



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5249

Introduced 2/10/2026, by Rep. Dan Ugaste

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3930/7.7

725 ILCS 5/110-6.1

from Ch. 38, par. 110-6.1

Amends the Illinois Criminal Justice Information Act. Provides that the quarterly data collected by the Pretrial Practices Data Oversight Board shall include the identity of the judges who preside over the pretrial detention hearings and the number of detention petitions each judge grants and denies. Amends the Code of Criminal Procedure of 1963. Provides that the court shall, in any order denying detention, make a written finding summarizing the court's reasons for concluding that the defendant should not be denied pretrial release, including why the defendant has been determined not to be 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 that the defendant does not have a high likelihood of willful flight from prosecution.

LRB104 17141 RLC 30560 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 Illinois Criminal Justice Information Act  
5 is amended by changing Section 7.7 as follows:

6 (20 ILCS 3930/7.7)

7 Sec. 7.7. Pretrial data collection.

8 (a) The Administrative Director of the Administrative  
9 Office of the Illinois Courts shall convene an oversight board  
10 to be known as the Pretrial Practices Data Oversight Board to  
11 oversee the collection and analysis of data regarding pretrial  
12 practices in circuit court systems. The Board shall include,  
13 but is not limited to, designees from the Administrative  
14 Office of the Illinois Courts, the Illinois Criminal Justice  
15 Information Authority, and other entities that possess  
16 knowledge of pretrial practices and data collection issues.  
17 Members of the Board shall serve without compensation.

18 (b) The Oversight Board shall:

19 (1) identify existing pretrial data collection  
20 processes in local jurisdictions;

21 (2) define, gather and maintain records of pretrial  
22 data relating to the topics listed in subsection (c) from  
23 circuit clerks' offices, sheriff's departments, law

1 enforcement agencies, jails, pretrial departments,  
2 probation department, prosecutors' offices, public  
3 defenders' offices and other applicable criminal justice  
4 system agencies;

5 (3) identify resources necessary to systematically  
6 collect and report data related to the topics listed in  
7 subsection (c); and

8 (4) develop a plan to implement data collection  
9 processes sufficient to collect data on the topics listed  
10 in subsection (c) no later than one year after July 1, 2021  
11 (the effective date of Public Act 101-652). The plan and,  
12 once implemented, the reports and analysis shall be  
13 published and made publicly available on the  
14 Administrative Office of the Illinois Courts (AOIC)  
15 website.

16 (c) The Pretrial Practices Data Oversight Board shall  
17 develop a strategy to collect quarterly, county-level data on  
18 the following topics; which collection of data shall begin  
19 starting one year after July 1, 2021 (the effective date of  
20 Public Act 101-652):

21 (1) information on all persons arrested and charged  
22 with misdemeanor or felony charges, or both, including  
23 information on persons released directly from law  
24 enforcement custody;

25 (2) information on the outcomes of pretrial conditions  
26 and pretrial detention hearings in the county courts,

1 including, but not limited to, the identity of the judges  
2 who preside over the pretrial detention hearings, the  
3 number of detention petitions each judge grants and  
4 denies, the number of hearings held, the number of  
5 defendants detained, the number of defendants released,  
6 the number of defendants released with electronic  
7 monitoring, and, beginning January 1, 2023, information  
8 comparing detention hearing outcomes when the hearing is  
9 held in person and by two-way audio-visual communication;

10 (3) information regarding persons detained in the  
11 county jail pretrial, including, but not limited to, the  
12 number of persons detained in the jail pretrial and the  
13 number detained in the jail for other reasons, the  
14 demographics of the pretrial jail population, race, sex,  
15 sexual orientation, gender identity, age, and ethnicity,  
16 the charges including on which pretrial defendants are  
17 detained, the average length of stay of pretrial  
18 defendants;

19 (4) information regarding persons placed on electronic  
20 monitoring programs pretrial, including, but not limited  
21 to, the number of participants, the demographics of the  
22 participant population, including race, sex, sexual  
23 orientation, gender identity, age, and ethnicity, the  
24 charges on which participants are ordered to the program,  
25 and the average length of participation in the program;

26 (5) discharge data regarding persons detained pretrial

1 in the county jail, including, but not limited to, the  
2 number who are sentenced to the Illinois Department of  
3 Corrections, the number released after being sentenced to  
4 time served, the number who are released on probation,  
5 conditional discharge, or other community supervision, the  
6 number found not guilty, the number whose cases are  
7 dismissed, the number whose cases are dismissed as part of  
8 diversion or deferred prosecution program, and the number  
9 who are released pretrial after a hearing re-examining  
10 their pretrial detention;

