SB3137

LRB10419219RLC32664b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3137

Introduced 2/2/2026, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

See Index

Amends, repeals, and reenacts various Acts. Restores the statutes to the form in which they existed before their amendment by Public Acts 101-652, 102-28, and 102-1104. Makes other technical changes. Effective immediately.

LRB104 19219 RLC 32664 b

A BILL FOR

AN ACT concerning public safety.

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

(5 ILCS 845/Act rep.)

Section 5. The Statewide Use of Force Standardization Act is repealed.

(730 ILCS 205/Act rep.)

Section 10. The No Representation Without Population Act is repealed.

(730 ILCS 210/Act rep.)

Section 15. The Reporting of Deaths in Custody Act is repealed.

(5 ILCS 70/1.43 rep.)

Section 20. The Statute on Statutes is amended by repealing Section 1.43.

(5 ILCS 100/5-45.35 rep.)

Section 25. The Illinois Administrative Procedure Act is amended by repealing Section 5-45.35 as added by Public Act 102-1104.

Section 30. The Freedom of Information Act is amended by changing Section 2.15 as follows:

(5 ILCS 140/2.15)

Sec. 2.15. Arrest reports and criminal history records.

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 3 of this Act: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond ~~(blank)~~; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

(b) Criminal history records. The following documents maintained by a public body pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to this Act: (i) court records that are public; (ii) records that are otherwise available under State or local law; and (iii) records in which

the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi).

(c) Information described in items (iii) through (vi) of subsection (a) may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(d) The provisions of this Section do not supersede the confidentiality provisions for law enforcement or arrest records of the Juvenile Court Act of 1987.

(e) Notwithstanding the requirements of subsection (a), a law enforcement agency may not publish booking photographs, commonly known as "mugshots", on its social networking website in connection with civil offenses, petty offenses, business offenses, Class C misdemeanors, and Class B misdemeanors unless the booking photograph is posted to the social networking website to assist in the search for a missing person or to assist in the search for a fugitive, person of interest, or individual wanted in relation to a crime other than a petty offense, business offense, Class C misdemeanor, or Class B misdemeanor. As used in this subsection, "social networking website" has the meaning provided in Section 10 of the Right to Privacy in the Workplace Act.

(Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

Section 35. The State Records Act is amended by changing Section 4a as follows:

(5 ILCS 160/4a)

Sec. 4a. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) (Blank).

(5.1) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made

available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2QQQ of the Consumer Fraud and Deceptive Business Practices Act.

(g) Notwithstanding the requirements of subsection (a), a law enforcement agency may not publish booking photographs, commonly known as "mugshots", on its social networking website in connection with civil offenses, petty offenses, business offenses, Class C misdemeanors, and Class B misdemeanors unless the booking photograph is posted to the social networking website to assist in the search for a missing person or to assist in the search for a fugitive, person of interest, or individual wanted in relation to a crime other than a petty offense, business offense, Class C misdemeanor, or Class B misdemeanor. As used in this subsection, "social networking website" has the meaning provided in Section 10 of the Right to Privacy in the Workplace Act.

(Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

Section 40. The Illinois Public Labor Relations Act is amended by changing Section 14 as follows:

(5 ILCS 315/14) (from Ch. 48, par. 1614)

Sec. 14. Security employee, peace officer and fire fighter disputes.

(a) In the case of collective bargaining agreements involving units of security employees of a public employer, Peace Officer Units, or units of fire fighters or paramedics, and in the case of disputes under Section 18, unless the parties mutually agree to some other time limit, mediation shall commence 30 days prior to the expiration date of such agreement or at such later time as the mediation services chosen under subsection (b) of Section 12 can be provided to the parties. In the case of negotiations for an initial collective bargaining agreement, mediation shall commence upon 15 days notice from either party or at such later time as the mediation services chosen pursuant to subsection (b) of Section 12 can be provided to the parties. In mediation under this Section, if either party requests the use of mediation services from the Federal Mediation and Conciliation Service, the other party shall either join in such request or bear the additional cost of mediation services from another source. The mediator shall have a duty to keep the Board informed on the progress of the mediation. If any dispute has not been resolved within 15 days after the first meeting of the parties and the mediator, or within such other time limit as may be mutually agreed upon by the parties, either the exclusive representative or employer may request of the other, in

writing, arbitration, and shall submit a copy of the request to the Board.

(b) Within 10 days after such a request for arbitration has been made, the employer shall choose a delegate and the employees' exclusive representative shall choose a delegate to a panel of arbitration as provided in this Section. The employer and employees shall forthwith advise the other and the Board of their selections.

(c) Within 7 days after the request of either party, the parties shall request a panel of impartial arbitrators from which they shall select the neutral chairman according to the procedures provided in this Section. If the parties have agreed to a contract that contains a grievance resolution procedure as provided in Section 8, the chairman shall be selected using their agreed contract procedure unless they mutually agree to another procedure. If the parties fail to notify the Board of their selection of neutral chairman within 7 days after receipt of the list of impartial arbitrators, the Board shall appoint, at random, a neutral chairman from the list. In the absence of an agreed contract procedure for selecting an impartial arbitrator, either party may request a panel from the Board. Within 7 days of the request of either party, the Board shall select from the Public Employees Labor Mediation Roster 7 persons who are on the labor arbitration panels of either the American Arbitration Association or the Federal Mediation and Conciliation Service, or who are members

of the National Academy of Arbitrators, as nominees for impartial arbitrator of the arbitration panel. The parties may select an individual on the list provided by the Board or any other individual mutually agreed upon by the parties. Within 7 days following the receipt of the list, the parties shall notify the Board of the person they have selected. Unless the parties agree on an alternate selection procedure, they shall alternatively strike one name from the list provided by the Board until only one name remains. A coin toss shall determine which party shall strike the first name. If the parties fail to notify the Board in a timely manner of their selection for neutral chairman, the Board shall appoint a neutral chairman from the Illinois Public Employees Mediation/Arbitration Roster.

(d) The chairman shall call a hearing to begin within 15 days and give reasonable notice of the time and place of the hearing. The hearing shall be held at the offices of the Board or at such other location as the Board deems appropriate. The chairman shall preside over the hearing and shall take testimony. Any oral or documentary evidence and other data deemed relevant by the arbitration panel may be received in evidence. The proceedings shall be informal. Technical rules of evidence shall not apply and the competency of the evidence shall not thereby be deemed impaired. A verbatim record of the proceedings shall be made and the arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at

the expense of the party ordering them, but the transcripts shall not be necessary for a decision by the arbitration panel. The expense of the proceedings, including a fee for the chairman, shall be borne equally by each of the parties to the dispute. The delegates, if public officers or employees, shall continue on the payroll of the public employer without loss of pay. The hearing conducted by the arbitration panel may be adjourned from time to time, but unless otherwise agreed by the parties, shall be concluded within 30 days of the time of its commencement. Majority actions and rulings shall constitute the actions and rulings of the arbitration panel. Arbitration proceedings under this Section shall not be interrupted or terminated by reason of any unfair labor practice charge filed by either party at any time.

(e) The arbitration panel may administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by it material to a just determination of the issues in dispute, and for such purpose may issue subpoenas. If any person refuses to obey a subpoena, or refuses to be sworn or to testify, or if any witness, party or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel may, or the attorney general if requested shall, invoke the aid of any circuit court within the jurisdiction in which the hearing is being held, which court shall issue an appropriate order. Any failure to obey the order may be

punished by the court as contempt.

(f) At any time before the rendering of an award, the chairman of the arbitration panel, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed 2 weeks. If the dispute is remanded for further collective bargaining the time provisions of this Act shall be extended for a time period equal to that of the remand. The chairman of the panel of arbitration shall notify the Board of the remand.

(g) At or before the conclusion of the hearing held pursuant to subsection (d), the arbitration panel shall identify the economic issues in dispute, and direct each of the parties to submit, within such time limit as the panel shall prescribe, to the arbitration panel and to each other its last offer of settlement on each economic issue. The determination of the arbitration panel as to the issues in dispute and as to which of these issues are economic shall be conclusive. The arbitration panel, within 30 days after the conclusion of the hearing, or such further additional periods to which the parties may agree, shall make written findings of fact and promulgate a written opinion and shall mail or otherwise deliver a true copy thereof to the parties and their representatives and to the Board. As to each economic issue, the arbitration panel shall adopt the last offer of settlement which, in the opinion of the arbitration panel, more nearly

complies with the applicable factors prescribed in subsection (h). The findings, opinions and order as to all other issues shall be based upon the applicable factors prescribed in subsection (h).

(h) Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

(1) The lawful authority of the employer.

(2) Stipulations of the parties.

(3) The interests and welfare of the public and the financial ability of the unit of government to meet those costs.

(4) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:

(A) In public employment in comparable communities.

(B) In private employment in comparable communities.

(5) The average consumer prices for goods and services, commonly known as the cost of living.

(6) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment and all other benefits received.

(7) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(8) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

(i) In the case of peace officers, the arbitration decision shall be limited to wages, hours, and conditions of employment (which may include residency requirements in municipalities with a population under 1,000,000, ~~100,000,~~ but those residency requirements shall not allow residency outside of Illinois) and shall not include the following: i) residency requirements in municipalities with a population of at least 1,000,000 ~~100,000~~; ii) the type of equipment, other than uniforms, issued or used; iii) manning; iv) the total number of employees employed by the department; v) mutual aid and

assistance agreements to other units of government; and vi) the criterion pursuant to which force, including deadly force, can be used; provided, nothing herein shall preclude an arbitration decision regarding equipment or manning levels if such decision is based on a finding that the equipment or manning considerations in a specific work assignment involve a serious risk to the safety of a peace officer beyond that which is inherent in the normal performance of police duties. Limitation of the terms of the arbitration decision pursuant to this subsection shall not be construed to limit the factors upon which the decision may be based, as set forth in subsection (h).

In the case of fire fighter, and fire department or fire district paramedic matters, the arbitration decision shall be limited to wages, hours, and conditions of employment (including manning and also including residency requirements in municipalities with a population under 1,000,000, but those residency requirements shall not allow residency outside of Illinois) and shall not include the following matters: i) residency requirements in municipalities with a population of at least 1,000,000; ii) the type of equipment (other than uniforms and fire fighter turnout gear) issued or used; iii) the total number of employees employed by the department; iv) mutual aid and assistance agreements to other units of government; and v) the criterion pursuant to which force, including deadly force, can be used; provided, however,

nothing herein shall preclude an arbitration decision regarding equipment levels if such decision is based on a finding that the equipment considerations in a specific work assignment involve a serious risk to the safety of a fire fighter beyond that which is inherent in the normal performance of fire fighter duties. Limitation of the terms of the arbitration decision pursuant to this subsection shall not be construed to limit the facts upon which the decision may be based, as set forth in subsection (h).

The changes to this subsection (i) made by Public Act 90-385 (relating to residency requirements) do not apply to persons who are employed by a combined department that performs both police and firefighting services; these persons shall be governed by the provisions of this subsection (i) relating to peace officers, as they existed before the amendment by Public Act 90-385.

To preserve historical bargaining rights, this subsection shall not apply to any provision of a fire fighter collective bargaining agreement in effect and applicable on the effective date of this Act; provided, however, nothing herein shall preclude arbitration with respect to any such provision.

(j) Arbitration procedures shall be deemed to be initiated by the filing of a letter requesting mediation as required under subsection (a) of this Section. The commencement of a new municipal fiscal year after the initiation of arbitration procedures under this Act, but before the arbitration

decision, or its enforcement, shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its decision. Increases in rates of compensation awarded by the arbitration panel may be effective only at the start of the fiscal year next commencing after the date of the arbitration award. If a new fiscal year has commenced either since the initiation of arbitration procedures under this Act or since any mutually agreed extension of the statutorily required period of mediation under this Act by the parties to the labor dispute causing a delay in the initiation of arbitration, the foregoing limitations shall be inapplicable, and such awarded increases may be retroactive to the commencement of the fiscal year, any other statute or charter provisions to the contrary, notwithstanding. At any time the parties, by stipulation, may amend or modify an award of arbitration.

(k) Orders of the arbitration panel shall be reviewable, upon appropriate petition by either the public employer or the exclusive bargaining representative, by the circuit court for the county in which the dispute arose or in which a majority of the affected employees reside, but only for reasons that the arbitration panel was without or exceeded its statutory authority; the order is arbitrary, or capricious; or the order was procured by fraud, collusion or other similar and unlawful means. Such petitions for review must be filed with the appropriate circuit court within 90 days following the

issuance of the arbitration order. The pendency of such proceeding for review shall not automatically stay the order of the arbitration panel. The party against whom the final decision of any such court shall be adverse, if such court finds such appeal or petition to be frivolous, shall pay reasonable attorneys' fees and costs to the successful party as determined by said court in its discretion. If said court's decision affirms the award of money, such award, if retroactive, shall bear interest at the rate of 12 percent per annum from the effective retroactive date.

(l) During the pendency of proceedings before the arbitration panel, existing wages, hours, and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under this Act. The proceedings are deemed to be pending before the arbitration panel upon the initiation of arbitration procedures under this Act.

(m) Security officers of public employers, and Peace Officers, Fire Fighters and fire department and fire protection district paramedics, covered by this Section may not withhold services, nor may public employers lock out or prevent such employees from performing services at any time.

(n) All of the terms decided upon by the arbitration panel shall be included in an agreement to be submitted to the public employer's governing body for ratification and adoption by

law, ordinance or the equivalent appropriate means.

The governing body shall review each term decided by the arbitration panel. If the governing body fails to reject one or more terms of the arbitration panel's decision by a 3/5 vote of those duly elected and qualified members of the governing body, within 20 days of issuance, or in the case of firefighters employed by a state university, at the next regularly scheduled meeting of the governing body after issuance, such term or terms shall become a part of the collective bargaining agreement of the parties. If the governing body affirmatively rejects one or more terms of the arbitration panel's decision, it must provide reasons for such rejection with respect to each term so rejected, within 20 days of such rejection and the parties shall return to the arbitration panel for further proceedings and issuance of a supplemental decision with respect to the rejected terms. Any supplemental decision by an arbitration panel or other decision maker agreed to by the parties shall be submitted to the governing body for ratification and adoption in accordance with the procedures and voting requirements set forth in this Section. The voting requirements of this subsection shall apply to all disputes submitted to arbitration pursuant to this Section notwithstanding any contrary voting requirements contained in any existing collective bargaining agreement between the parties.

(o) If the governing body of the employer votes to reject

the panel's decision, the parties shall return to the panel within 30 days from the issuance of the reasons for rejection for further proceedings and issuance of a supplemental decision. All reasonable costs of such supplemental proceeding including the exclusive representative's reasonable attorney's fees, as established by the Board, shall be paid by the employer.

(p) Notwithstanding the provisions of this Section the employer and exclusive representative may agree to submit unresolved disputes concerning wages, hours, terms and conditions of employment to an alternative form of impasse resolution.

~~The amendatory changes to this Section made by Public Act 101-652 take effect July 1, 2022.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

(15 ILCS 205/10 rep.)

Section 45. The Attorney General Act is amended by repealing Section 10.

Section 50. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-302 as follows:

(20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

Sec. 2605-302. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) (Blank).

