 or persons or the community, based on the specific
2 articulable facts of the case;

3 (4) the defendant is charged with domestic battery or
4 aggravated domestic battery under Section 12-3.2 or 12-3.3
5 of the Criminal Code of 2012 and it is alleged that the
6 defendant's pretrial release poses a real and present
7 threat to the safety of any person or persons or the
8 community, based on the specific articulable facts of the
9 case;

10 (5) the defendant is charged with any offense under
11 Article 11 of the Criminal Code of 2012, except for
12 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
13 11-40, and 11-45 of the Criminal Code of 2012, or similar
14 provisions of the Criminal Code of 1961 and it is alleged
15 that the defendant's pretrial release poses a real and
16 present threat to the safety of any person or persons or
17 the community, based on the specific articulable facts of
18 the case;

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

25 (A) Section 24-1.2 (aggravated discharge of a
26 firearm);

1 (B) Section 24-1.2-5 (aggravated discharge of a
2 machine gun or a firearm equipped with a device
3 designed or used for silencing the report of a
4 firearm);

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

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

9 (E) Section 24-2.2 (manufacture, sale, or transfer
10 of bullets or shells represented to be armor piercing
11 bullets, dragon's breath shotgun shells, bolo shells,
12 or flechette shells);

13 (F) Section 24-3 (unlawful sale or delivery of
14 firearms);

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

17 (H) Section 24-34 (unlawful sale of firearms by
18 liquor license);

19 (I) Section 24-3.5 (unlawful purchase of a
20 firearm);

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

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

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

24 (M) Section 10-9 (c) (involuntary sexual servitude
25 of a minor);

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

1 (O) Section 24-1.1 (unlawful possession of weapons
2 by felons or persons in the Custody of the Department
3 of Corrections facilities) Non-probationable
4 violations: (i) unlawful possession of weapons by
5 felons or persons in the Custody of the Department of
6 Corrections facilities (Section 24 1.1), (ii)
7 aggravated unlawful possession of a weapon (Section
8 24 1.6), or (iii) aggravated possession of a stolen
9 firearm (Section 24 3.9);

10 (P) Section 24-1.6 (aggravated unlawful possession
11 of a weapon);

12 (Q) Section 24-3.9 (aggravated possession of a
13 stolen firearm);

14 (R) ~~(P)~~ Section 9-3 (reckless homicide and
15 involuntary manslaughter);

16 (S) ~~(Q)~~ Section 19-3 (residential burglary);

17 (T) ~~(R)~~ Section 10-5 (child abduction);

18 (U) ~~(S)~~ Felony violations of Section 12C-5 (child
19 endangerment);

20 (V) ~~(T)~~ Section 12-7.1 (hate crime);

21 (W) ~~(U)~~ Section 10-3.1 (aggravated unlawful
22 restraint);

23 (X) ~~(V)~~ Section 12-9 (threatening a public
24 official);

25 (Y) ~~(W)~~ Subdivision (f)(1) of Section 12-3.05
26 (aggravated battery with a deadly weapon other than by

1 discharge of a firearm);

2 (Z) Section 32-10 (violation of conditions of
3 pretrial release);

4 (6.5) the defendant is charged with any of the
5 following offenses, and it is alleged that the defendant's
6 pretrial release poses a real and present threat to the
7 safety of any person or persons or the community, based on
8 the specific articulable facts of the case:

9 (A) Felony violations of Sections 3.01, 3.02, or
10 3.03 of the Humane Care for Animals Act (cruel
11 treatment, aggravated cruelty, and animal torture);

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

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

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

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

26 (F) Subdivision (d) (1) (J) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence that resulted in bodily harm to a child
3 under the age of 16);

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

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

12 (A) Any offense ~~felony~~ described in subdivisions

13 (a) (1) through (a) (7) of this Section; or

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

15 (9) the defendant is charged with a felony or
16 misdemeanor offense and (i) has abused and manipulated the
17 pretrial release system causing undue delay on the
18 proceedings or (ii) has shown that he or she will not
19 appear for court regardless of the conditions of release
20 that are imposed.

