



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1656

Introduced 2/5/2025, by Sen. Suzy Glowiak Hilton

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 previously granted pretrial release is charged with violation of any criminal offense committed while on pretrial release, the State may seek revocation of the defendant's pretrial release. Provides that when a defendant released pretrial is charged with a violation of any criminal offense committed while on pretrial release, the State may seek revocation of the defendant's pretrial release (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 after a hearing on the court's own motion or upon the filing of a verified petition by the State).

LRB104 08082 RLC 18128 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.

10 (a) When a defendant previously granted pretrial release
11 under this Section is charged with violation of any criminal
12 offense committed while on pretrial release, the State may
13 seek revocation of the defendant's pretrial release under the
14 provisions of this Section. ~~When a defendant has previously~~
15 ~~been granted pretrial release under this Section for a felony~~
16 ~~or Class A misdemeanor, that pretrial release may be revoked~~
17 ~~only if the defendant is charged with a felony or Class A~~
18 ~~misdemeanor that is alleged to have occurred during the~~
19 ~~defendant's pretrial release after a hearing on the court's~~
20 ~~own motion or upon the filing of a verified petition by the~~
21 ~~State.~~

22 When a defendant released pretrial is charged with a
23 violation of a protective order or was previously convicted of

1 a violation of a protective order and the subject of the
2 protective order is the same person as the victim in the
3 current underlying matter, the State shall file a verified
4 petition seeking revocation of pretrial release.

5 When a defendant released pretrial is charged with a
6 violation of any criminal offense committed while on pretrial
7 release, the State may seek revocation of the defendant's
8 pretrial release under the provisions of this Section.

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

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

1 Such operational challenges must be documented and approved by
2 the chief judge of the circuit, and a plan to address the
3 challenges through reasonable efforts must be presented and
4 approved by the Administrative Office of the Illinois Courts
5 every 6 months.

6 The court before which the previous matter ~~felony matter~~
7 ~~or 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 criminal offense ~~felony~~
19 ~~or Class A misdemeanor~~.

20 In lieu of revocation, the court may release the defendant
21 pre-trial, with or without modification of conditions of
22 pretrial release.

23 If the case that caused the revocation is dismissed, the
24 defendant is found not guilty in the case causing the
25 revocation, or the defendant completes a lawfully imposed
26 sentence on the case causing the revocation, the court shall,

1 without unnecessary delay, hold a hearing on conditions of
2 pretrial release pursuant to Section 110-5 and release the
3 defendant with or without modification of conditions of
4 pretrial release.

5 Both the State and the defendant may appeal an order
6 revoking pretrial release or denying a petition for revocation
7 of release.

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

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

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

23 (2) is charged with a criminal ~~felony or Class A~~
24 ~~misdemeanor~~ offense that is alleged to have occurred
25 during the defendant's pretrial release after having been
26 previously granted pretrial release ~~for a Class B or Class~~

~~C misdemeanor, a petty or business offense, or an ordinance violation that is alleged to have occurred during the defendant's pretrial release;~~

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

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

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

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

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

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

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

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

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

6 (f) Sanctions for violations of pretrial release may
7 include:

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

9 (2) imprisonment in the county jail for a period not
10 exceeding 30 days;

11 (3) (Blank); or

12 (4) a modification of the defendant's pretrial
13 conditions.

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

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

1 Victims and Witnesses Act.

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

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

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

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