(5.1) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in items (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency; (ii) endanger the life or physical safety

of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

(c) For the purposes of this Section, the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

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

Section 55. The State Police Act is amended by changing Section 14 as follows:

(20 ILCS 2610/14) (from Ch. 121, par. 307.14)

Sec. 14. Except as is otherwise provided in this Act, no

Illinois State Police officer shall be removed, demoted, or suspended except for cause, upon written charges filed with the Board by the Director and a hearing before the Board thereon upon not less than 10 days' notice at a place to be designated by the chairman thereof. At such hearing, the accused shall be afforded full opportunity to be heard in his or her own defense and to produce proof in his or her defense. Anyone ~~It shall not be a requirement of a person~~ filing a complaint against a State Police officer must ~~to~~ have the ~~a~~ complaint supported by a sworn affidavit. Any such complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain false information, shall be presented to the appropriate State's Attorney for a determination of prosecution ~~or any other legal documentation. This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision~~.

Before any such officer may be interrogated or examined by or before the Board, or by an Illinois State Police agent or investigator specifically assigned to conduct an internal investigation, the results of which hearing, interrogation, or examination may be the basis for filing charges seeking his or her suspension for more than 15 days or his or her removal or discharge, he or she shall be advised in writing as to what specific improper or illegal act he or she is alleged to have committed; he or she shall be advised in writing that his or

her admissions made in the course of the hearing, interrogation, or examination may be used as the basis for charges seeking his or her suspension, removal, or discharge; and he or she shall be advised in writing that he or she has a right to counsel of his or her choosing, who may be present to advise him or her at any hearing, interrogation, or examination. A complete record of any hearing, interrogation, or examination shall be made, and a complete transcript or electronic recording thereof shall be made available to such officer without charge and without delay.

The Board shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. Each member of the Board or a designated hearing officer shall have the power to administer oaths or affirmations. If the charges against an accused are established by a preponderance of evidence, the Board shall make a finding of guilty and order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations of the Board which, in the opinion of the members thereof, the offense merits. Thereupon the Director shall direct such removal or other punishment as ordered by the Board and if the accused refuses to abide by any such disciplinary order, the Director shall remove him or her forthwith.

If the accused is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum.

The Board may include in its order appropriate sanctions based upon the Board's rules and regulations. If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees. The State of Illinois and the Illinois State Police shall be subject to these sanctions in the same manner as other parties.

In case of the neglect or refusal of any person to obey a subpoena issued by the Board, any circuit court, upon application of any member of the Board, may order such person to appear before the Board and give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Board rendered pursuant to the provisions of this Section.

Notwithstanding the provisions of this Section, a policy making officer, as defined in the Employee Rights Violation Act, of the Illinois State Police shall be discharged from the Illinois State Police as provided in the Employee Rights Violation Act, enacted by the 85th General Assembly.

(Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(20 ILCS 2610/17c rep.)

Section 60. The State Police Act is amended by repealing Section 17c.

(20 ILCS 3930/7.7 rep.)

(20 ILCS 3930/7.8 rep.)

Section 65. The Illinois Criminal Justice Information Act is amended by repealing Sections 7.7 and 7.8.

(30 ILCS 105/5.990 rep.)

Section 70. The State Finance Act is amended by repealing Section 5.990 as added by Public Act 102-1104.

Section 75. The Community Partnership for Deflection and Substance Use Disorder Treatment Act is amended by changing Sections 1, 5, 10, 15, 20, 30, and 35 as follows:

(50 ILCS 71/1) (was 5 ILCS 820/1)

Sec. 1. Short title. This Act may be cited as the Community-Law Enforcement ~~Community~~ Partnership for Deflection and Substance Use Disorder Treatment Act.

(Source: P.A. 103-361, eff. 1-1-24.)

(50 ILCS 71/5) (was 5 ILCS 820/5)

Sec. 5. Purposes. The General Assembly hereby acknowledges that opioid use disorders, overdoses, and deaths in Illinois are persistent and growing concerns for Illinois communities. These concerns compound existing challenges to adequately address and manage substance use and mental health disorders. Local government agencies and ~~,~~ law enforcement officers~~, other first responders, and co-responders~~ have a unique opportunity to facilitate connections to community-based services, including case management, and mental and behavioral health interventions that provide harm reduction or substance use treatment and can help save and restore lives; help reduce drug use, overdose incidence, criminal offending, and recidivism; and help prevent arrest and conviction records that destabilize health, families, and opportunities for community citizenship and self-sufficiency. These efforts are bolstered when pursued in partnership with licensed behavioral health treatment providers and community members or organizations. It is the intent of the General Assembly to authorize law enforcement~~, other first responders,~~ and local government agencies to develop and implement collaborative

deflection programs in Illinois that offer immediate pathways to substance use treatment and other services as an alternative to traditional case processing and involvement in the criminal justice system~~, and to unnecessary admission to emergency departments~~.

(Source: P.A. 103-361, eff. 1-1-24.)

(50 ILCS 71/10) (was 5 ILCS 820/10)

Sec. 10. Definitions. In this Act:

"Case management" means those services which use evidence-based practices, including harm reduction and motivational interviewing, to assist persons in gaining access to needed social, educational, medical, substance use and mental health treatment, and other services.

"Community member or organization" means an individual volunteer, resident, public office, or a not-for-profit organization, religious institution, charitable organization, or other public body committed to the improvement of individual and family mental and physical well-being and the overall social welfare of the community, and may include persons with lived experience in recovery from substance use disorder, either themselves or as family members.

~~"Other first responder" means and includes emergency medical services providers that are public units of government, fire departments and districts, and officials and responders representing and employed by these entities.~~

"Deflection program" means a program in which a peace officer or member of a law enforcement agency~~, other first responder,~~ or local government agency facilitates contact between an individual and a licensed substance use treatment provider, clinician, or case management agency for assessment and coordination of treatment planning~~, including co-responder approaches that incorporate behavioral health, peer, or social work professionals with law enforcement or other first responders at the scene~~. This facilitation includes defined criteria for eligibility and communication protocols agreed to by the law enforcement agency ~~or other first responder entity~~ and the licensed treatment provider or case management agency for the purpose of providing substance use treatment or care collaboration to those persons in lieu of arrest or further justice system involvement~~, or unnecessary admissions to the emergency department~~. Deflection programs may include, but are not limited to, the following types of responses:

(1) a post-overdose deflection response initiated by a peace officer or law enforcement agency subsequent to emergency administration of medication to reverse an overdose, or in cases of severe substance use disorder with acute risk for overdose;

(2) a self-referral deflection response initiated by an individual by contacting a peace officer, law enforcement agency~~, other first responder,~~ or local government agency in the acknowledgment of their substance

use or disorder;

(3) an active outreach deflection response initiated by a peace officer, law enforcement agency, ~~other first responder,~~ or local government agency as a result of proactive identification of persons thought likely to have a substance use disorder or untreated or undiagnosed mental illness;

(4) an officer~~, other first responder,~~ or local government agency prevention deflection response initiated by a peace officer, law enforcement agency, or local government agency in response to a community call when no criminal charges are present;

(5) an officer intervention during routine activities, such as patrol or response to a service call during which a referral to treatment, to services, or to a case manager is made in lieu of arrest.

"Harm reduction" means a reduction of, or attempt to reduce, the adverse consequences of substance use, including, but not limited to, by addressing the substance use and conditions that give rise to the substance use. "Harm reduction" includes, but is not limited to, syringe service programs, naloxone distribution, and public awareness campaigns about the Good Samaritan Act.

"Law enforcement agency" means a municipal police department or county sheriff's office of this State, the Illinois State Police, or other law enforcement agency whose

officers, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

"Licensed treatment provider" means an organization licensed by the Department of Human Services to perform an activity or service, or a coordinated range of those activities or services, as the Department of Human Services may establish by rule, such as the broad range of emergency, outpatient, intensive outpatient, and residential services and care, including assessment, diagnosis, case management, medical, psychiatric, psychological and social services, medication-assisted treatment, care and counseling, and recovery support, which may be extended to persons to assess or treat substance use disorder or to families of those persons.

"Local government agency" means a county, municipality, or township office, a State's Attorney's Office, a Public Defender's Office, or a local health department.

"Peace officer" means any peace officer or member of any duly organized State, county, or municipal peace officer unit, any police force of another State, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

"Substance use disorder" means a pattern of use of alcohol or other drugs leading to clinical or functional impairment,

in accordance with the definition in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), or in any subsequent editions.

"Treatment" means the broad range of emergency, outpatient, intensive outpatient, and residential services and care (including assessment, diagnosis, case management, medical, psychiatric, psychological and social services, medication-assisted treatment, care and counseling, and recovery support) which may be extended to persons who have substance use disorders, persons with mental illness, or families of those persons.

(Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-361, eff. 1-1-24.)

(50 ILCS 71/15) (was 5 ILCS 820/15)

Sec. 15. Authorization.

(a) Any law enforcement agency~~, other first responder entity,~~ or local government agency may establish a deflection program subject to the provisions of this Act in partnership with one or more licensed providers of substance use disorder treatment services and one or more community members or organizations. ~~Programs established by another first responder entity or a local government agency shall also include a law enforcement agency.~~

(b) The deflection program may involve a post-overdose deflection response, a self-referral deflection response, a

pre-arrest diversion response, an active outreach deflection response, an officer ~~or other first responder~~ prevention deflection response, or an officer intervention deflection response, or any combination of those.

(c) Nothing shall preclude the General Assembly from adding other responses to a deflection program, or preclude a law enforcement agency~~, other first responder entity,~~ or local government agency from developing a deflection program response based on a model unique and responsive to local issues, substance use or mental health needs, and partnerships, using sound and promising or evidence-based practices.

(c-5) Whenever appropriate and available, case management should be provided by a licensed treatment provider or other appropriate provider and may include peer recovery support approaches.

(d) To receive funding for activities as described in Section 35 of this Act, planning for the deflection program shall include:

(1) the involvement of one or more licensed treatment programs and one or more community members or organizations; and

(2) an agreement with the Illinois Criminal Justice Information Authority to collect and evaluate relevant statistical data related to the program, as established by the Illinois Criminal Justice Information Authority in

paragraph (2) of subsection (a) of Section 25 of this Act.

~~(3) an agreement with participating licensed treatment providers authorizing the release of statistical data to the Illinois Criminal Justice Information Authority, in compliance with State and Federal law, as established by the Illinois Criminal Justice Information Authority in paragraph (2) of subsection (a) of Section 25 of this Act.~~

(Source: P.A. 103-361, eff. 1-1-24.)

(50 ILCS 71/20) (was 5 ILCS 820/20)

Sec. 20. Procedure. The law enforcement agency, ~~other first responder entity,~~ local government agency, licensed treatment providers, and community members or organizations shall establish a local deflection program plan that includes protocols and procedures for participant identification, screening or assessment, case management, treatment facilitation, reporting, restorative justice, and ongoing involvement of the law enforcement agency. Licensed substance use disorder treatment organizations shall adhere to 42 CFR Part 2 regarding confidentiality regulations for information exchange or release. Substance use disorder treatment services shall adhere to all regulations specified in Department of Human Services Administrative Rules, Parts 2060 and 2090.

A deflection program organized and operating under this Act may accept, receive, and disburse, in furtherance of its duties and functions, any funds, grants, and services made

available by the State and its agencies, the federal government and its agencies, units of local government, and private or civic sources.

(Source: P.A. 103-361, eff. 1-1-24.)

(50 ILCS 71/30) (was 5 ILCS 820/30)

Sec. 30. Exemption from civil liability. The law enforcement agency, peace officer~~, other first responder,~~ or local government agency or employee of the agency acting in good faith shall not, as the result of acts or omissions in providing services under Section 15 of this Act, be liable for civil damages, unless the acts or omissions constitute willful and wanton misconduct.

(Source: P.A. 103-361, eff. 1-1-24.)

(50 ILCS 71/35) (was 5 ILCS 820/35)

Sec. 35. Funding.

(a) The General Assembly may appropriate funds to the Illinois Criminal Justice Information Authority for the purpose of funding law enforcement agencies~~, other first responder entities,~~ or local government agencies for services provided by deflection program partners as part of deflection programs subject to subsection (d) of Section 15 of this Act.

(Blank). ~~(a.1) Up to 10 percent of appropriated funds may be expended on activities related to knowledge dissemination, training, technical assistance, or other similar activities~~

~~intended to increase practitioner and public awareness of deflection and/or to support its implementation. The Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for these activities.~~

(b) The ~~For all appropriated funds not distributed under subsection (a.1), the~~ Illinois Criminal Justice Information Authority may adopt guidelines and requirements to direct the distribution of funds for expenses related to deflection programs. Funding shall be made available to support both new and existing deflection programs in a broad spectrum of geographic regions in this State, including urban, suburban, and rural communities. Funding for deflection programs shall be prioritized for communities that have been impacted by the war on drugs, communities that have a police/community relations issue, and communities that have a disproportionate lack of access to mental health and drug treatment. Activities eligible for funding under this Act may include, but are not limited to, the following:

(1) activities related to program administration, coordination, or management, including, but not limited to, the development of collaborative partnerships with licensed treatment providers and community members or organizations; collection of program data; or monitoring of compliance with a local deflection program plan;

(2) case management including case management provided

prior to assessment, diagnosis, and engagement in treatment, as well as assistance navigating and gaining access to various treatment modalities and support services;

(3) peer recovery or recovery support services that include the perspectives of persons with the experience of recovering from a substance use disorder, either themselves or as family members;

(4) transportation to a licensed treatment provider or other program partner location;

(5) program evaluation activities;

(6) (blank); ~~naloxone and related harm reduction supplies necessary for carrying out overdose prevention and reversal for purposes of distribution to program participants or for use by law enforcement, other first responders, or local government agencies;~~

(7) (blank); and ~~treatment necessary to prevent gaps in service delivery between linkage and coverage by other funding sources when otherwise non reimbursable; and~~

(8) wraparound participant funds to be used to incentivize participation and meet participant needs. Eligible items include, but are not limited to, clothing, transportation, application fees, emergency shelter, utilities, toiletries, medical supplies, haircuts, and snacks. Food and drink is allowed if it is necessary for the program's success where it incentivizes participation

in case management or addresses an emergency need as a bridge to self-sufficiency when other sources of emergency food are not available.

(c) Specific linkage agreements with recovery support services or self-help entities may be a requirement of the program services protocols. All deflection programs shall encourage the involvement of key family members and significant others as a part of a family-based approach to treatment. All deflection programs are encouraged to use evidence-based practices and outcome measures in the provision of case management, substance use disorder treatment, and medication-assisted treatment for persons with opioid use disorders.

(Source: P.A. 102-813, eff. 5-13-22; 103-361, eff. 1-1-24.)

(50 ILCS 71/21 rep.)

Section 80. The Community Partnership for Deflection and Substance Use Disorder Treatment Act is amended by repealing Section 21.

(50 ILCS 105/4.1 rep.)

Section 85. The Public Officer Prohibited Activities Act is amended by repealing Section 4.1.

Section 90. The Local Records Act is amended by changing Section 3b as follows:

(50 ILCS 205/3b)

Sec. 3b. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) (Blank).

