



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5588

Introduced 2/13/2026, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act
725 ILCS 5/103-10 new

Creates the Restorative Justice Community Court Act. Provides that the chief judge of each judicial circuit shall establish at least one Restorative Justice Community Court and may establish additional satellite Restorative Justice Community Courts. Provides that Restorative Justice Community Courts shall be planned, operated, and evaluated in accordance with the Illinois Supreme Court Problem-Solving Court standards and shall obtain certification and maintain compliance with the requirements of the Administrative Office of the Illinois Courts. Provides that referral to the Restorative Justice Community Court may be initiated by the court; the defendant; counsel for the defendant; probation, pretrial services, or Restorative Justice Community Court staff; or the State's Attorney. Provides that, upon admission to a Restorative Justice Community Court, the court shall enter an order staying the criminal proceedings and tolling the speedy-trial period. Provides that, upon a finding by the court that a participant has successfully completed all conditions of a Restorative Justice Community Court Agreement, including obligations to repair harm, participate in restorative processes, and comply with services and supports identified in the restorative agreement, the court shall: (1) dismiss the charge or charges underlying the participant's admission to the Restorative Justice Community Court in the interests of justice and (2) enter an order dismissing the charge or charges and expunging the record of arrest and court proceedings in accordance with the Criminal Identification Act without any statutory waiting period. Amends the Code of Criminal Procedure of 1963 to make conforming changes. Effective January 1, 2027.

LRB104 19689 RLC 33138 b

1 AN ACT concerning courts.

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

4 Section 1. Short title. This Act may be cited as the
5 Restorative Justice Community Court Act.

6 Section 5. Purpose and legislative findings. The General
7 Assembly finds and declares that:

8 (1) restorative justice processes repair harm, improve
9 community safety, and reduce recidivism by centering the
10 needs of impacted persons, community members, and those
11 who cause harm;

12 (2) restorative justice processes should be implemented to
13 promote equity in access, reduce disparities in criminal
14 legal system involvement, and build community capacity;

15 (3) community-based restorative justice practitioners and
16 impacted persons are essential partners in the design,
17 implementation, and accountability of Restorative Justice
18 Community Courts; and

19 (4) Restorative Justice Community Courts, as pioneered by
20 the Circuit Court of Cook County, have demonstrated
21 effectiveness in resolving eligible cases through
22 voluntary, structured, community-based processes.

1 Section 10. Definitions. As used in this Act:

2 "Impacted person" means a survivor or community member
3 affected by an offense.

4 "Participant" means an eligible defendant admitted to the
5 program.

6 "Restorative agreement" means a written, voluntary
7 agreement developed through restorative justice processes that
8 identifies actions to repair harm, accountability measures,
9 and services and supports, with input from participants and
10 impacted persons, and approved by the court.

11 "Restorative justice practice" has the meaning given to
12 the term in Section 8-804.5 of the Code of Civil Procedure.

13 "Restorative Justice Community Court" means a court
14 certified under this Act to facilitate restorative justice
15 processes as a problem-solving court.

16 Section 15. Establishment and certification.

17 (a) The chief judge of each judicial circuit shall
18 establish at least one Restorative Justice Community Court,
19 subject to available resources, and may establish additional
20 satellite Restorative Justice Community Courts.

21 (b) Restorative Justice Community Courts shall be planned,
22 operated, and evaluated in accordance with the Illinois
23 Supreme Court Problem-Solving Court Standards and shall obtain
24 certification and maintain compliance with the requirements of
25 the Administrative Office of the Illinois Courts.

1 (c) Courts may contract with community-based providers and
2 employ trained restorative justice facilitators.

3 Section 20. Eligibility.

4 (a) Each judicial circuit shall develop written
5 eligibility criteria consistent with the Illinois Supreme
6 Court Problem-Solving Court Standards. Eligibility shall be
7 broadly construed to maximize access to restorative justice
8 processes for individuals whose participation would promote
9 accountability, impacted person healing, and community safety.

10 (b) Presumptively eligible individuals include, but are
11 not limited to, persons charged with misdemeanors and
12 nonviolent felonies. Individuals charged with other offenses
13 may be considered for participation following a judicial
14 determination, after consultation with impacted persons, when
15 appropriate, that participation serves the interests of
16 justice and public safety.