11 (6) information on the pretrial rearrest of  
12 individuals released pretrial, including the number  
13 arrested and charged with a new misdemeanor offense while  
14 released, the number arrested and charged with a new  
15 felony offense while released, and the number arrested and  
16 charged with a new forcible felony offense while released,  
17 and how long after release these arrests occurred;

18 (7) information on the pretrial failure to appear  
19 rates of individuals released pretrial, including the  
20 number who missed one or more court dates, how many  
21 warrants for failures to appear were issued, and how many  
22 individuals were detained pretrial or placed on electronic  
23 monitoring pretrial after a failure to appear in court;

24 (8) what, if any, validated pretrial risk assessment  
25 tools are in use in each jurisdiction, and comparisons of  
26 the pretrial release and pretrial detention decisions of

1 judges as compared to and the risk assessment scores of  
2 individuals; and

3 (9) any other information the Pretrial Practices Data  
4 Oversight Board considers important and probative of the  
5 effectiveness of pretrial practices in the State of  
6 Illinois.

7 (d) Circuit clerks' offices, sheriff's departments, law  
8 enforcement agencies, jails, pretrial departments, probation  
9 department, State's Attorneys' offices, public defenders'  
10 offices and other applicable criminal justice system agencies  
11 are mandated to provide data to the Administrative Office of  
12 the Illinois Courts as described in subsection (c).

13 (Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22;  
14 102-1104, eff. 1-1-23.)

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

17 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

19 (a) Upon verified petition by the State, the court shall  
20 hold a hearing and may deny a defendant pretrial release only  
21 if:

22 (1) the defendant is charged with a felony offense  
23 other than a forcible felony for which, based on the  
24 charge or the defendant's criminal history, a sentence of

1 imprisonment, without probation, periodic imprisonment, or  
2 conditional discharge, is required by law upon conviction,  
3 and it is alleged that the defendant's pretrial release  
4 poses a real and present threat to the safety of any person  
5 or persons or the community, based on the specific  
6 articulable facts of the case;

7 (1.5) the defendant's pretrial release poses a real  
8 and present threat to the safety of any person or persons  
9 or the community, based on the specific articulable facts  
10 of the case, and the defendant is charged with a forcible  
11 felony, which as used in this Section, means treason,  
12 first degree murder, second degree murder, predatory  
13 criminal sexual assault of a child, aggravated criminal  
14 sexual assault, criminal sexual assault, armed robbery,  
15 aggravated robbery, robbery, burglary where there is use  
16 of force against another person, residential burglary,  
17 home invasion, vehicular invasion, aggravated arson,  
18 arson, aggravated kidnaping, kidnaping, aggravated battery  
19 resulting in great bodily harm or permanent disability or  
20 disfigurement, or any other felony which involves the  
21 threat of or infliction of great bodily harm or permanent  
22 disability or disfigurement;

23 (2) the defendant is charged with stalking or  
24 aggravated stalking, and it is alleged that the  
25 defendant's pre-trial release poses a real and present  
26 threat to the safety of a victim of the alleged offense,

1 and denial of release is necessary to prevent fulfillment  
2 of the threat upon which the charge is based;

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

13 (4) the defendant is charged with domestic battery or  
14 aggravated domestic battery under Section 12-3.2 or 12-3.3  
15 of the Criminal Code of 2012 and it is alleged that the  
16 defendant's pretrial release poses a real and present  
17 threat to the safety of any person or persons or the  
18 community, based on the specific articulable facts of the  
19 case;

20 (5) the defendant is charged with any offense under  
21 Article 11 of the Criminal Code of 2012, except for  
22 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,  
23 11-40, and 11-45 of the Criminal Code of 2012, or similar  
24 provisions of the Criminal Code of 1961 and it is alleged  
25 that the defendant's pretrial release poses a 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;

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

9 (A) Section 24-1.2 (aggravated discharge of a  
10 firearm);

11 (B) Section 24-1.2-5 (aggravated discharge of a  
12 machine gun or a firearm equipped with a device  
13 designed or used for silencing the report of a  
14 firearm);