(5.1) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(f) All information, including photographs, made available under this Section is subject to the provisions of Section

2QQQ of the Consumer Fraud and Deceptive Business Practices Act.

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

(50 ILCS 205/25 rep.)

Section 95. The Local Records Act is amended by repealing Section 25.

Section 100. The Illinois Police Training Act is amended by changing Sections 6.2 and 10.17 as follows:

(50 ILCS 705/6.2)

Sec. 6.2. Officer professional conduct database. In order to ensure the continuing effectiveness of this Section, it is set forth in full and reenacted by this amendatory Act of the 102nd General Assembly. This reenactment is intended as a continuation of this Section. This reenactment is not intended to supersede any amendment to this Section that may be made by any other Public Act of the 102nd General Assembly.

(a) All law enforcement agencies shall notify the Board of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:

(1) the officer is discharged or dismissed as a result of the violation; or

(2) the officer resigns during the course of an investigation and after the officer has been served notice

that he or she is under investigation that is based on the commission of a Class 2 or greater ~~any~~ felony ~~or sex offense~~.

The agency shall report to the Board within 30 days of a final decision of discharge or dismissal and final exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.

(b) Upon receiving notification from a law enforcement agency, the Board must notify the law enforcement officer of the report and his or her right to provide a statement regarding the reported violation.

(c) The Board shall maintain a database readily available to any chief administrative officer, or his or her designee, of a law enforcement agency ~~or any State's Attorney~~ that shall show each reported instance, including the name of the officer, the nature of the violation, reason for the final decision of discharge or dismissal, and any statement provided by the officer.

(Source: P.A. 101-652, eff. 7-1-21. Repealed by P.A. 101-652, Article 25, Section 25-45, eff. 1-1-22; 102-694, eff. 1-7-22. Reenacted and changed by 102-694, eff. 1-7-22.)

(50 ILCS 705/10.17)

Sec. 10.17. Crisis intervention team training; mental health awareness training.

(a) The Illinois Law Enforcement Training Standards Board

shall develop and approve a standard curriculum for certified training programs in crisis intervention~~, including a specialty certification course of at least 40 hours,~~ addressing specialized policing responses to people with mental illnesses. The Board shall conduct Crisis Intervention Team (CIT) training programs that train officers to identify signs and symptoms of mental illness, to de-escalate situations involving individuals who appear to have a mental illness, and connect that person in crisis to treatment. ~~Crisis Intervention Team (CIT) training programs shall be a collaboration between law enforcement professionals, mental health providers, families, and consumer advocates and must minimally include the following components: (1) basic information about mental illnesses and how to recognize them; (2) information about mental health laws and resources; (3) learning from family members of individuals with mental illness and their experiences; and (4) verbal de-escalation training and role plays.~~ Officers who have successfully completed this program shall be issued a certificate attesting to their attendance of a Crisis Intervention Team (CIT) training program.

(b) The Board shall create an introductory course incorporating adult learning models that provides law enforcement officers with an awareness of mental health issues including a history of the mental health system, types of mental health illness including signs and symptoms of mental

illness and common treatments and medications, and the potential interactions law enforcement officers may have on a regular basis with these individuals, their families, and service providers including de-escalating a potential crisis situation. This course, in addition to other traditional learning settings, may be made available in an electronic format.

The amendatory changes to this Section made by Public Act 101-652 shall take effect January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

(50 ILCS 705/10.6 rep.)

Section 105. The Illinois Police Training Act is amended by repealing Section 10.6.

Section 110. The Law Enforcement Officer-Worn Body Camera Act is amended by changing Sections 10-10, 10-15, 10-20, and 10-25 as follows:

(50 ILCS 706/10-10)

Sec. 10-10. Definitions. As used in this Act:

"Badge" means an officer's department issued identification number associated with his or her position as a police officer with that department.

"Board" means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act.

"Business offense" means a petty offense for which the fine is in excess of $1,000.

"Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing. ~~"Community caretaking function" excludes law enforcement-related encounters or activities.~~

"Fund" means the Law Enforcement Camera Grant Fund.

"In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

"Law enforcement officer" or "officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

"Law enforcement agency" means all State agencies with law

enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.

"Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. "Law enforcement-related encounter or activities" does not include when the officer is completing paperwork alone~~, is participating in training in a classroom setting,~~ or ~~is~~ only in the presence of another law enforcement officer.

"Minor traffic offense" means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

"Officer-worn body camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

"Peace officer" has the meaning provided in Section 2-13 of the Criminal Code of 2012.

"Petty offense" means any offense for which a sentence of imprisonment is not an authorized disposition.

"Recording" means the process of capturing data or

information stored on a recording medium as required under this Act.

"Recording medium" means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

(Source: P.A. 102-1104, eff. 12-6-22.)

(50 ILCS 706/10-15)

Sec. 10-15. Applicability. Any law enforcement agency which employs the use of officer-worn body cameras is subject to the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund. ~~(a) All law enforcement agencies must employ the use of officer worn body cameras in accordance with the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.~~

~~(b) Except as provided in subsection (b-5), all law enforcement agencies must implement the use of body cameras for all law enforcement officers, according to the following schedule:~~

~~(1) for municipalities and counties with populations of 500,000 or more, body cameras shall be implemented by January 1, 2022;~~

~~(2) for municipalities and counties with populations of 100,000 or more but under 500,000, body cameras shall be implemented by January 1, 2023;~~

~~(3) for municipalities and counties with populations of 50,000 or more but under 100,000, body cameras shall be implemented by January 1, 2024;~~

~~(4) for municipalities and counties under 50,000, body cameras shall be implemented by January 1, 2025; and~~

~~(5) for all State agencies with law enforcement officers and other remaining law enforcement agencies, body cameras shall be implemented by January 1, 2025.~~

~~(b-5) If a law enforcement agency that serves a municipality with a population of at least 100,000 but not more than 500,000 or a law enforcement agency that serves a county with a population of at least 100,000 but not more than 500,000 has ordered by October 1, 2022 or purchased by that date officer worn body cameras for use by the law enforcement agency, then the law enforcement agency may implement the use of body cameras for all of its law enforcement officers by no later than July 1, 2023. Records of purchase within this timeline shall be submitted to the Illinois Law Enforcement Training Standards Board by January 1, 2023.~~

~~(c) A law enforcement agency's compliance with the requirements under this Section shall receive preference by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant~~

~~Act.~~

~~(d) This Section does not apply to court security officers, State's Attorney investigators, and Attorney General investigators.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-1104, eff. 12-6-22.)

(50 ILCS 706/10-20)

Sec. 10-20. Requirements.

(a) The Board shall develop basic guidelines for the use of officer-worn body cameras by law enforcement agencies. The guidelines developed by the Board shall be the basis for the written policy which must be adopted by each law enforcement agency which employs the use of officer-worn body cameras. The written policy adopted by the law enforcement agency must include, at a minimum, all of the following:

(1) Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(2) Cameras must be capable of recording for a period of 10 hours or more, unless the officer-worn body camera was purchased and acquired by the law enforcement agency prior to July 1, 2015.

(3) Cameras must be turned on at all times when the

officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity~~,~~ that occurs while the officer is on duty.

(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.

~~(C) Officer-worn body cameras may be turned off when the officer is inside a correctional facility or courthouse which is equipped with a functioning camera system.~~

(4) Cameras must be turned off when:

(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;

(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording;

(C) the officer is interacting with a confidential informant used by the law enforcement agency; or

(D) an officer of the Department of Revenue enters a Department of Revenue facility or conducts an interview during which return information will be discussed or visible.

However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

(4.5) Cameras may be turned off when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(5) The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent

the officer from providing notice, notice must be provided as soon as practicable.

(6) ~~(A)~~ For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer or his or her supervisor may not redact, label, duplicate~~,~~ or otherwise alter the recording officer's camera recordings. Except as otherwise provided in this Section, the recording officer and his or her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.

(i) A law enforcement officer shall not have access to or review his or her body-worn camera recordings or the body-worn camera recordings of another officer prior to completing incident reports or other documentation when the officer:

(a) has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm;

(b) is ordered to write a report in response to or during the investigation of a misconduct complaint against the officer.

(ii) If the officer subject to subparagraph (i) prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this provision shall also contain documentation regarding access to the video footage.

~~(B) The recording officer's assigned field training officer may access and review recordings for training purposes. Any detective or investigator directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.~~

(7) Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.

(A) Under no circumstances shall any recording, except for a non-law enforcement related activity or encounter, made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any recording made with an officer-worn body camera is altered, erased, or destroyed prior to the expiration

of the 90-day storage period, the law enforcement agency shall maintain, for a period of one year, a written record including (i) the name of the individual who made such alteration, erasure, or destruction, and (ii) the reason for any such alteration, erasure, or destruction.

(B) Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:

(i) a formal or informal complaint has been filed;

(ii) the officer discharged his or her firearm or used force during the encounter;

(iii) death or great bodily harm occurred to any person in the recording;

(iv) the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;

(v) the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;

(vi) the supervisor of the officer, prosecutor, defendant, or court determines that

the encounter has evidentiary value in a criminal prosecution; or

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties ~~or believes it may have evidentiary value in a criminal prosecution~~.

(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

~~(D) Nothing in this Act prohibits law enforcement agencies from labeling officer worn body camera video within the recording medium; provided that the labeling does not alter the actual recording of the incident captured on the officer worn body camera. The labels, titles, and tags shall not be construed as altering the officer-worn body camera video in any way.~~

(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the

recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.

(9) Recordings shall not be used to discipline law enforcement officers unless:

(A) a formal or informal complaint of misconduct has been made;

(B) a use of force incident has occurred;

(C) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or

(D) as corroboration of other evidence of misconduct.

Nothing in this paragraph (9) shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the officer-worn body camera or associated equipment. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.

(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

For the purposes of paragraph (1) of this subsection (b), the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (A) of paragraph (1) of this subsection (b), "witness" does not include a person who is a victim or who was arrested as a result of the encounter.

Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of

the encounter, or directly involved in the encounter. Nothing in this subsection (b) shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.

(c) Nothing in this Section shall limit access to a camera recording for the purposes of complying with Supreme Court rules or the rules of evidence.

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22.)

(50 ILCS 706/10-25)

Sec. 10-25. Reporting.

(a) Each law enforcement agency which employs the use of officer-worn body cameras must provide an annual report ~~on the use of officer worn body cameras~~ to the Board, on or before May 1 of the year. The report shall include:

(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body cameras;

(2) the number of officer-worn body cameras utilized by the law enforcement agency;

(3) any technical issues with the equipment and how those issues were remedied;

(4) a brief description of the review process used by supervisors within the law enforcement agency;

(5) (blank); ~~and~~

(5.1) for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:

(A) the time, date, location, and precinct of the incident; and

(B) the offense charged and the date charges were filed; and

(6) any other information relevant to the administration of the program.

(b) On or before July 30 of each year, the Board must analyze the law enforcement agency reports and provide an annual report to the General Assembly and the Governor.

(Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

Section 115. The Law Enforcement Camera Grant Act is amended by changing Section 10 as follows:

(50 ILCS 707/10)

Sec. 10. Law Enforcement Camera Grant Fund; creation, rules.

(a) The Law Enforcement Camera Grant Fund is created as a special fund in the State treasury. From appropriations to the Board from the Fund, the Board must make grants to units of local government in Illinois and Illinois public universities for the purpose of (1) purchasing or leasing in-car video

cameras for use in law enforcement vehicles, (2) purchasing or leasing officer-worn body cameras and associated technology for law enforcement officers, and (3) training for law enforcement officers in the operation of the cameras. ~~Grants under this Section may be used to offset data storage and related licensing costs for officer-worn body cameras.~~ For the purposes of this Section, "purchasing or leasing" includes providing funding to units of local government in advance that can be used to obtain this equipment rather than only for reimbursement of purchased equipment.

Moneys received for the purposes of this Section, including, without limitation, fee receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

(b) The Board may set requirements for the distribution of grant moneys and determine which law enforcement agencies are eligible.

(b-5) The Board shall consider compliance with the Uniform Crime Reporting Act as a factor in awarding grant moneys.

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 102-16, eff. 6-17-21; 102-1104, eff. 12-6-22; 103-588, eff. 7-1-24.)

Section 120. The Uniform Crime Reporting Act is amended by changing Sections 5-10, 5-12, and 5-20 as follows:

(50 ILCS 709/5-10)

Sec. 5-10. Central repository of crime statistics. The Illinois State Police shall be a central repository and custodian of crime statistics for the State and shall have all the power necessary to carry out the purposes of this Act, including the power to demand and receive cooperation in the submission of crime statistics from all law enforcement agencies. All data and information provided to the Illinois State Police under this Act must be provided in a manner and form prescribed by the Illinois State Police. On an annual basis, the Illinois State Police shall make available compilations of crime statistics ~~and monthly reporting~~ required to be reported by each law enforcement agency.

(Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(50 ILCS 709/5-12)

Sec. 5-12. Monthly reporting. All law enforcement agencies shall submit to the Illinois State Police on a monthly basis the following:

(1) beginning January 1, 2016, a report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident. The Illinois State Police shall submit on a quarterly basis all information collected under this paragraph (1) to the Illinois Criminal Justice Information Authority, contingent upon updated federal guidelines regarding the Uniform Crime Reporting Program;

(2) beginning January 1, 2017, a report on any instance when a law enforcement officer discharges his or her firearm causing a non-fatal injury to a person, during the performance of his or her official duties or in the line of duty;

(3) a report of incident-based information on hate crimes including information describing the offense, location of the offense, type of victim, offender, and bias motivation. If no hate crime incidents occurred during a reporting month, the law enforcement agency must submit a no incident record, as required by the Illinois State Police;

(4) a report on any incident of an alleged commission of a domestic crime, that shall include information regarding the victim, offender, date and time of the incident, any injury inflicted, any weapons involved in the commission of the offense, and the relationship

between the victim and the offender;

(5) data on an index of offenses selected by the Illinois State Police based on the seriousness of the offense, frequency of occurrence of the offense, and likelihood of being reported to law enforcement. The data shall include the number of index crime offenses committed and number of associated arrests; and

(6) data on offenses and incidents reported by schools to local law enforcement. The data shall include offenses defined as an attack against school personnel, intimidation offenses, drug incidents, and incidents involving weapons.~~;~~

~~(7) beginning on July 1, 2021, a report on incidents where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident. The report shall include the number of incidents, the level of law enforcement response and the outcome of each incident. For purposes of this Section, a "mental health crisis" is when a person's behavior puts them at risk of hurting themselves or others or prevents them from being able to care for themselves;~~

~~(8) beginning on July 1, 2021, a report on use of force, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. The report shall include information required by the Illinois State~~

~~Police, pursuant to Section 5-11 of this Act.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(50 ILCS 709/5-20)

Sec. 5-20. Reporting compliance. The Illinois State Police shall annually report to the Illinois Law Enforcement Training Standards Board ~~and the Department of Revenue~~ any law enforcement agency not in compliance with the reporting requirements under this Act. A law enforcement agency's compliance with the reporting requirements under this Act shall be a factor considered by the Illinois Law Enforcement Training Standards Board in awarding grant funding under the Law Enforcement Camera Grant Act~~, with preference to law enforcement agencies which are in compliance with reporting requirements under this Act~~.

(Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(50 ILCS 709/5-11 rep.)

Section 125. The Uniform Crime Reporting Act is amended by repealing Section 5-11.

Section 130. The Uniform Peace Officers' Disciplinary Act is amended by changing Sections 3.2, 3.4, and 3.8 as follows:

(50 ILCS 725/3.2) (from Ch. 85, par. 2555)

Sec. 3.2. No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation.

(Source: P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/3.4) (from Ch. 85, par. 2557)

Sec. 3.4. The officer under investigation shall be informed in writing of the name, rank and unit or command of the officer in charge of the investigation, the interrogators, and all persons who will be present on the behalf of the employer during any interrogation except at a public administrative proceeding. The officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.

(Source: P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/3.8) (from Ch. 85, par. 2561)

Sec. 3.8. Admissions; counsel; verified complaint.

(a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the

interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

(b) Anyone ~~It shall not be a requirement for a person~~ filing a complaint against a sworn peace officer must ~~to~~ have the complaint supported by a sworn affidavit. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution. ~~or any other legal documentation. This ban on an affidavit requirement shall apply to any collective bargaining agreements entered after the effective date of this provision.~~

(Source: P.A. 101-652, eff. 7-1-21.)

Section 140. The Uniform Peace Officers' Disciplinary Act is amended by adding Section 6.1 as follows:

(50 ILCS 725/6.1 new)

Sec. 6.1. Applicability. Except as otherwise provided in this Act, the provisions of this Act apply only to the extent there is no collective bargaining agreement currently in effect dealing with the subject matter of this Act.

(50 ILCS 727/1-35 rep.)

Section 145. The Police and Community Relations Improvement Act is amended by repealing Section 1-35.

Section 150. The Counties Code is amended by changing Sections 4-5001, 4-12001, and 4-12001.1 as follows:

(55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

Sec. 4-5001. Sheriffs; counties of first and second class. The fees of sheriffs in counties of the first and second class, except when increased by county ordinance under this Section, shall be as follows:

For serving or attempting to serve summons on each defendant in each county, $10.

For serving or attempting to serve an order or judgment granting injunctive relief in each county, $10.

For serving or attempting to serve each garnishee in each county, $10.

For serving or attempting to serve an order for replevin in each county, $10.

For serving or attempting to serve an order for attachment on each defendant in each county, $10.

For serving or attempting to serve a warrant of arrest, $8, to be paid upon conviction.

For returning a defendant from outside the State of Illinois, upon conviction, the court shall assess, as court

costs, the cost of returning a defendant to the jurisdiction.

For taking special bail, $1 in each county.

For serving or attempting to serve a subpoena on each witness, in each county, $10.

For advertising property for sale, $5.

For returning each process, in each county, $5.

Mileage for each mile of necessary travel to serve any such process as Stated above, calculating from the place of holding court to the place of residence of the defendant, or witness, 50¢ each way.

For summoning each juror, $3 with 30¢ mileage each way in all counties.

For serving or attempting to serve notice of judgments or levying to enforce a judgment, $3 with 50¢ mileage each way in all counties.

For taking possession of and removing property levied on, the officer shall be allowed to tax the actual cost of such possession or removal.

For feeding each prisoner, such compensation to cover the actual cost as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For attending before a court with prisoner, on an order for habeas corpus, in each county, $10 per day.

For attending before a court with a prisoner in any criminal proceeding, in each county, $10 per day.

For each mile of necessary travel in taking such prisoner before the court as stated above, 15¢ a mile each way.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action without aid, $10 and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof, and for each mile of necessary travel, 50¢ each way.

For executing and acknowledging a deed of sale of real estate, in counties of first class, $4; second class, $4.

For preparing, executing and acknowledging a deed on redemption from a court sale of real estate in counties of first class, $5; second class, $5.

For making certificates of sale, and making and filing duplicate, in counties of first class, $3; in counties of the second class, $3.

For making certificate of redemption, $3.

For certificate of levy and filing, $3, and the fee for recording shall be advanced by the judgment creditor and charged as costs.

For taking all ~~civil~~ bonds on legal process, civil and criminal, in counties of first class, $1; in second class, $1.

For executing copies in criminal cases, $4 and mileage for each mile of necessary travel, 20¢ each way.

For executing requisitions from other states, $5.

For conveying each prisoner from the prisoner's own county

to the jail of another county, or from another county to the jail of the prisoner's county, per mile, for going, only, 30¢.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, the following fees, payable out of the State treasury. For each person who is conveyed, 35¢ per mile in going only to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, from the place of conviction.

The fees provided for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers shall be paid for each trip so made. Mileage as used in this Section means the shortest practical route, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers and all fees per mile shall be computed on such basis.

For conveying any person to or from any of the charitable institutions of the State, when properly committed by competent authority, when one person is conveyed, 35¢ per mile; when two persons are conveyed at the same time, 35¢ per mile for the first person and 20¢ per mile for the second person; and 10¢ per mile for each additional person.

For conveying a person from the penitentiary to the county jail when required by law, 35¢ per mile.

For attending Supreme Court, $10 per day.

In addition to the above fees there shall be allowed to the sheriff a fee of $600 for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for $10,000 or less, the fee shall be $150. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to $1,000, $75;

For judgments from $1,001 to $15,000, $150;

For judgments over $15,000, $300.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect those increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the costs of providing the service. A statement of the costs of providing each service, program and activity shall be prepared

by the county board. All supporting documents shall be public records and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the fee for all money collected by him which he would be entitled to if the same was made by sale to enforce the judgment. In no case shall the fee exceed the amount of money arising from the sale.

The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws.

(Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18; 101-652, eff. 1-1-23.)

(55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

Sec. 4-12001. Fees of sheriff in third class counties. The officers herein named, in counties of the third class, shall

be entitled to receive the fees herein specified, for the services mentioned and such other fees as may be provided by law for such other services not herein designated.

Fees for Sheriff

For serving or attempting to serve any summons on each defendant, $35.

For serving or attempting to serve each alias summons or other process mileage will be charged as hereinafter provided when the address for service differs from the address for service on the original summons or other process.

For serving or attempting to serve all other process, on each defendant, $35.

For serving or attempting to serve a subpoena on each witness, $35.

For serving or attempting to serve each warrant, $35.

For serving or attempting to serve each garnishee, $35.

For summoning each juror, $10.

For serving or attempting to serve each order or judgment for replevin, $35.

For serving or attempting to serve an order for attachment, on each defendant, $35.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action, without aid, $35, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.

For serving or attempting to serve notice of judgment, $35.

For levying to satisfy an order in an action for attachment, $25.

For executing order of court to seize personal property, $25.

For making certificate of levy on real estate and filing or recording same, $8, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.

For advertising property for sale, $20.

For making certificate of sale and making and filing duplicate for record, $15, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.

For preparing, executing and acknowledging deed on redemption from a court sale of real estate, $15; for preparing, executing and acknowledging all other deeds on sale of real estate, $10.

For making and filing certificate of redemption, $15, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.

For making and filing certificate of redemption from a court sale, $11, and the fee for recording same shall be

advanced by the party making the redemption and taxed as costs.

For taking all bonds on legal process, $10.

For taking special bail, $5.

For returning each process, $15.

Mileage for service or attempted service of all process is a $10 flat fee.

For attending before a court with a prisoner on an order for habeas corpus, $9 per day.

For executing requisitions from other States, $13.

For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.

For committing to or discharging each prisoner from jail, $3.

For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, $3.

For feeding such prisoners per day, $3, to be paid by the marshal or other person requiring the prisoner's confinement.

For discharging such prisoners, $3.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State

Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 20¢ per mile in going to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place of conviction; when 2 persons are conveyed at the same time, 20¢ per mile for the first and 15¢ per mile for the second person; when more than 2 persons are conveyed at the same time as Stated above, the sheriff shall be allowed 20¢ per mile for the first, 15¢ per mile for the second and 10¢ per mile for each additional person.

The fees provided for herein for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, shall be paid for each trip so made. Mileage as used in this Section means the shortest route on a hard surfaced road, (either State Bond Issue Route or Federal highways) or railroad, whichever is shorter, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, and all fees per mile shall be computed on such basis.

In addition to the above fees, there shall be allowed to

the sheriff a fee of $900 for the sale of real estate which shall be made by virtue of any judgment of a court. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to $1,000, $100;

For judgments over $1,000 to $15,000, $300;

For judgments over $15,000, $500.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed the fee for levying and mileage, together with half the fee for all money collected by him or her which he or she would be entitled to if the same were made by sale in the enforcement of a judgment. In no case shall the fee exceed the amount of money arising from the sale.

The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

The fee requirements of this Section do not apply to units of local government or school districts.

(Source: P.A. 100-173, eff. 1-1-18; 101-652, eff. 1-1-23.)

(55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

Sec. 4-12001.1. Fees of sheriff in third class counties; local governments and school districts. The officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified from all units of local government and school districts, for the services mentioned and such other fees as may be provided by law for such other services not herein designated.

Fees for Sheriff

For serving or attempting to serve any summons on each defendant, $25.

For serving or attempting to serve each alias summons or other process mileage will be charged as hereinafter provided when the address for service differs from the address for service on the original summons or other process.

For serving or attempting to serve all other process, on each defendant, $25.

For serving or attempting to serve a subpoena on each witness, $25.

For serving or attempting to serve each warrant, $25.

For serving or attempting to serve each garnishee, $25.

For summoning each juror, $4.

For serving or attempting to serve each order or judgment for replevin, $25.

For serving or attempting to serve an order for

attachment, on each defendant, $25.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action, without aid, $9, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.

For serving or attempting to serve notice of judgment, $25.

For levying to satisfy an order in an action for attachment, $25.

For executing order of court to seize personal property, $25.

For making certificate of levy on real estate and filing or recording same, $3, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.

For advertising property for sale, $3.

For making certificate of sale and making and filing duplicate for record, $3, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.

For preparing, executing and acknowledging deed on redemption from a court sale of real estate, $6; for preparing, executing and acknowledging all other deeds on sale

of real estate, $4.

For making and filing certificate of redemption, $3.50, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.

For making and filing certificate of redemption from a court sale, $4.50, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.

For taking all bonds on legal process, $2.

For taking special bail, $2.

For returning each process, $5.

Mileage for service or attempted service of all process is a $10 flat fee.

For attending before a court with a prisoner on an order for habeas corpus, $3.50 per day.

For executing requisitions from other States, $5.

For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.

For committing to or discharging each prisoner from jail, $1.

For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person

requiring his confinement, $1.

For feeding such prisoners per day, $1, to be paid by the marshal or other person requiring the prisoner's confinement.

For discharging such prisoners, $1.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 15¢ per mile in going to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place of conviction; when 2 persons are conveyed at the same time, 15¢ per mile for the first and 10¢ per mile for the second person; when more than 2 persons are conveyed at the same time as stated above, the sheriff shall be allowed 15¢ per mile for the first, 10¢ per mile for the second and 5¢ per mile for each additional person.

The fees provided for herein for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, shall be paid for each trip so made. Mileage as used in this Section means the shortest route on a hard surfaced road, (either State Bond Issue Route or Federal highways) or railroad, whichever is shorter, between the place from which the person

is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, and all fees per mile shall be computed on such basis.

In addition to the above fees, there shall be allowed to the sheriff a fee of $600 for the sale of real estate which shall be made by virtue of any judgment of a court. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to $1,000, $90;

For judgments over $1,000 to $15,000, $275;

For judgments over $15,000, $400.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed the fee for levying and mileage, together with half the fee for all money collected by him or her which he or she would be entitled to if the same were made by sale in the enforcement of a judgment. In no case shall the fee exceed the amount of money arising from the sale.

All fees collected under Sections 4-12001 and 4-12001.1 must be used for public safety purposes only.

(Source: P.A. 100-173, eff. 1-1-18; 101-652, eff. 1-1-23.)

(55 ILCS 5/3-4014 rep.)

(55 ILCS 5/3-6041 rep.)

Section 155. The Counties Code is amended by repealing Sections 3-4014 and 3-6041.

(65 ILCS 5/11-5.1-2 rep.)

Section 160. The Illinois Municipal Code is amended by repealing Section 11-5.1-2.

Section 165. The Illinois Municipal Code is amended by adding Section 1-2-12.2 as follows:

(65 ILCS 5/1-2-12.2 new)

Sec. 1-2-12.2. Municipal bond fees. A municipality may impose a fee up to $20 for bail processing against any person arrested for violating a bailable municipal ordinance or a State or federal law.

Section 170. The Campus Security Enhancement Act of 2008 is amended by changing Section 15 as follows:

(110 ILCS 12/15)

Sec. 15. Arrest reports.

(a) When an individual is arrested, the following information must be made available to the news media for

inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) (Blank).

(5.1) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the news media for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person;

or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

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

Section 175. The Illinois Insurance Code is amended by changing Sections 143.19, 143.19.1, and 205 as follows:

(215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

Sec. 143.19. Cancellation of automobile insurance policy;

grounds. After a policy of automobile insurance as defined in Section 143.13(a) has been effective for 60 days, or if such policy is a renewal policy, the insurer shall not exercise its option to cancel such policy except for one or more of the following reasons:

a. Nonpayment of premium;

b. The policy was obtained through a material misrepresentation;

c. Any insured violated any of the terms and conditions of the policy;

d. The named insured failed to disclose fully his motor vehicle crashes and moving traffic violations for the preceding 36 months if called for in the application;

e. Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim;

f. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

1. has, within the 12 months prior to the notice of cancellation, had his driver's license under suspension or revocation;

2. is or becomes subject to epilepsy or heart attacks, and such individual does not produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely;

3. has a crash record, conviction record (criminal or traffic), physical, or mental condition which is such that his operation of an automobile might endanger the public safety;

4. has, within the 36 months prior to the notice of cancellation, been addicted to the use of narcotics or other drugs; or

5. has been convicted, or forfeited bail ~~had pretrial release revoked~~, during the 36 months immediately preceding the notice of cancellation, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in, or about, an automobile or while having custody of an automobile, leaving the scene of a crash without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operator's or chauffeur's license or has been convicted or bail ~~pretrial release~~ has been revoked for 3 or more violations within the 12 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which

constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses;

g. The insured automobile is:

1. so mechanically defective that its operation might endanger public safety;

2. used in carrying passengers for hire or compensation (the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation);

3. used in the business of transportation of flammables or explosives;

4. an authorized emergency vehicle;

5. changed in shape or condition during the policy period so as to increase the risk substantially; or

6. subject to an inspection law and has not been inspected or, if inspected, has failed to qualify.

Nothing in this Section shall apply to nonrenewal.

(Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

(215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

Sec. 143.19.1. Limits on exercise of right of nonrenewal. After a policy of automobile insurance, as defined in Section 143.13, has been effective or renewed for 5 or more years, the company shall not exercise its right of non-renewal unless:

a. The policy was obtained through a material misrepresentation; or

b. Any insured violated any of the terms and conditions of the policy; or

c. The named insured failed to disclose fully his motor vehicle crashes and moving traffic violations for the preceding 36 months, if such information is called for in the application; or

d. Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or

e. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such a policy:

1. Has, within the 12 months prior to the notice of non-renewal had his driver's ~~drivers~~ license under suspension or revocation; or

2. Is or becomes subject to epilepsy or heart attacks, and such individual does not produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely; or

3. Has a crash record, conviction record (criminal or traffic), or a physical or mental condition which is such that his operation of an automobile might endanger the public safety; or

4. Has, within the 36 months prior to the notice of non-renewal, been addicted to the use of narcotics or other drugs; or

5. Has been convicted or forfeited bail ~~pretrial release has been revoked~~, during the 36 months immediately preceding the notice of non-renewal, for any felony, criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle, operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, being intoxicated while in or about an automobile or while having custody of an automobile, leaving the scene of a crash without stopping to report, theft or unlawful taking of a motor vehicle, making false statements in an application for an operators or chauffeurs license, or has been convicted or forfeited bail ~~pretrial release has been revoked~~ for 3 or more violations within the 12 months immediately preceding the notice of non-renewal, of any law, ordinance or regulation limiting the speed of motor vehicles or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or different offenses; or

f. The insured automobile is:

1. So mechanically defective that its operation might endanger public safety; or

2. Used in carrying passengers for hire or compensation (the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation); or

3. Used in the business of transportation of flammables or explosives; or

4. An authorized emergency vehicle; or

5. Changed in shape or condition during the policy period so as to increase the risk substantially; or

6. Subject to an inspection law and it has not been inspected or, if inspected, has failed to qualify; or

g. The notice of the intention not to renew is mailed to the insured at least 60 days before the date of nonrenewal as provided in Section 143.17.

(Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23.)

(215 ILCS 5/205) (from Ch. 73, par. 817)

Sec. 205. Priority of distribution of general assets.

(1) The priorities of distribution of general assets from the company's estate is to be as follows:

(a) The costs and expenses of administration, including, but not limited to, the following:

(i) The reasonable expenses of the Illinois Insurance Guaranty Fund, the Illinois Life and Health

Insurance Guaranty Association, and the Illinois Health Maintenance Organization Guaranty Association and of any similar organization in any other state, including overhead, salaries, and other general administrative expenses allocable to the receivership (administrative and claims handling expenses and expenses in connection with arrangements for ongoing coverage), but excluding expenses incurred in the performance of duties under Section 547 or similar duties under the statute governing a similar organization in another state. For property and casualty insurance guaranty associations that guaranty certain obligations of any member company as defined by Section 534.5, expenses shall include, but not be limited to, loss adjustment expenses, which shall include adjusting and other expenses and defense and cost containment expenses. The expenses of such property and casualty guaranty associations, including the Illinois Insurance Guaranty Fund, shall be reimbursed as prescribed by Section 545, but shall be subordinate to all other costs and expenses of administration, including the expenses reimbursed pursuant to subparagraph (ii) of this paragraph (a).

(ii) The expenses expressly approved or ratified by the Director as liquidator or rehabilitator, including, but not limited to, the following:

(1) the actual and necessary costs of preserving or recovering the property of the insurer;

(2) reasonable compensation for all services rendered on behalf of the administrative supervisor or receiver;

(3) any necessary filing fees;

(4) the fees and mileage payable to witnesses;

(5) unsecured loans obtained by the receiver; and

(6) expenses approved by the conservator or rehabilitator of the insurer, if any, incurred in the course of the conservation or rehabilitation that are unpaid at the time of the entry of the order of liquidation.

Any unsecured loan falling under item (5) of subparagraph (ii) of this paragraph (a) shall have priority over all other costs and expenses of administration, unless the lender agrees otherwise. Absent agreement to the contrary, all other costs and expenses of administration shall be shared on a pro-rata basis, except for the expenses of property and casualty guaranty associations, which shall have a lower priority pursuant to subparagraph (i) of this paragraph (a).

(b) Secured claims, including claims for taxes and debts due the federal or any state or local government,

that are secured by liens perfected prior to the filing of the complaint.

(c) Claims for wages actually owing to employees for services rendered within 3 months prior to the date of the filing of the complaint, not exceeding $1,000 to each employee unless there are claims due the federal government under paragraph (f), then the claims for wages shall have a priority of distribution immediately following that of federal claims under paragraph (f) and immediately preceding claims of general creditors under paragraph (g).

(d) Claims by policyholders, beneficiaries, and insureds, under insurance policies, annuity contracts, and funding agreements, liability claims against insureds covered under insurance policies and insurance contracts issued by the company, claims of obligees (and, subject to the discretion of the receiver, completion contractors) under surety bonds and surety undertakings (not to include bail bonds, mortgage or financial guaranty, or other forms of insurance offering protection against investment risk), claims by principals under surety bonds and surety undertakings for wrongful dissipation of collateral by the insurer or its agents, and claims incurred during any extension of coverage provided under subsection (5) of Section 193, and claims of the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty

Association, the Illinois Health Maintenance Organization Guaranty Association, and any similar organization in another state as prescribed in Section 545. For purposes of this Section, "funding agreement" means an agreement whereby an insurer authorized to write business under Class 1 of Section 4 of this Code may accept and accumulate funds and make one or more payments at future dates in amounts that are not based upon mortality or morbidity contingencies.

(e) Claims by policyholders, beneficiaries, and insureds, the allowed values of which were determined by estimation under paragraph (b) of subsection (4) of Section 209.

(f) Any other claims due the federal government.

(g) All other claims of general creditors not falling within any other priority under this Section including claims for taxes and debts due any state or local government which are not secured claims and claims for attorneys' fees incurred by the company in contesting its conservation, rehabilitation, or liquidation.

(h) Claims of guaranty fund certificate holders, guaranty capital shareholders, capital note holders, and surplus note holders.

(i) Proprietary claims of shareholders, members, or other owners.

Every claim under a written agreement, statute, or rule

providing that the assets in a separate account are not chargeable with the liabilities arising out of any other business of the insurer shall be satisfied out of the funded assets in the separate account equal to, but not to exceed, the reserves maintained in the separate account under the separate account agreement, and to the extent, if any, the claim is not fully discharged thereby, the remainder of the claim shall be treated as a priority level (d) claim under paragraph (d) of this subsection to the extent that reserves have been established in the insurer's general account pursuant to statute, rule, or the separate account agreement.

For purposes of this provision, "separate account policies, contracts, or agreements" means any policies, contracts, or agreements that provide for separate accounts as contemplated by Section 245.21.

To the extent that any assets of an insurer, other than those assets properly allocated to and maintained in a separate account, have been used to fund or pay any expenses, taxes, or policyholder benefits that are attributable to a separate account policy, contract, or agreement that should have been paid by a separate account prior to the commencement of receivership proceedings, then upon the commencement of receivership proceedings, the separate accounts that benefited from this payment or funding shall first be used to repay or reimburse the company's general assets or account for any unreimbursed net sums due at the commencement of receivership

proceedings prior to the application of the separate account assets to the satisfaction of liabilities or the corresponding separate account policies, contracts, and agreements.

To the extent, if any, reserves or assets maintained in the separate account are in excess of the amounts needed to satisfy claims under the separate account contracts, the excess shall be treated as part of the general assets of the insurer's estate.

(2) Within 120 days after the issuance of an Order of Liquidation with a finding of insolvency against a domestic company, the Director shall make application to the court requesting authority to disburse funds to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states from time to time out of the company's marshaled assets as funds become available in amounts equal to disbursements made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states for covered claims obligations on the presentation of evidence that such disbursements have been made by the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar

organizations in other states.

The Director shall establish procedures for the ratable allocation and distribution of disbursements to the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and similar organizations in other states. In determining the amounts available for disbursement, the Director shall reserve sufficient assets for the payment of the expenses of administration described in paragraph (1)(a) of this Section. All funds available for disbursement after the establishment of the prescribed reserve shall be promptly distributed. As a condition to receipt of funds in reimbursement of covered claims obligations, the Director shall secure from the Illinois Insurance Guaranty Fund, the Illinois Life and Health Insurance Guaranty Association, the Illinois Health Maintenance Organization Guaranty Association, and each similar organization in other states, an agreement to return to the Director on demand funds previously received as may be required to pay claims of secured creditors and claims falling within the priorities established in paragraphs (a), (b), (c), and (d) of subsection (1) of this Section in accordance with such priorities.

(3) The changes made in this Section by this amendatory Act of the 100th General Assembly apply to all liquidation, rehabilitation, or conservation proceedings that are pending

on the effective date of this amendatory Act of the 100th General Assembly and to all future liquidation, rehabilitation, or conservation proceedings.

(4) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 100-410, eff. 8-25-17; 101-652, eff. 1-1-23.)

Section 180. The Illinois Gambling Act is amended by changing Section 5.1 as follows:

(230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

Sec. 5.1. Disclosure of records.

(a) Notwithstanding any applicable statutory provision to the contrary, the Board shall, on written request from any person, provide information furnished by an applicant or licensee concerning the applicant or licensee, his products, services or gambling enterprises and his business holdings, as follows:

(1) The name, business address and business telephone number of any applicant or licensee.

(2) An identification of any applicant or licensee including, if an applicant or licensee is not an individual, the names and addresses of all stockholders and directors, if the entity is a corporation; the names and addresses of all members, if the entity is a limited liability company; the names and addresses of all

partners, both general and limited, if the entity is a partnership; and the names and addresses of all beneficiaries, if the entity is a trust. If an applicant or licensee has a pending registration statement filed with the Securities and Exchange Commission, only the names of those persons or entities holding interest of 5% or more must be provided.

(3) An identification of any business, including, if applicable, the state of incorporation or registration, in which an applicant or licensee or an applicant's or licensee's spouse or children has an equity interest of more than 1%. If an applicant or licensee is a corporation, partnership or other business entity, the applicant or licensee shall identify any other corporation, partnership or business entity in which it has an equity interest of 1% or more, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership or other business entity that has a pending registration statement filed with the Securities and Exchange Commission.

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail ~~pretrial release has been revoked~~ concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor (except for

traffic violations), including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration.

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in Illinois or any other jurisdiction denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation or non-renewal, including the licensing authority, the date each such action was taken, and the reason for each such action.

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise work out the payment of any debt including the date of filing, the name and location of the court, the case and number of the disposition.

(7) Whether an applicant or licensee has filed, or been served with a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, State or local law, including the amount, type of tax, the taxing agency and time periods involved.

(8) A statement listing the names and titles of all public officials or officers of any unit of government, and relatives of said public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee.

(9) Whether an applicant or licensee has made, directly or indirectly, any political contribution, or any loans, donations or other payments, to any candidate or office holder, within 5 years from the date of filing the application, including the amount and the method of payment.

(10) The name and business telephone number of the counsel representing an applicant or licensee in matters before the Board.

(11) A description of any proposed or approved gambling operation, including the type of boat, home dock, or casino or gaming location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant or licensee regarding compliance with federal and State affirmative action guidelines, projected or actual admissions and projected or actual adjusted gross gaming receipts.

(12) A description of the product or service to be

supplied by an applicant for a supplier's license.

(b) Notwithstanding any applicable statutory provision to the contrary, the Board shall, on written request from any person, also provide the following information:

(1) The amount of the wagering tax and admission tax paid daily to the State of Illinois by the holder of an owner's license.

(2) Whenever the Board finds an applicant for an owner's license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial.

(3) Whenever the Board has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

(c) Subject to the above provisions, the Board shall not disclose any information which would be barred by:

(1) Section 7 of the Freedom of Information Act; or

(2) The statutes, rules, regulations or intergovernmental agreements of any jurisdiction.

(d) The Board may assess fees for the copying of information in accordance with Section 6 of the Freedom of Information Act.

(Source: P.A. 101-31, eff. 6-28-19; 101-652, eff. 1-1-23.)

Section 185. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Section 7.5 as follows:

(410 ILCS 70/7.5)

Sec. 7.5. Prohibition on billing sexual assault survivors directly for certain services; written notice; billing protocols.

(a) A hospital, approved pediatric health care facility, health care professional, ambulance provider, laboratory, or pharmacy furnishing medical forensic services, transportation, follow-up healthcare, or medication to a sexual assault survivor shall not:

(1) charge or submit a bill for any portion of the costs of the services, transportation, or medications to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense;

(2) communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process;

(3) refer a bill to a collection agency or attorney for collection action against the sexual assault survivor;

(4) contact or distribute information to affect the sexual assault survivor's credit rating; or

(5) take any other action adverse to the sexual assault survivor or his or her family on account of

providing services to the sexual assault survivor.

(a-5) Notwithstanding any other provision of law, including, but not limited to, subsection (a), a sexual assault survivor who is not the subscriber or primary policyholder of the sexual assault survivor's insurance policy may opt out of billing the sexual assault survivor's private insurance provider. If the sexual assault survivor opts out of billing the sexual assault survivor's private insurance provider, then the bill for medical forensic services shall be sent to the Department of Healthcare and Family Services' Sexual Assault Emergency Treatment Program for reimbursement for the services provided to the sexual assault survivor.

(b) Nothing in this Section precludes a hospital, health care provider, ambulance provider, laboratory, or pharmacy from billing the sexual assault survivor or any applicable health insurance or coverage for inpatient services.

(c) Every hospital and approved pediatric health care facility providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2 of this Act shall provide a written notice to a sexual assault survivor. The written notice must include, but is not limited to, the following:

(1) a statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, approved pediatric health care facility, health care

professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital or approved pediatric health care facility;

(2) a statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;

(3) a statement that prior to leaving the hospital or approved pediatric health care facility, the hospital or approved pediatric health care facility will give the sexual assault survivor a sexual assault services voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a sexual assault services voucher;

(4) the definition of "follow-up healthcare" as set forth in Section 1a of this Act;

(5) a phone number the sexual assault survivor may call should the sexual assault survivor receive a bill from the hospital or approved pediatric health care facility for medical forensic services;

(6) the toll-free phone number of the Office of the Illinois Attorney General, Crime Victim Services Division, which the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, approved pediatric health care facility, a health care professional, a laboratory, or a pharmacy.

This subsection (c) shall not apply to hospitals that

provide transfer services as defined under Section 1a of this Act.

(d) Within 60 days after the effective date of this amendatory Act of the 99th General Assembly, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault will be sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Within 60 days after the commencement of the provision of medical forensic services, every health care professional, except for those employed by a hospital or hospital affiliate, as defined in the Hospital Licensing Act, or those employed by a hospital operated under the University of Illinois Hospital Act, who bills separately for medical or forensic services must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. Health care professionals who bill as a legal entity may submit a single billing protocol for the billing entity.

Within 60 days after the Department's approval of a

treatment plan, an approved pediatric health care facility and any health care professional employed by an approved pediatric health care facility must develop a billing protocol that ensures that no survivor of sexual assault is sent a bill for any medical forensic services and submit the billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval.

The billing protocol must include at a minimum:

(1) a description of training for persons who prepare bills for medical and forensic services;

(2) a written acknowledgement signed by a person who has completed the training that the person will not bill survivors of sexual assault;

(3) prohibitions on submitting any bill for any portion of medical forensic services provided to a survivor of sexual assault to a collection agency;

(4) prohibitions on taking any action that would adversely affect the credit of the survivor of sexual assault;

(5) the termination of all collection activities if the protocol is violated; and

(6) the actions to be taken if a bill is sent to a collection agency or the failure to pay is reported to any credit reporting agency.