21 (b) If the charged offense is a felony, as part of the
22 detention hearing, the court shall determine whether there is
23 probable cause the defendant has committed an offense, unless
24 a hearing pursuant to Section 109-3 of this Code has already
25 been held or a grand jury has returned a true bill of
26 indictment against the defendant. If there is a finding of no

1 probable cause, the defendant shall be released. No such
2 finding is necessary if the defendant is charged with a
3 misdemeanor.

4 (c) Timing of petition.

5 (1) A petition may be filed without prior notice to
6 the defendant at the first appearance before a judge, or
7 at any time within 45 ~~the 21~~ calendar days, except as
8 provided in Section 110-6, after arrest and release of the
9 defendant whichever date is later, and upon reasonable
10 notice to defendant or with process as provided in Section
11 110-3; provided that the court shall, in its discretion,
12 determine whether a defendant previously released shall be
13 detained while such petition is pending before the court ~~+~~
14 ~~provided that while such petition is pending before the~~
15 ~~court, the defendant if previously released shall not be~~
16 ~~detained.~~

17 (2) A petition alleging the commission of any offense
18 described in subdivisions (a)(1) through (a)(7) of this
19 Section may be filed outside of the timeframe described
20 within paragraph (1) if the timeframe expired without the
21 filing of a charge alleging the commission of any offense
22 described in subdivisions (a)(1) through (a)(7) of this
23 Section; in such a situation, a petition may be filed upon
24 reasonable notice to defendant within 14 days of the
25 filing of a charge alleging the commission of any offense
26 described in subdivisions (a)(1) through (a)(7) of this

1 Section.

2 (3) A petition alleging paragraph (9) of subsection
3 (a) as the basis for the denial or pretrial release may be
4 filed at any time.

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

26 (d) Contents of petition.

1 (1) The petition shall be verified by the State and
2 shall state the grounds upon which it contends the
3 defendant should be denied pretrial release, including the
4 real and present threat to the safety of any person or
5 persons or the community, based on the specific
6 articulable facts or flight risk, conduct showing abuse
7 and manipulation of the pretrial release system, or that
8 he will not appear for court regardless of conditions of
9 release that are imposed, as appropriate.

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

15 (3) If the State seeks to file a petition under this
16 Section alleging paragraph (9) of subsection (a) as the
17 basis for pretrial detention, the State shall be required
18 to present a verified application setting forth in detail
19 the conduct of the defendant that forms the basis of the
20 allegation that the defendant has abused and manipulated
21 the pretrial release system causing undue delay on the
22 proceedings or has shown that he will not appear for court
23 regardless of the conditions of release that are imposed.

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

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

4 (2) for offenses listed in paragraphs (1) through (7)
5 of subsection (a), the defendant poses a real and present
6 threat to the safety of any person or persons or the
7 community, based on the specific articulable facts of the
8 case, by conduct which may include, but is not limited to,
9 a forcible felony, the obstruction of justice,
10 intimidation, injury, or abuse as defined by paragraph (1)
11 of Section 103 of the Illinois Domestic Violence Act of
12 1986, and

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

21 (4) for offenses under subsection (b) of Section 407
22 of the Illinois Controlled Substances Act that are subject
23 to paragraph (1) of subsection (a), no condition or
24 combination of conditions set forth in subsection (b) of
25 Section 110-10 of this Article can mitigate the real and
26 present threat to the safety of any person or persons or

1 the community, based on the specific articulable facts of
2 the case, and the defendant poses a serious risk to not
3 appear in court as required.

4 (5) for petitions which allege clause (i) of paragraph
5 (9) of subsection (a) as the basis for pretrial detention,
6 no condition or combination of conditions set forth in
7 subsection (b) of Section 110-10 of this Article can
8 prevent the conduct showing abuse and manipulation of the
9 pretrial release system or that he or she will not appear
10 for court regardless of conditions of release that are
11 imposed, and

12 (6) for petitions which allege clause (ii) of
13 paragraph (9) of subsection (a) as the basis for pretrial
14 detention, no condition or combination of conditions set
15 forth in subsection (b) of Section 110-10 of this Article
16 can cause the defendant to appear for court.

