

SB2999



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2999

Introduced 1/27/2026, 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 released pretrial is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release, the State may seek revocation of the defendant's pretrial release. Deletes provision that only permits revocation of the defendant's pretrial release if the defendant has previously been granted pretrial release for a felony or Class A misdemeanor rather than any offense and the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release.

LRB104 17609 RLC 31039 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 has previously been granted pretrial
11 release under this Section ~~for a felony or Class A~~
12 ~~misdemeanor~~, that pretrial release may be revoked only if the
13 defendant is charged with a felony or Class A misdemeanor that
14 is alleged to have occurred during the defendant's pretrial
15 release after a hearing on the court's own motion or upon the
16 filing of a verified petition by the State.

17 When a defendant released pretrial is charged with a
18 violation of a protective order or was previously convicted of
19 a violation of a protective order and the subject of the
20 protective order is the same person as the victim in the
21 current underlying matter, the State shall file a verified
22 petition seeking revocation of pretrial release.

23 When a defendant released pretrial is charged with a

1 felony or Class A misdemeanor that is alleged to have occurred
2 during the defendant's pretrial release, the State may seek
3 revocation of the defendant's pretrial release under the
4 provisions of this Section.

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

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

1 every 6 months.

2 The court before which the previous matter ~~felony matter~~
3 ~~or Class A misdemeanor~~ is pending may revoke the defendant's
4 pretrial release after a hearing. During the hearing for
5 revocation, the defendant shall be represented by counsel and
6 have an opportunity to be heard regarding the violation and
7 evidence in mitigation. The court shall consider all relevant
8 circumstances, including, but not limited to, the nature and
9 seriousness of the violation or criminal act alleged. The
10 State shall bear the burden of proving, by clear and
11 convincing evidence, that no condition or combination of
12 conditions of release would reasonably ensure the appearance
13 of the defendant for later hearings or prevent the defendant
14 from being charged with a subsequent felony or Class A
15 misdemeanor.

16 In lieu of revocation, the court may release the defendant
17 pre-trial, with or without modification of conditions of
18 pretrial release.

19 If the case that caused the revocation is dismissed, the
20 defendant is found not guilty in the case causing the
21 revocation, or the defendant completes a lawfully imposed
22 sentence on the case causing the revocation, the court shall,
23 without unnecessary delay, hold a hearing on conditions of
24 pretrial release pursuant to Section 110-5 and release the
25 defendant with or without modification of conditions of
26 pretrial release.

1 Both the State and the defendant may appeal an order
2 revoking pretrial release or denying a petition for revocation
3 of release.

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

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

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

19 (2) is charged with a felony or Class A misdemeanor
20 offense that is alleged to have occurred during the
21 defendant's pretrial release after having been previously
22 granted pretrial release ~~for a Class B or Class C~~
23 ~~misdemeanor, a petty or business offense, or an ordinance~~
24 ~~violation that is alleged to have occurred during the~~
25 ~~defendant's pretrial release;~~

26 (3) (blank) ~~is charged with a Class B or C misdemeanor~~

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

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

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

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

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

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

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

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

26 (4) the violation was not caused by a lack of access to

1 financial monetary resources.

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

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

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

7 (3) (Blank); or

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

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

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

24 (h) Crime victims shall be given notice by the State's
25 Attorney's office of all hearings under this Section as
26 required in paragraph (1) of subsection (b) of Section 4.5 of

1 the Rights of Crime Victims and Witnesses Act and shall be
2 informed of their opportunity at these hearings to obtain a
3 protective order.

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

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

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