The Crime Victim Services Division of the Office of the Attorney General may provide a sample acceptable billing

protocol upon request.

The Office of the Attorney General shall approve a proposed protocol if it finds that the implementation of the protocol would result in no survivor of sexual assault being billed or sent a bill for medical forensic services.

If the Office of the Attorney General determines that implementation of the protocol could result in the billing of a survivor of sexual assault for medical forensic services, the Office of the Attorney General shall provide the health care professional or approved pediatric health care facility with a written statement of the deficiencies in the protocol. The health care professional or approved pediatric health care facility shall have 30 days to submit a revised billing protocol addressing the deficiencies to the Office of the Attorney General. The health care professional or approved pediatric health care facility shall implement the protocol upon approval by the Crime Victim Services Division of the Office of the Attorney General.

The health care professional or approved pediatric health care facility shall submit any proposed revision to or modification of an approved billing protocol to the Crime Victim Services Division of the Office of the Attorney General for approval. The health care professional or approved pediatric health care facility shall implement the revised or modified billing protocol upon approval by the Crime Victim Services Division of the Office of the Illinois Attorney

General.

(e) This Section is effective on and after January 1, 2024.

(Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21; 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff. 1-1-23.)

Section 190. The Illinois Vehicle Code is amended by changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as follows:

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

Sec. 6-204. When court to forward license and reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in

which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads

operated on highways), 12-710 (splash guards and replacements), 13-101 (safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), 15-318 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259 (coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319

(parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court

Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or Section 5-7 of the Snowmobile Registration and Safety Act or Section 5-16 of the Boat Registration and Safety Act, relating to the offense of operating a snowmobile or a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. These reporting requirements also apply to individuals adjudicated under the Juvenile Court Act of 1987 based on any offense determined to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, if those activities involved the operation or use of a motor vehicle. It shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been

adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CLP or CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation. ~~Whenever an order is entered revoking pretrial release given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such revocation was had or the judge of such court if such court has no clerk, within 5 days~~

~~thereafter to forward to the Secretary of State a report of the revocation.~~

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503, 11-504, and 11-506 of this Code, Section 5-7 of the Snowmobile Registration and Safety Act, and Section 5-16 of the Boat Registration and Safety Act shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the

Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction. ~~For the purposes of this Code, a revocation of pretrial release that has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license, shall be equivalent to a conviction.~~

(d) For the purpose of providing the Secretary of State

with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver, (ii) to the parent or guardian of a person under the age of 18 years holding an instruction permit or a graduated driver's license, and (iii) for use by the courts, police officers, prosecuting authorities, the Secretary of State, and the driver licensing administrator of any other state. In accordance with 49 C.F.R.

Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CLP or CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

(625 ILCS 5/6-308)

Sec. 6-308. Procedures for traffic violations.

(a) Any person cited for violating this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, shall not be required to sign the citation or post bond to secure bail for his or her release. All other provisions of this Code or similar provisions of local ordinances shall be governed by the bail ~~pretrial release~~ provisions of the Illinois Supreme Court Rules when it is not practical or feasible to take the person before a judge to have bail ~~conditions of pretrial release~~ set or to avoid undue delay

because of the hour or circumstances.

(b) Whenever a person fails to appear in court, the court may continue the case for a minimum of 30 days and the clerk of the court shall send notice of the continued court date to the person's last known address and, if the clerk of the court elects to establish a system to send text, email, and telephone notifications, may also send notifications to an email address and may send a text message to the person's last known cellular telephone number. If the person does not have a cellular telephone number, the clerk of the court may reach the person by calling the person's last known landline telephone number regarding continued court dates. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences affecting their driving privileges. If the person does not (i) appear in court on or before the continued court date, (ii) satisfy the charge without a court appearance if allowed by Illinois Supreme Court Rule, or (iii) satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall enter an ex parte judgment of conviction imposing a single assessment, specified in the applicable assessment Schedule 10, 10.5, or 11 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute. The clerk of the court shall notify the Secretary of State, in a form and manner

prescribed by the Secretary, of the court's order.

(c) Illinois Supreme Court Rules shall govern bail ~~pretrial release~~ and appearance procedures when a person who is a resident of another state that is not a member of the Nonresident Violator Compact of 1977 is cited for violating this Code or a similar provision of a local ordinance.

(d) The changes made to this Section by this amendatory Act of the 103rd General Assembly apply to each individual whose license was suspended pursuant to this Section between January 1, 2020 and the effective date of this amendatory Act of the 103rd General Assembly, and the suspension shall be lifted by the Secretary of State without further action by any court.

(Source: P.A. 103-789, eff. 1-1-25.)

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:

(A) the number of grams of alcohol per 210 liters of

breath; or

(B) the number of grams of alcohol per 100 milliliters of blood; or

(C) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(5.3) CDLIS driver record. "CDLIS driver record" means the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 U.S.C. 31309.

(5.5) CDLIS motor vehicle record. "CDLIS motor vehicle record" or "CDLIS MVR" means a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

(5.7) Commercial driver's license downgrade. "Commercial driver's license downgrade" or "CDL downgrade" means either:

(A) a state allows the driver to change his or her

self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

(B) a state allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

(C) a state allows the driver to change his or her certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

(D) a state removes the CDL privilege from the driver license.

(6) Commercial Motor Vehicle.

(A) "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce, except those referred to in subdivision (B), designed to transport passengers or property if the motor vehicle:

(i) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(i-5) has a gross vehicle weight rating or gross

vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

(ii) is designed to transport 16 or more persons, including the driver; or

(iii) is of any size and is used in transporting hazardous materials as defined in 49 C.F.R. 383.5.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

(ii) vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals,

owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act and methamphetamine as defined in Section 10 of the Methamphetamine Control and Community Protection Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. ~~"Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an~~

~~authorized administrative tribunal; an unvacated revocation of pretrial release; a plea of guilty or nolo contendere accepted by the court; or the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered.~~

(8.5) Day. "Day" means calendar day.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, any person who is required to hold a CDL, or any person who is a holder of a CDL while operating a non-commercial motor vehicle.

(13.5) Driver applicant. "Driver applicant" means an individual who applies to a state or other jurisdiction to obtain, transfer, upgrade, or renew a CDL or to obtain or renew a CLP.

(13.6) Drug and alcohol clearinghouse. "Drug and alcohol clearinghouse" means a database system established by the Federal Motor Carrier Safety Administration that permits the access and retrieval of a drug and alcohol testing violation or violations precluding an applicant or employee from occupying safety-sensitive positions involving the operation

of a commercial motor vehicle.

(13.8) Electronic device. "Electronic device" includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(15.1) Endorsement. "Endorsement" means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles.

(15.2) Entry-level driver training. "Entry-level driver training" means the training an entry-level driver receives from an entity listed on the Federal Motor Carrier Safety Administration's Training Provider Registry prior to: (i) taking the CDL skills test required to receive the Class A or

Class B CDL for the first time; (ii) taking the CDL skills test required to upgrade to a Class A or Class B CDL; or (iii) taking the CDL skills test required to obtain a passenger or school bus endorsement for the first time or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time.

(15.3) Excepted interstate. "Excepted interstate" means a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of the qualification requirements of 49 C.F.R. Part 391 and is not required to obtain a medical examiner's certificate by 49 C.F.R. 391.45.

(15.5) Excepted intrastate. "Excepted intrastate" means a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

(16) (Blank).

(16.5) Fatality. "Fatality" means the death of a person as a result of a motor vehicle crash.

(16.7) Foreign commercial driver. "Foreign commercial driver" means a person licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.

(17) Foreign jurisdiction. "Foreign jurisdiction" means a

sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous materials. "Hazardous material" means any material that has been designated under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.

(20.5) Imminent Hazard. "Imminent hazard" means the existence of any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

(20.6) Issuance. "Issuance" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or CDL.

(20.7) Issue. "Issue" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or non-domiciled CDL.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessor to a lessee, for a period of more than 29 days.

(21.01) Manual transmission. "Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot including those known as a stick shift, stick, straight drive, or standard transmission. All other transmissions, whether semi-automatic or automatic, shall be considered automatic for the purposes of the standardized restriction code.

(21.1) Medical examiner. "Medical examiner" means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with Federal Motor Carrier Safety Regulations, 49 CFR 390.101 et seq.

(21.2) Medical examiner's certificate. "Medical examiner's certificate" means either (1) prior to June 22, 2021, a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive; or (2) beginning June 22, 2021, an electronic submission of results of an examination conducted by a medical examiner listed on the National Registry of Certified Medical Examiners to the Federal Motor Carrier Safety Administration of a driver to medically qualify him or her to drive.

(21.5) Medical variance. "Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration which allows the driver to be issued a medical certificate: (1) an exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a skill performance evaluation (SPE) certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.

(21.7) Mobile telephone. "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or citizens band radio services.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(22.2) Motor vehicle record. "Motor vehicle record" means a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

(22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term

"commercial motor vehicle" or "CMV" in this Section.

(22.7) Non-excepted interstate. "Non-excepted interstate" means a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 C.F.R. Part 391, and is required to obtain a medical examiner's certificate by 49 C.F.R. 391.45.

(22.8) Non-excepted intrastate. "Non-excepted intrastate" means a person who operates only in intrastate commerce and is subject to State driver qualification requirements.

(23) Non-domiciled CLP or Non-domiciled CDL. "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL, respectively, issued by a state or other jurisdiction under either of the following two conditions:

(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b)(1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b)(2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) Section 11-1201, 11-1202, or 11-1425 of this Code.

(B) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing.

(25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CLP or CDL, of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(ii) a violation relating to reckless driving; or

(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic crash; or

(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CLP or CDL; or

(vi) a violation relating to improper or erratic

traffic lane changes; or

(vii) a violation relating to following another vehicle too closely; or

(viii) a violation relating to texting while driving; or

(ix) a violation relating to the use of a hand-held mobile telephone while driving; or

(B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(32) Texting. "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device.

(1) Texting includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice

communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication.

(2) Texting does not include:

(i) inputting, selecting, or reading information on a global positioning system or navigation system; or

(ii) pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(iii) using a device capable of performing multiple functions (for example, a fleet management system, dispatching device, smart phone, citizens band radio, or music player) for a purpose that is not otherwise prohibited by Part 392 of the Federal Motor Carrier Safety Regulations.

(32.3) Third party skills test examiner. "Third party skills test examiner" means a person employed by a third party tester who is authorized by the State to administer the CDL skills tests specified in 49 C.F.R. Part 383, subparts G and H.

(32.5) Third party tester. "Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the CDL skills tests specified in

49 C.F.R. Part 383, subparts G and H.

(32.7) United States. "United States" means the 50 states and the District of Columbia.

(33) Use a hand-held mobile telephone. "Use a hand-held mobile telephone" means:

(1) using at least one hand to hold a mobile telephone to conduct a voice communication;

(2) dialing or answering a mobile telephone by pressing more than a single button; or

(3) reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

(Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23; 103-179, eff. 6-30-23.)

(625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a

petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than $500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be:

1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation.

2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age.

3. A petty offense if the person has been issued a temporary visitor's driver's license or permit and is unable to provide proof of liability insurance as provided in subsection (d-5) of Section 6-105.1.

If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3 or 6-308, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3 or 6-308), and there shall be imposed no additional like period of suspension as provided in paragraph (b) of Section 6-303.

(d) For violations of this Code or a similar provision of a

local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of this Code, if the violation may be satisfied without a court appearance, the violator may, pursuant to Supreme Court Rule, satisfy the case with a written plea of guilty and payment of fines, penalties, and costs equal to the bail amount ~~as~~ established by the Supreme Court for the offense.

(Source: P.A. 101-652, eff. 1-1-23.)

(625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

Sec. 16-103. Arrest outside county where violation committed.

Whenever a defendant is arrested upon a warrant charging a violation of this Act in a county other than that in which such warrant was issued, the arresting officer, immediately upon the request of the defendant, shall take such defendant before a circuit judge or associate circuit judge in the county in which the arrest was made who shall admit the defendant to bail ~~pretrial release~~ for his appearance before the court named in the warrant. On taking such bail ~~setting the conditions of pretrial release~~, the circuit judge or associate circuit judge shall certify such fact on the warrant and deliver the warrant and undertaking of bail or other security ~~conditions of~~

~~pretrial release~~, or the driver's ~~drivers~~ license of such defendant if deposited, under the law relating to such licenses, in lieu of such security, to the officer having charge of the defendant. Such officer shall then immediately discharge the defendant from arrest and without delay deliver such warrant and such undertaking of bail, or other security ~~acknowledgment by the defendant of his or her receiving the conditions of pretrial release~~ or driver's ~~drivers~~ license to the court before which the defendant is required to appear.
(Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22.)

Section 195. The Illinois Vehicle Code is amended by changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8, 11-208.9, and 11-1201.1 as follows:

(625 ILCS 5/6-209.1)

Sec. 6-209.1. Restoration of driving privileges; revocation; suspension; cancellation.

~~(a)~~ The Secretary shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled before July 1, 2020 (the effective date of Public Act 101-623) due to:

(1) the person being convicted of theft of motor fuel under Section 16-25 or 16K-15 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the person, since the issuance of the driver's

license, being adjudged to be afflicted with or suffering from any mental disability or disease;

(3) a violation of Section 6-16 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

(4) the person being convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;

(5) the person receiving a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;

(6) the person failing to pay any fine or penalty due or owing as a result of 10 or more violations of a municipality's or county's vehicular standing, parking, or compliance regulations established by ordinance under Section 11-208.3 of this Code;

(7) the person failing to satisfy any fine or penalty resulting from a final order issued by the ~~Illinois State Toll Highway~~ Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both;

(8) the person being convicted of a violation of Section 4-102 of this Code, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of the vehicle at the time of the violation; or

(9) the person being convicted of criminal trespass to vehicles under Section 21-2 of the Criminal Code of 2012, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of the vehicle at the time of the violation.

~~(b) As soon as practicable and no later than July 1, 2021, the Secretary shall rescind the suspension, cancellation, or prohibition of renewal of a person's driver's license that has been suspended, canceled, or whose renewal has been prohibited before the effective date of this amendatory Act of the 101st General Assembly due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations as defined in Sections 11-208.6, and 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle fees.~~

(Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; revised 8-19-24.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations

of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations.

(a) Any municipality or county may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as described in this subsection, automated traffic law violations as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and automated speed enforcement system violations as defined in Section 11-208.8. The administrative system shall have as its purpose the fair and efficient enforcement of municipal or county regulations through the administrative adjudication of automated speed enforcement system or automated traffic law violations and violations of municipal or county ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal or county wheel tax licenses within the municipality's or county's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $500 or requiring the completion of a traffic education program, or both, that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal or county regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal or county

wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute, and process parking, compliance, and automated speed enforcement system or automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated speed enforcement system or automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5-1.

