

**SB1656**



**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

**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 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~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) (Blank); or

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

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

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