17 (f) Conduct of the hearings.

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

25 (2) The State or defendant may present evidence at the
26 hearing by way of proffer based upon reliable information.

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

16 (3.5) A hearing at which pretrial release may be
17 denied must be conducted in person (and not by way of 2-way
18 audio visual communication) unless the accused waives the
19 right to be present physically in court, the court
20 determines that the physical health and safety of any
21 person necessary to the proceedings would be endangered by
22 appearing in court, or the chief judge of the circuit
23 orders use of that system due to operational challenges in
24 conducting the hearing in person. Such operational
25 challenges must be documented and approved by the chief
26 judge of the circuit, and a plan to address the challenges

1 through reasonable efforts must be presented and approved
2 by the Administrative Office of the Illinois Courts every
3 6 months.

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

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

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

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

22 (7) Decisions regarding release, conditions of
23 release, and detention prior to trial must be
24 individualized, and no single factor or standard may be
25 used exclusively to order detention. Risk assessment tools
26 may not be used as the sole basis to deny pretrial release.

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

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

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

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

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

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

25 (4) Any statements made by, or attributed to the
26 defendant, together with the circumstances surrounding

1 them.

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

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

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

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

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

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

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

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

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

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

11 (i) Detention. If the court enters an order for the
12 detention of the defendant pursuant to subsection (e) of this
13 Section, the defendant shall be brought to trial on the
14 offense for which he is detained within 90 days after the date
15 on which the order for detention was entered unless delay is
16 occasioned by the defendant, by an examination for fitness
17 ordered pursuant to Section 104-13, by a fitness hearing, by
18 an adjudication of unfitness to stand trial, by a continuance
19 allowed pursuant to Section 114-4 after a court's
20 determination of the defendant's physical incapacity for
21 trial, by a continuance granted at the request of the State
22 with good cause shown pursuant to Section 103-5, or by an
23 interlocutory appeal. Delay shall be considered to be agreed
24 to by the defendant unless he or she objects to the delay by
25 making a written demand for trial or an oral demand for trial
26 on the record. If the defendant is not brought to trial within

1 the 90-day period required by this provision ~~the preceding~~
2 ~~sentence~~, he shall not be denied pretrial release. In
3 computing the 90-day period, the court shall omit any period
4 of delay resulting from a continuance granted at the request
5 of the defendant and any period of delay resulting from a
6 continuance granted at the request of the State with good
7 cause shown pursuant to Section 103-5.

8 (i-5) At each subsequent appearance of the defendant
9 before the court, the judge must find that continued detention
10 is necessary to avoid a real and present threat to the safety
11 of any person or persons or the community, based on the
12 specific articulable facts of the case, or to prevent the
13 defendant's willful flight from prosecution.

14 (i-10) Delay occasioned by the defendant shall temporarily
15 suspend for the time of the delay the period within which a
16 person shall be tried as prescribed by subsection (i) of this
17 Section and on the day of expiration of the delay the period
18 shall continue at the point at which it was suspended. If such
19 delay occurs within 21 days of the end of the period within
20 which a person shall be tried as prescribed by subsection (i)
21 of this Section, the court may continue the cause on
22 application of the State for not more than an additional 21
23 days beyond the period prescribed by subsection (i).

24 (i-15) Upon verified application by the defendant, the
25 court before which the proceeding is pending may reconsider
26 the continued detention of the defendant. The defendant shall

1 be required to present a verified application setting forth in
2 detail any new facts not known or obtainable at the time of the
3 previous detention hearing. If the court grants release where
4 it had previously detained the defendant, the court shall
5 state on the record of the proceedings the findings of facts
6 and conclusions of law upon which such order is based.

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

10 (k) Appeal. The State may appeal any order entered under
11 this Section denying any motion for denial of pretrial
12 release.

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

17 (m) Interest of victims.

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

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

1 (Source: P.A. 103-822, eff. 1-1-25; 104-417, eff. 8-15-25.)