(2) A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice that shall specify or include the date, time, and place of violation of a parking, standing, compliance, automated speed enforcement system, or automated traffic law regulation; the particular regulation violated; any requirement to complete a traffic education program; the fine and any penalty that may be assessed for late payment or failure to complete a required traffic education program, or both, when so provided by ordinance; the vehicle make or a photograph of the vehicle; the state registration number of the vehicle; and the identification

number of the person issuing the notice. With regard to automated speed enforcement system or automated traffic law violations, vehicle make shall be specified on the automated speed enforcement system or automated traffic law violation notice if the notice does not include a photograph of the vehicle and the make is available and readily discernible. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make specified is incorrect. The violation notice shall state that the completion of any required traffic education program, the payment of any indicated fine, and the payment of any applicable penalty for late payment or failure to complete a required traffic education program, or both, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of a parking, standing, or compliance violation notice by: (i) affixing the original or a facsimile of the notice to an unlawfully parked or standing vehicle; (ii) handing the notice to the operator of a vehicle if he or she is present; or (iii) mailing the notice to the address of the registered owner or lessee of

the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing, or compliance violation notice may occur no later than 210 days after the violation; and service of an automated speed enforcement system or automated traffic law violation notice by mail to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the violation, except that in the case of a lessee of a motor vehicle, service of an automated traffic law violation notice may occur no later than 210 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or, in the case of a notice produced by a computerized device, by signing a single

certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. In municipalities with a population of less than 1,000,000 inhabitants and counties with a population of less than 3,000,000 inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation. In municipalities with a population of 1,000,000 or more inhabitants and counties with a population of 3,000,000 or more inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was

being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation or by an additional fully trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. In the case of an automated speed enforcement system violation, the ordinance shall require a determination by a technician employed by the municipality, based upon an inspection of recorded images, video or other documentation, including documentation of the speed limit and automated speed enforcement signage, and documentation of the inspection, calibration, and certification of the speed equipment, that the vehicle was being operated in violation of Article VI of Chapter 11 of this Code or a similar local ordinance. If the technician determines that the vehicle speed was not determined by a calibrated, certified speed equipment device based upon the speed equipment documentation, or if the vehicle was an emergency vehicle, a citation may not be issued. The automated speed enforcement ordinance shall require that all determinations by a technician that a violation occurred be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality issuing the violation or by an additional

fully trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. Routine and independent calibration of the speeds produced by automated speed enforcement systems and equipment shall be conducted annually by a qualified technician. Speeds produced by an automated speed enforcement system shall be compared with speeds produced by lidar or other independent equipment. Radar or lidar equipment shall undergo an internal validation test no less frequently than once each week. Qualified technicians shall test loop-based equipment no less frequently than once a year. Radar equipment shall be checked for accuracy by a qualified technician when the unit is serviced, when unusual or suspect readings persist, or when deemed necessary by a reviewing technician. Radar equipment shall be checked with the internal frequency generator and the internal circuit test whenever the radar is turned on. Technicians must be alert for any unusual or suspect readings, and if unusual or suspect readings of a radar unit persist, that unit shall immediately be removed from service and not returned to service until it has been checked by a qualified technician and determined to be functioning properly. Documentation of the annual calibration results, including the equipment tested, test date, technician performing the test, and test results, shall be maintained and available

for use in the determination of an automated speed enforcement system violation and issuance of a citation. The technician performing the calibration and testing of the automated speed enforcement equipment shall be trained and certified in the use of equipment for speed enforcement purposes. Training on the speed enforcement equipment may be conducted by law enforcement, civilian, or manufacturer's personnel and if applicable may be equivalent to the equipment use and operations training included in the Speed Measuring Device Operator Program developed by the National Highway Traffic Safety Administration (NHTSA). The vendor or technician who performs the work shall keep accurate records on each piece of equipment the technician calibrates and tests. As used in this paragraph, "fully trained reviewing technician" means a person who has received at least 40 hours of supervised training in subjects which shall include image inspection and interpretation, the elements necessary to prove a violation, license plate identification, and traffic safety and management. In all municipalities and counties, the automated speed enforcement system or automated traffic law ordinance shall require that no additional fee shall be charged to the alleged violator for exercising his or her right to an administrative hearing, and persons shall be given at least 25 days following an administrative hearing to pay

any civil penalty imposed by a finding that Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar local ordinance has been violated. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice issued, signed, and served in accordance with this Section, a copy of the notice, or the computer-generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer-generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a

hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 or subsection (p) of Section 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include, but

not be limited to, the information specified herein:

(i) A second notice of parking, standing, or compliance violation if the first notice of the violation was issued by affixing the original or a facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator. This notice shall specify or include the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make or a photograph of the vehicle, the state registration number of the vehicle, any requirement to complete a traffic education program, the fine and any penalty that may be assessed for late payment or failure to complete a traffic education program, or both, when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure to complete a required traffic education program, to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of

violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any incomplete traffic education program or any unpaid fine or penalty, or both, will constitute a debt due and owing the municipality or county.

(ii) A notice of final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the municipality or county. The notice shall contain warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the municipality or county, or both, within the time specified may result in the municipality's or county's filing of a petition in the Circuit Court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment as provided by this Section, or, where applicable, may result in

suspension of the person's driver's license for failure to complete a traffic education program or to pay fines or penalties, or both, for 5 or more automated traffic law violations under Section 11-208.6 or 11-208.9 or automated speed enforcement system violations under Section 11-208.8.

(6) A notice of impending driver's license suspension. This notice shall be sent to the person liable for failure to complete a required traffic education program or to pay any fine or penalty that remains due and owing, or both, on 5 or more unpaid automated speed enforcement system or automated traffic law violations. The notice shall state that failure to complete a required traffic education program or to pay the fine or penalty owing, or both, within 45 days of the notice's date will result in the municipality or county notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5-1 ~~6-306.5~~ of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the municipality or county along with a request for the photostatic copy. The notice of impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is

returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to complete the required traffic education program or to pay the fine or penalty, or both, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. A petition to set aside a determination of liability may also be filed by a person required to complete a traffic education program. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person

not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already completed the required traffic education program or paid the fine or penalty, or both, for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make, only if specified in the violation notice, is incorrect. After the determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality or county may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines or failure to complete required traffic education programs,

provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250, except as provided in subsection (c) of Section 11-1301.3 of this Code.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(b-5) An automated speed enforcement system or automated traffic law ordinance adopted under this Section by a municipality or county shall require that the determination to issue a citation be vested solely with the municipality or county and that such authority may not be delegated to any vendor retained by the municipality or county. Any contract or agreement violating such a provision in the ordinance is null and void.

(c) Any municipality or county establishing vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible

for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without the completion of the required traffic education program or payment of the outstanding fines and penalties on parking, standing, compliance, automated speed enforcement system, or automated traffic law violations, or both, for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right

to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, incomplete traffic education program, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality or county and, as such, may be collected in accordance with applicable law. Completion of any required traffic education program and payment in full of any fine or penalty resulting from a standing, parking, compliance, automated speed enforcement system, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, the municipality or county may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a

municipality or county from consolidating multiple final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations against a person in a proceeding. Upon commencement of the action, the municipality or county shall file a certified copy or record of the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal or county ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal or county ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality or county and

against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(g) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(h) Notwithstanding any other provision of law to the contrary, a person shall not be liable for violations, fees, fines, or penalties under this Section during the period in which the motor vehicle was stolen or hijacked, as indicated in a report to the appropriate law enforcement agency filed in a timely manner.

(Source: P.A. 102-558, eff. 8-20-21; 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

(625 ILCS 5/11-208.6)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this

Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(e-1) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does

not pay the fine or complete a required traffic education program, or both, or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5-1 of this Code for failing to complete a required traffic education program or to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or

digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic

education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law

enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system and informing drivers whether, following a stop, a right turn at the intersection is permitted or prohibited.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation. Beginning 6 months before it installs an automated traffic law enforcement system at an intersection, a county or municipality may not change the yellow change interval at that intersection.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to

provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If a statistical analysis indicates that there has been an increase in the rate of crashes at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes at that intersection.

(k-8) Any municipality or county operating an automated traffic law enforcement system before July 28, 2023 (the effective date of Public Act 103-364) shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection by no later than one year after July 28, 2023 (the effective date of Public Act 103-364) and every 2 years thereafter. The statistical analyses shall be based upon the best available crash, traffic, and other data, and shall cover a period of

time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analyses shall be consistent with professional judgment and acceptable industry practice. The statistical analyses also shall be consistent with the data required for valid comparisons of before and after conditions. The statistical analyses required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for any period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(l-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system

equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(o-1) A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5-1 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The driver's license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) If a county or municipality selects a new vendor for its automated traffic law enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or

more malfunctioning components of that system and if, at the time of the application for the permit, approval, or other authorization, the new vendor operates an automated traffic law enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for the permit, approval, or other authorization within 90 days after its receipt.

(r) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated traffic law enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated traffic law enforcement system in the county or municipality.

The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of one year after the revocation.

(s) If an automated traffic law enforcement system is removed or rendered inoperable due to construction, then the

Department shall authorize the reinstallation or use of the automated traffic law enforcement system within 30 days after the construction is complete.

(Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; 103-605, eff. 7-1-24.)

(625 ILCS 5/11-208.8)

Sec. 11-208.8. Automated speed enforcement systems in safety zones.

(a) As used in this Section:

"Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the

violation.

"Owner" means the person or entity to whom the vehicle is registered.

"Recorded image" means images recorded by an automated speed enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

"Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway

known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.

(a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:

(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and

(ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.

(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle used in a traffic violation recorded by an automated speed enforcement system

shall be subject to the following penalties:

(1) if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $50, plus an additional penalty of not more than $50 for failure to pay the original penalty in a timely manner; or

(2) if the recorded speed is more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $100, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner.

A penalty may not be imposed under this Section if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. A law enforcement officer is not required to be present or to witness the violation. No penalty may be imposed under this Section if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit. The municipality may send, in the same manner that notices are sent under this Section, a speed violation warning notice where the violation involves a speed of 5 miles per hour or

less above the legal speed limit.

(d) The net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality for the following purposes:

(i) public safety initiatives to ensure safe passage around schools, and to provide police protection and surveillance around schools and parks, including but not limited to: (1) personnel costs; and (2) non-personnel costs such as construction and maintenance of public safety infrastructure and equipment;

(ii) initiatives to improve pedestrian and traffic safety;

(iii) construction and maintenance of infrastructure within the municipality, including but not limited to roads and bridges; and

(iv) after school programs.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the

identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(f) The notice required under subsection (e) of this Section shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the date, time, and location where the violation occurred;

(5) a copy of the recorded image or images;

(6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(7) a statement that recorded images are evidence of a violation of a speed restriction;

(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability <u>and may result in a suspension of the driving privileges of the registered owner of the vehicle</u>;

(9) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(10) a website address, accessible through the

Internet, where the person may view the recorded images of the violation.

(g) (Blank).

(g-1) If a person charged with a traffic violation, as a result of an automated speed enforcement system, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5-1 of this Code for failing to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated speed enforcement system or the automated traffic law under Section 11-208.6 of this Code.

(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and

(3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(l) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(n-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or

receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties.

(o) (Blank).

(o-1) A municipality shall make a certified report to the Secretary of State pursuant to Section 6-306.5-1 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated speed or traffic law enforcement system violations.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The driver's ~~drivers~~ license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this

Section.

Upon the provision of information by the lessor pursuant to this subsection, the municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) A municipality using an automated speed enforcement system must provide notice to drivers by publishing the locations of all safety zones where system equipment is installed on the website of the municipality.

(r) A municipality operating an automated speed enforcement system shall conduct a statistical analysis to assess the safety impact of the system following installation of the system and every 2 years thereafter. A municipality operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with

professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities with a population of 1,000,000 or more inhabitants.

(t) If a county or municipality selects a new vendor for its automated speed enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application for the permit, approval, or other authorization, the new vendor operates an automated speed enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for the permit, approval, or other authorization within 90 days after its receipt.

(u) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated speed enforcement system if any official or employee who serves that county or municipality is charged with bribery,

official misconduct, or a similar crime related to the placement, installation, or operation of the automated speed enforcement system in the county or municipality.

The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of 1 year after the revocation.

(Source: P.A. 102-905, eff. 1-1-23; 103-364, eff. 7-28-23.)

(625 ILCS 5/11-208.9)

Sec. 11-208.9. Automated traffic law enforcement system; approaching, overtaking, and passing a school bus.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with the visual signals on a school bus, as specified in Sections 12-803 and 12-805 of this Code, to produce recorded images of motor vehicles that fail to stop before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils in violation of Section 11-1414 of this Code or a similar provision of a local

ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(c) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law

enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(e) The notice required under subsection (d) shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a statement that recorded images are evidence of a violation of overtaking or passing a school bus stopped for the purpose of receiving or discharging pupils;

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving

privileges of the registered owner of the vehicle;

(10) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(f) (Blank).

(f-1) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system under this Section, does not pay the fine or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5-1 of this Code for failing to pay any fine or penalty due and owing as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automated traffic law

enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(i) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a violation of Section 11-1414 of this Code within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;

(3) that the visual signals required by Sections 12-803 and 12-805 of this Code were damaged, not activated, not present in violation of Sections 12-803 and

12-805, or inoperable; and

(4) any other evidence or issues provided by municipal or county ordinance.

(j) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $150 for a first time violation or $500 for a second or subsequent violation, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

(l) A school bus equipped with an automated traffic law

enforcement system must be posted with a sign indicating that the school bus is being monitored by an automated traffic law enforcement system.

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of school districts using school buses equipped with an automated traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system and every 2 years thereafter. A municipality or county operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time

before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If a statistical analysis indicates that there has been an increase in the rate of crashes at the approach to school buses monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes involving school buses equipped with an automated traffic law enforcement system.

(o) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(o-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept

employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. <u>The driver's license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.</u>

Upon the provision of information by the lessor pursuant

to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) (Blank).

(q-1) A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5-1 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the

administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

(s) If a county or municipality changes the vendor it uses for its automated traffic law enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application, the new vendor operates an automated traffic law enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for that permit, approval, or other authorization within 90 days after its receipt.

(t) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated traffic law enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated traffic law enforcement system in the county or municipality.

The Department shall adopt any rules necessary to

implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of 1 year after the revocation.

(Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-364, eff. 7-28-23.)

(625 ILCS 5/11-1201.1)

Sec. 11-1201.1. Automated railroad crossing enforcement system.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system in a municipality or county operated by a governmental agency that produces a recorded image of a motor vehicle's violation of a provision of this Code or local ordinance and is designed to obtain a clear recorded image of the vehicle and vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

As used in this Section, "recorded images" means images recorded by an automated railroad grade crossing enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b) The Illinois Commerce Commission may, in cooperation with a local law enforcement agency, establish in any county or municipality an automated railroad grade crossing enforcement system at any railroad grade crossing equipped with a crossing gate designated by local authorities. Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities and the Commission must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment.

(b-1) (Blank).

(c) For each violation of Section 11-1201 of this Code or a local ordinance recorded by an automated railroad grade crossing enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator.

The notice shall be delivered to the registered owner of the vehicle, by mail, no later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a statement that recorded images are evidence of a violation of a railroad grade crossing;

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; and

(10) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing.

(d) (Blank).