17 (c) Eligibility determinations shall be guided by
18 individualized assessments and may not rely solely on
19 categorical exclusions. The chief judge shall review
20 eligibility criteria at least annually to ensure that
21 eligibility determinations remain consistent with restorative
22 justice principles, equity goals, and public safety. The
23 review shall include the collection and consideration of input
24 from impacted communities, including community-based
25 restorative justice facilitators, and defense and State's

1 Attorney representatives. The chief judge shall publish a
2 written report of findings, including any recommended or
3 adopted revisions to eligibility criteria, on the circuit's
4 public website or other publicly accessible platform, and
5 shall transmit the report to the Administrative Office of the
6 Illinois Courts for statewide aggregation and analysis.

7 (d) Nothing in this Section shall preclude the court from
8 admitting individuals not meeting presumptive eligibility
9 criteria if the court finds, based on individualized
10 assessment and consultation with impacted persons, that
11 participation is appropriate and consistent with restorative
12 justice principles and public safety.

13 Section 25. Referral and admission authority.

14 (a) Referral may be initiated by the court, defense
15 counsel, defendant, probation, pretrial services, Restorative
16 Justice Community Court staff, or the State's Attorney.

17 (b) Admission requires:

18 (1) written consent of the defendant;

19 (2) stipulation to probable cause, or a judicial
20 finding of probable cause following a review of the
21 available evidence;

22 (3) approval of the court; and

23 (4) a finding that admission serves public safety,
24 justice, and the impacted person's interests.

25 (c) The State's Attorney may be heard, but prosecutorial

1 consent is not required for admission.

2 (d) Restorative Justice Community Court participation may
3 occur pre-adjudication or post-adjudication.

4 (e) Nothing in this Act shall preclude a State's Attorney
5 or law enforcement agency from referring a case to a
6 Restorative Justice Community Court or associated restorative
7 processes prior to the filing of formal charges, with consent
8 of the impacted persons and defendant.

9 (f) Upon admission, impacted persons shall be notified of
10 the participant's entry into the program and offered
11 opportunities for participation and support, without
12 conferring any additional rights or obligations.

13 Section 30. Stay of proceedings; speedy trial.

14 (a) Upon admission, the court shall stay further criminal
15 proceedings.

16 (b) Upon admission to a Restorative Justice Community
17 Court, the court shall enter an order pursuant to Section
18 103-10 of the Code of Criminal Procedure of 1963 staying the
19 criminal proceedings and tolling the speedy-trial period.

20 Section 35. Restorative agreements.

21 (a) Agreements shall be developed through peace circles or
22 other restorative processes, as defined in Section 8-804.5 of
23 the Code of Civil Procedure, and shall:

24 (1) identify actions to repair harm;

1 (2) outline services and supports for the participant
2 and impacted persons;

3 (3) establish timelines and accountability measures;
4 and

5 (4) be voluntary and specific.

6 (b) Impacted persons shall be provided with meaningful,
7 informed, and voluntary opportunities to participate in
8 restorative justice processes, including access to appropriate
9 support services and opportunities to provide input into the
10 development, modification, and completion of restorative
11 agreements. Their participation shall be considered in the
12 process but shall not determine a defendant's participation in
13 the Restorative Justice Community Court.

14 (c) The court shall ensure that restorative agreements
15 include clear timelines and mechanisms for monitoring
16 completion, and may convene periodic status hearings or
17 circles to support accountability.

18 (d) The court may modify the terms of a restorative
19 agreement upon a showing of good cause, with input from the
20 participant and impacted persons, to promote accountability
21 and successful completion.

22 Section 40. Completion and disposition.

23 (a) Upon a finding by the court that a participant has
24 successfully completed all conditions of a Restorative Justice
25 Community Court Agreement, including obligations to repair

1 harm, participate in restorative processes, and comply with
2 services and supports identified in the Agreement, the court
3 shall:

4 (1) dismiss the charge or charges underlying the
5 participant's admission to the Restorative Justice
6 Community Court in the interests of justice; and

7 (2) enter an order dismissing the charge or charges
8 and expunging the record of arrest and court proceedings
9 in accordance with Section 5.2 of the Criminal
10 Identification Act without any statutory waiting period.
11 The clerk of the circuit court shall promptly transmit the
12 order to the Illinois State Police for expungement.

13 (b) If a participant does not successfully complete the
14 Restorative Justice Community Court Agreement, the case shall
15 be returned to the criminal docket, and the speedy-trial
16 period shall resume pursuant to Section 103-10 of the Code of
17 Criminal Procedure of 1963. Impacted persons shall be notified
18 of completion or termination of the agreement.

19 (c) Communications made during restorative justice
20 processes shall remain privileged under Section 8-804.5 of the
21 Code of Civil Procedure, and shall not be used in subsequent
22 proceedings, except as otherwise permitted by law.