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

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

19 (E) Section 24-2.2 (manufacture, sale, or transfer  
20 of bullets or shells represented to be armor piercing  
21 bullets, dragon's breath shotgun shells, bolo shells,  
22 or flechette shells);

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

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

1 (H) Section 24-34 (unlawful sale of firearms by  
2 liquor license);

3 (I) Section 24-3.5 (unlawful purchase of a  
4 firearm);

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

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

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

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

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

11 (O) Non-probationable violations: (i) unlawful  
12 possession of weapons by felons or persons in the  
13 Custody of the Department of Corrections facilities  
14 (Section 24-1.1), (ii) aggravated unlawful possession  
15 of a weapon (Section 24-1.6), or (iii) aggravated  
16 possession of a stolen firearm (Section 24-3.9);

17 (P) Section 9-3 (reckless homicide and involuntary  
18 manslaughter);

19 (Q) Section 19-3 (residential burglary);

20 (R) Section 10-5 (child abduction);

21 (S) Felony violations of Section 12C-5 (child  
22 endangerment);

23 (T) Section 12-7.1 (hate crime);

24 (U) Section 10-3.1 (aggravated unlawful  
25 restraint);

26 (V) Section 12-9 (threatening a public official);

1           (W) Subdivision (f)(1) of Section 12-3.05  
2           (aggravated battery with a deadly weapon other than by  
3           discharge of a firearm);

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

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

15 (b) If the charged offense is a felony, as part of the  
16 detention hearing, the court shall determine whether there is  
17 probable cause the defendant has committed an offense, unless  
18 a hearing pursuant to Section 109-3 of this Code has already  
19 been held or a grand jury has returned a true bill of  
20 indictment against the defendant. If there is a finding of no  
21 probable cause, the defendant shall be released. No such  
22 finding is necessary if the defendant is charged with a  
23 misdemeanor.

24 (c) Timing of petition.

25 (1) A petition may be filed without prior notice to  
26 the defendant at the first appearance before a judge, or

1 within the 21 calendar days, except as provided in Section  
2 110-6, after arrest and release of the defendant upon  
3 reasonable notice to defendant; provided that while such  
4 petition is pending before the court, the defendant if  
5 previously released shall not be detained.

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

18 (d) Contents of petition.

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

25 (2) If the State seeks to file a second or subsequent  
26 petition under this Section, the State shall be required

1 to present a verified application setting forth in detail  
2 any new facts not known or obtainable at the time of the  
3 filing of the previous petition.

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

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

10 (2) for offenses listed in paragraphs (1) through (7)  
11 of subsection (a), the defendant poses a real and present  
12 threat to the safety of any person or persons or the  
13 community, based on the specific articulable facts of the  
14 case, by conduct which may include, but is not limited to,  
15 a forcible felony, the obstruction of justice,  
16 intimidation, injury, or abuse as defined by paragraph (1)  
17 of Section 103 of the Illinois Domestic Violence Act of  
18 1986, and

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

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

10       (f) Conduct of the hearings.

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

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

20           (3) The defendant has the right to be represented by  
21 counsel, and if he or she is indigent, to have counsel  
22 appointed for him or her. The defendant shall have the  
23 opportunity to testify, to present witnesses on his or her  
24 own behalf, and to cross-examine any witnesses that are  
25 called by the State. Defense counsel shall be given  
26 adequate opportunity to confer with the defendant before

1 any hearing at which conditions of release or the  
2 detention of the defendant are to be considered, with an  
3 accommodation for a physical condition made to facilitate  
4 attorney/client consultation. If defense counsel needs to  
5 confer or consult with the defendant during any hearing  
6 conducted via a 2-way audio-visual communication system,  
7 such consultation shall not be recorded and shall be  
8 undertaken consistent with constitutional protections.

9 (3.5) A hearing at which pretrial release may be  
10 denied must be conducted in person (and not by way of 2-way  
11 audio visual communication) unless the accused waives the  
12 right to be present physically in court, the court  
13 determines that the physical health and safety of any  
14 person necessary to the proceedings would be endangered by  
15 appearing in court, or the chief judge of the circuit  
16 orders use of that system due to operational challenges in  
17 conducting the hearing in person. Such operational  
18 challenges must be documented and approved by the chief  
19 judge of the circuit, and a plan to address the challenges  
20 through reasonable efforts must be presented and approved  
21 by the Administrative Office of the Illinois Courts every  
22 6 months.