23 (d) Nothing in this Section shall preclude the court, the
24 State's Attorney, the defense, or impacted persons from
25 agreeing to other lawful dispositions consistent with
26 restorative justice principles and applicable law.

1 Section 45. Data and evaluation.

2 (a) Each Restorative Justice Community Court shall collect
3 and report de-identified data to the Administrative Office of
4 the Illinois Courts.

5 (b) The Administrative Office of the Illinois Courts shall
6 publish an annual statewide Restorative Justice Community
7 Court report and submit the report to the General Assembly.
8 The report shall include aggregate demographic and outcome
9 data, including, but not limited to, admission and completion
10 rates, charge types, restitution agreements, impacted person
11 participation rates, and post-completion justice involvement
12 disaggregated by race, ethnicity, age, and gender, where
13 feasible.

14 Section 50. Training.

15 (a) Judges, attorneys, probation officers, restorative
16 justice facilitators, and other personnel involved in the
17 operation of Restorative Justice Community Courts shall
18 receive initial and ongoing training to ensure the consistent,
19 trauma-informed, and culturally responsive implementation of
20 this Act.

21 (b) Training shall include, but is not limited to:

22 (1) restorative justice principles and practices,
23 including circle process facilitation and community-based
24 accountability frameworks;

- 1 (2) trauma-informed and culturally responsive care;
- 2 (3) racial equity, implicit bias, and structural
- 3 drivers of system involvement;
- 4 (4) confidentiality principles and privilege
- 5 requirements under Section 8-804.5 of the Code of Civil
- 6 Procedure; and
- 7 (5) legal processes related to eligibility, admission,
- 8 referral, and completion of Restorative Justice Community
- 9 Court Agreements.

10 (c) The Administrative Office of the Illinois Courts shall

11 establish minimum training and continuing education standards

12 for all personnel engaged in Restorative Justice Community

13 Court operations. The Administrative Office of the Illinois

14 Courts may certify training curricula, partner with

15 community-based restorative justice facilitators, and

16 facilitate peer learning collaboratives to support local

17 capacity building. Community-based facilitators may co-deliver

18 or lead training components.

19 (d) All personnel shall participate in ongoing continuing

20 education as required by the Administrative Office of the

21 Illinois Courts. Continuing education shall emphasize emerging

22 best practices, data-informed implementation, and strategies

23 to promote equity and fidelity to restorative justice

24 principles.

25 (e) Training efforts shall include opportunities for

26 co-facilitation, consultation, and leadership by

1 community-based restorative justice facilitators and impacted
2 communities, recognizing their expertise and role as partners
3 in the administration of justice.

4 Section 55. Funding. The Administrative Office of the
5 Illinois Courts is authorized to establish and administer a
6 Restorative Justice Community Court Fund to support planning,
7 implementation, staffing, training, evaluation, and community
8 partnership activities. The Fund may receive appropriations,
9 grants, gifts, and donations from public and private sources,
10 and the Administrative Office of the Illinois Courts may enter
11 into agreements with governmental and philanthropic entities
12 and public-private partnerships to support implementation. The
13 Administrative Office of the Illinois Courts shall administer
14 grant funding to circuits.

15 Section 60. Implementation. The Supreme Court may adopt
16 rules necessary to implement this Act, including standards for
17 certification, evaluation, and reporting. Circuits shall
18 establish at least one Restorative Justice Community Court no
19 later than July 1, 2029, subject to funding availability. The
20 Administrative Office of the Illinois Courts shall develop and
21 publish an implementation plan, including certification
22 standards, training guidelines, and data reporting protocols,
23 no later than July 1, 2028.

1 Section 90. The Code of Criminal Procedure of 1963 is
2 amended by adding Section 103-10 as follows:

3 (725 ILCS 5/103-10 new)

4 Sec. 103-10. Restorative Justice Community Court stay.

5 (a) Upon entry of an order admitting a defendant to a
6 Restorative Justice Community Court and the defendant's
7 written consent, the statutory speedy-trial period shall be
8 tolled for the duration of participation in the program.

9 (b) All further criminal proceedings shall be stayed
10 pending program completion or termination.

11 (c) Upon successful completion, the court shall proceed in
12 accordance with Section 40 of the Restorative Justice
13 Community Court Act. Upon termination or withdrawal, the case
14 shall be returned to the criminal docket, and the speedy-trial
15 period shall resume.

16 Section 99. Effective date. This Act takes effect January
17 1, 2027.