23 (4) If the defense seeks to compel the complaining  
24 witness to testify as a witness in its favor, it shall  
25 petition the court for permission. When the ends of  
26 justice so require, the court may exercise its discretion

1 and compel the appearance of a complaining witness. The  
2 court shall state on the record reasons for granting a  
3 defense request to compel the presence of a complaining  
4 witness only on the issue of the defendant's pretrial  
5 detention. In making a determination under this Section,  
6 the court shall state on the record the reason for  
7 granting a defense request to compel the presence of a  
8 complaining witness, and only grant the request if the  
9 court finds by clear and convincing evidence that the  
10 defendant will be materially prejudiced if the complaining  
11 witness does not appear. Cross-examination of a  
12 complaining witness at the pretrial detention hearing for  
13 the purpose of impeaching the witness' credibility is  
14 insufficient reason to compel the presence of the witness.  
15 In deciding whether to compel the appearance of a  
16 complaining witness, the court shall be considerate of the  
17 emotional and physical well-being of the witness. The  
18 pre-trial detention hearing is not to be used for purposes  
19 of discovery, and the post arraignment rules of discovery  
20 do not apply. The State shall tender to the defendant,  
21 prior to the hearing, copies, if any, of the defendant's  
22 criminal history, if available, and any written or  
23 recorded statements and the substance of any oral  
24 statements made by any person, if in the State's  
25 Attorney's possession at the time of the hearing.

26 (5) The rules concerning the admissibility of evidence

1 in criminal trials do not apply to the presentation and  
2 consideration of information at the hearing. At the trial  
3 concerning the offense for which the hearing was conducted  
4 neither the finding of the court nor any transcript or  
5 other record of the hearing shall be admissible in the  
6 State's case-in-chief, but shall be admissible for  
7 impeachment, or as provided in Section 115-10.1 of this  
8 Code, or in a perjury proceeding.

9 (6) The defendant may not move to suppress evidence or  
10 a confession, however, evidence that proof of the charged  
11 crime may have been the result of an unlawful search or  
12 seizure, or both, or through improper interrogation, is  
13 relevant in assessing the weight of the evidence against  
14 the defendant.

15 (7) Decisions regarding release, conditions of  
16 release, and detention prior to trial must be  
17 individualized, and no single factor or standard may be  
18 used exclusively to order detention. Risk assessment tools  
19 may not be used as the sole basis to deny pretrial release.

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

26 (1) The nature and circumstances of any offense

1 charged, including whether the offense is a crime of  
2 violence, involving a weapon, or a sex offense.

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

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

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

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

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 the defendant.

22 (6) The age and physical condition of any victim or  
23 complaining witness.

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

26 (8) Whether, at the time of the current offense or any

1 other offense or arrest, the defendant was on probation,  
2 parole, aftercare release, mandatory supervised release,  
3 or other release from custody pending trial, sentencing,  
4 appeal, or completion of sentence for an offense under  
5 federal or State law.

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

11 (h) Detention order. The court shall, in any order for  
12 detention:

13 (1) make a written finding summarizing the court's  
14 reasons for concluding that the defendant should be denied  
15 pretrial release, including why less restrictive  
16 conditions would not avoid a real and present threat to  
17 the safety of any person or persons or the community,  
18 based on the specific articulable facts of the case, or  
19 prevent the defendant's willful flight from prosecution;

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

23 (3) direct that the defendant be given a reasonable  
24 opportunity for private consultation with counsel, and for  
25 communication with others of his or her choice by  
26 visitation, mail and telephone; and

1           (4) direct that the sheriff deliver the defendant as  
2           required for appearances in connection with court  
3           proceedings.

4           (h-5) Pretrial release order. The court shall, in any  
5           order denying detention, make a written finding summarizing  
6           the court's reasons for concluding that the defendant should  
7           not be denied pretrial release, including why the defendant  
8           has been determined not to be a real and present threat to the  
9           safety of any person or persons or the community, based on the  
10           specific articulable facts of the case, or that the defendant  
11           does not have a high likelihood of willful flight from  
12           prosecution.

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

25           (i-5) At each subsequent appearance of the defendant  
26           before the court, the judge must find that continued detention

1 is necessary to avoid a real and present threat to the safety  
2 of any person or persons or the community, based on the  
3 specific articulable facts of the case, or to prevent the  
4 defendant's willful flight from prosecution.

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

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

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

15 (m) Interest of victims.

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

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

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