(d-1) (Blank).

(d-2) (Blank).

(d-3) If a person charged with a traffic violation, as a result of an automated railroad grade crossing enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5-1 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated railroad grade crossing enforcement system.

(e) Based on inspection of recorded images produced by an automated railroad grade crossing enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(e-1) Recorded images made by an automated railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(e-2) The court or hearing officer may consider the following in the defense of a violation:

(1) that the motor vehicle or registration plates or

digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation for the same offense;

(3) any other evidence or issues provided by municipal or county ordinance.

(e-3) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) The compensation paid for an automated railroad grade crossing enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of citations issued or the revenue generated by the system.

(h) (Blank).

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty. A civil fine of $250 shall be imposed for a first violation of this Section, and a civil fine of $500 shall be imposed for a second or subsequent violation of this Section.

(Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21; 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

Section 200. The Illinois Vehicle Code is amended by changing Sections 6-303, 6-306.5-1, and 6-306.9 and by adding Sections 4-214.2 and 6-306.5-1 as follows:

(625 ILCS 5/4-214.2 new)

Sec. 4-214.2. Failure to pay fines, charges, and costs on

an abandoned vehicle.

(a) Whenever any resident of this State fails to pay any fine, charge, or cost imposed for a violation of Section 4-201 of this Code, or a similar provision of a local ordinance, the clerk shall notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The clerk shall provide notice to the owner, at the owner's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the owner's file to prohibit the renewal, reissue, or reinstatement of the owner's driving privileges. Except as provided in subsection (d) of this Section, the notation shall not be removed from the owner's record until the owner satisfies the outstanding fine, charge, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that the fine, charge, or cost has been paid in full. Upon payment in full of a fine, charge, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the owner with a signed

receipt containing the seal of the court indicating that the fine, charge, or cost has been paid in full, and shall forward immediately to the Secretary of State a notice stating that the fine, charge, or cost has been paid in full.

(c) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the owner of any potential action to disallow the renewal, reissue, or reinstatement of the owner's driving privileges.

(d) The Secretary of State shall renew, reissue, or reinstate an owner's driving privileges which were previously refused under this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, charge, or cost has been paid in full. The Secretary of State shall retain the receipt for his or her records.

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

Sec. 6-303. Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked.

(a) Except as otherwise provided in subsection (a-5) or (a-7), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit, or privilege to do so or the privilege to obtain a driver's license or permit is

revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to January 1, 2009, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(a-3) A second or subsequent violation of subsection (a) of this Section is a Class 4 felony if committed by a person whose driving or operation of a motor vehicle is the proximate cause of a motor vehicle crash that causes personal injury or death to another. For purposes of this subsection, a personal injury includes any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(a-5) Any person who violates this Section as provided in subsection (a) while his or her driver's license, permit, or privilege is revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of

aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state, is guilty of a Class 4 felony. The person shall be required to undergo a professional evaluation, as provided in Section 11-501 of this Code, to determine if an alcohol, drug, or intoxicating compound problem exists and the extent of the problem, and to undergo the imposition of treatment as appropriate.

(a-7) Any person who violates this Section as provided in subsection (a) while his or her driver's license or privilege to drive is suspended under Section 6-306.5-1 ~~6-306.5~~ or 7-702 of this Code shall receive a Uniform Traffic Citation from the law enforcement officer. A person who receives 3 or more Uniform Traffic Citations under this subsection (a-7) without paying any fees associated with the citations shall be guilty of a Class A misdemeanor.

(a-10) A person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple revocations, multiple suspensions, or any combination of both simultaneously. No revocation or suspension shall serve to negate, invalidate, cancel, postpone, or in any way lessen the effect of any other revocation or suspension entered prior or subsequent to any other revocation or suspension.

(b) (Blank).

(b-1) Except for a person under subsection (a-7) of this Section, upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when the person's driver's license, permit, or privilege was suspended by the Secretary of State or the driver's licensing administrator of another state, except as specifically allowed by a probationary license, judicial driving permit, restricted driving permit, or monitoring device driving permit, the Secretary shall extend the suspension for the same period of time as the originally imposed suspension unless the suspension has already expired, in which case the Secretary shall be authorized to suspend the person's driving privileges for the same period of time as the originally imposed suspension.

(b-2) Except as provided in subsection (b-6) or (a-7), upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle when the person's driver's license, permit, or privilege was revoked by the Secretary of State or the driver's license administrator of any other state, except as specifically allowed by a restricted driving permit issued pursuant to this Code or the law of another state, the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(b-3) (Blank).

(b-4) When the Secretary of State receives a report of a conviction of any violation indicating a person was operating a motor vehicle that was not equipped with an ignition interlock device during a time when the person was prohibited from operating a motor vehicle not equipped with such a device, the Secretary shall not issue a driver's license to that person for an additional period of one year from the date of the conviction.

(b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(b-6) Upon receiving a report of a first conviction of operating a motor vehicle while the person's driver's license,

permit, or privilege was revoked where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, the Secretary shall not issue a driver's license for an additional period of 3 years from the date of such conviction.

(c) Except as provided in subsections (c-3) and (c-4), any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle crash involving personal injury or death; or

(3) a statutory summary suspension or revocation under

Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsections (a-7), (c-5), and (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(c-3) Any person convicted of a violation of this Section during a period of summary suspension imposed pursuant to Section 11-501.1 when the person was eligible for a monitoring device driving permit shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days.

(c-4) Any person who has been issued a monitoring device driving permit or a restricted driving permit which requires the person to operate only motor vehicles equipped with an ignition interlock device and who is convicted of a violation of this Section as a result of operating or being in actual

physical control of a motor vehicle not equipped with an ignition interlock device at the time of the offense shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days.

(c-5) Any person convicted of a second violation of this Section is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and shall serve a mandatory term of imprisonment, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of

aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal

Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d-1) Except as provided in subsections (a-7), (d-2), (d-2.5), and (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local

ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-2.5) Any person convicted of a third violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment, if:

(1) the current violation occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense. The person's driving privileges shall be revoked for the remainder of the person's life; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty

of a Class 4 felony and must serve a minimum term of imprisonment of 180 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-3.5) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, must serve a

mandatory term of imprisonment, and is eligible for an extended term, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a

similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination

thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 2012 if the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(2) a violation of paragraph (b) of Section 11-401 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(3) a statutory summary suspension or revocation under Section 11-501.1 of this Code or a similar provision of a law of another state; or

(4) a violation of Section 9-3 of the Criminal Code of

1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state.

(Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

(625 ILCS 5/6-306.5-1 new)

Sec. 6-306.5-1. Failure to pay fine or penalty for standing, parking, compliance, automated speed enforcement system, or automated traffic law violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality or county stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing as a result of 5 offenses for automated speed enforcement system violations or automated traffic violations as defined in Sections 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or is more than 14 days in default of a payment plan pursuant to which a suspension had been terminated under subsection (c) of this Section, the Secretary of State shall suspend the driving privileges of such person in accordance

with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality or county stating that such person has failed to satisfy any fines or penalties imposed by final judgments for 5 or more automated speed enforcement system or automated traffic law violations, or combination thereof, after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality or county as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality or county certifying that the fine or penalty due and owing the municipality or county has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's or county's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal or county official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty or who has defaulted in a payment plan and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality or county making the report pursuant to this Section.

(3) A statement that the municipality or county sent a notice of impending driver's license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3 of this Code or a notice of default in a payment plan, to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, at the last known address recorded in a United States Post Office approved database; the date on which such notice was sent; and the address to which such notice was sent. In a municipality or county with a population of 1,000,000 or more, the report shall also include a statement that the

alleged violator's State vehicle registration number and vehicle make, if specified on the automated speed enforcement system violation or automated traffic law violation notice, are correct as they appear on the citations.

(4) A unique identifying reference number for each request of suspension sent whenever a person has failed to pay the fine or penalty or has defaulted on a payment plan.

(d) Any municipality or county making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty, whenever a person named in the certified report has entered into a payment plan pursuant to which the municipality or county has agreed to terminate the suspension, or whenever the municipality or county determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's or county's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality or county making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the

accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving a combination of 5 or more automated speed enforcement system or automated traffic law violations on the date or dates such notices were issued; and (2) the person having already paid the fine or penalty for the combination of 5 or more automated speed enforcement system or automated traffic law violations indicated on the certified report.

(f) Any municipality or county, other than a municipality or county establishing automated speed enforcement system regulations under Section 11-208.8, or automated traffic law regulations under Section 11-208.6, 11-208.9, or 11-1201.1, may also cause a suspension of a person's driver's license pursuant to this Section. Such municipality or county may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for a combination of 5 or more automated speed enforcement system or automated traffic law violations after exhaustion of judicial review procedures, but only if:

(1) the municipality or county complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;

(2) the municipality or county has sent a notice of impending driver's license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and

(3) in municipalities or counties with a population of 1,000,000 or more, the municipality or county has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality or county, other than a municipality or county establishing automated speed enforcement system regulations under Section 11-208.8, or automated traffic law regulations under Section 11-208.6, 11-208.9, or 11-1201.1, may provide by ordinance for the sending of a notice of impending driver's license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for a combination of 5 or more automated speed enforcement system or automated traffic law violations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality or county notifying the Secretary of State that the person's driver's license is eligible for suspension pursuant to this Section. The notice of impending driver's license suspension shall be sent by

first class United States mail, postage prepaid, to the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be $20, to be paid at the time the request is made. A municipality or county which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including, but not limited to, the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.

(625 ILCS 5/6-306.9 new)

Sec. 6-306.9. Failure to pay traffic fines, penalties, or

court costs.

(a) Whenever any resident of this State fails to pay any traffic fine, penalty, or cost imposed for a violation of this Code, or similar provision of local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue or reinstatement of such resident's driving privileges until such fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that such action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(a-1) Whenever any resident of this State who has made a partial payment on any traffic fine, penalty, or cost that was imposed under a conviction entered on or after January 1, 2005 (the effective date of Public Act 93-788), for a violation of this Code or a similar provision of a local ordinance, fails to pay the remainder of the outstanding fine, penalty, or cost within the time limit set by the court, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that

the action will be effective on the 46th day following the date of the notice if payment is not received in full by the court of venue.

(b) Except as provided in subsection (b-1), following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Except as provided in paragraph (2) of subsection (d) of this Section, such notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that such fine, penalty, or cost has been paid in full, and shall forward forthwith to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full.

(b-1) In a county with a population of 3,000,000 or more, following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Such notation shall not be

removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary directly from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall forward forthwith directly to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full and shall provide the driver with a signed receipt containing the seal of the court, indicating that the fine, penalty, and cost have been paid in full. The receipt may not be used by the driver to clear the driver's record.

(c) The provisions of this Section shall be limited to a single action per arrest and as a post conviction measure only. Fines, penalty, or costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section.

(d)(1) Notwithstanding the receipt of a report from the clerk as prescribed in subsections (a) and (e), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue or reinstatement of such driver's driving privileges.

(2) Except as provided in subsection (b-1), the Secretary

of State shall renew, reissue or reinstate a driver's driving privileges which were previously refused pursuant to this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, penalty, or cost has been paid in full. The Secretary of State shall retain such receipt for his records.

(e) Upon receipt of notification from another state that is a member of the Nonresident Violator Compact of 1977, stating a resident of this State failed to pay a traffic fine, penalty, or cost imposed for a violation that occurs in another state, the Secretary shall make the proper notation to the driver's license file to prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The Secretary of State shall renew, reissue, or reinstate the driver's driving privileges that were previously refused under this Section upon receipt of notification from the other state that indicates that the fine, penalty, or cost has been paid in full. The Secretary of State shall retain the out-of-state receipt for his or her records.

Section 205. The Snowmobile Registration and Safety Act is amended by changing Section 5-7 as follows:

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while:

1. The alcohol concentration in that person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

2. The person is under the influence of alcohol;

3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;

3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;

4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile;

4.3. The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor

vehicle is prohibited under subdivision (7) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

4.5. The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or

5. There is any amount of a drug, substance, or compound in that person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar

provision of a local ordinance, or any person who has not had a suspension imposed under subsection (e) of Section 5-7.1.

(c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated ~~an unvacated revocation of pretrial release~~; or

(2) the failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section;

2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or

3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is

guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of $500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of Section 11-501.01 of the Illinois Vehicle Code.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest or as provided in subsection (c) of Section 10-5 of the Criminal

and Traffic Assessment Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest, in which case the amount shall be remitted to each unit of government equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders are exempt from this mandatory one-year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section.

(Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21; 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

Section 210. The Clerks of Courts Act is amended by changing Section 27.3b as follows:

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by certified check, credit card, or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court shall accept credit card payments over the Internet for fines, penalties, court costs, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. <u>The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees.</u>

The clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to negotiate the payment of convenience and administrative fees normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. The clerk of the circuit court is authorized to enter into contracts with third party fund guarantors, facilitators, and service providers under which those entities may contract

directly with customers of the clerk of the circuit court and guarantee and remit the payments to the clerk of the circuit court. Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk or the posting of cash bail, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider. This service fee shall be in addition to any other fines, penalties, or costs. The clerk of the circuit court is authorized to negotiate the assessment of convenience and administrative fees by the third party fund guarantors, facilitators, and service providers with the revenue earned by the clerk of the circuit court to be remitted to the county general revenue fund.

As used in this Section, "certified check" has the meaning provided in Section 3-409 of the Uniform Commercial Code.

(Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

Section 215. The Attorney Act is amended by changing Section 9 as follows:

(705 ILCS 205/9) (from Ch. 13, par. 9)

Sec. 9. All attorneys and counselors at law, judges, clerks and sheriffs, and all other officers of the several

courts within this state, shall be liable to be arrested and held to bail ~~terms of pretrial release~~, and shall be subject to the same legal process, and may in all respects be prosecuted and proceeded against in the same courts and in the same manner as other persons are, any law, usage or custom to the contrary notwithstanding: Provided, nevertheless, said judges, counselors or attorneys, clerks, sheriffs and other officers of said courts, shall be privileged from arrest while attending courts, and whilst going to and returning from court.

(Source: R.S. 1874, p. 169; P.A. 101-652, eff. 1-1-23.)

Section 220. The Juvenile Court Act of 1987 is amended by changing Sections 1-7, 1-8, and 5-150 as follows:

(705 ILCS 405/1-7)

Sec. 1-7. Confidentiality of juvenile law enforcement and municipal ordinance violation records.

(A) All juvenile law enforcement records which have not been expunged are confidential and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement records may be obtained only under this Section and Section 1-8 and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. Inspection, copying, and disclosure of

juvenile law enforcement records maintained by law enforcement agencies or records of municipal ordinance violations maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody before the minor's 18th birthday shall be restricted to the following:

(0.05) The minor who is the subject of the juvenile law enforcement record, the minor's parents, guardian, and counsel.

(0.10) Judges of the circuit court and members of the staff of the court designated by the judge.

(0.15) An administrative adjudication hearing officer or members of the staff designated to assist in the administrative adjudication process.

(1) Any local, State, or federal law enforcement officers or designated law enforcement staff of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff

created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers. For purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(2) Prosecutors, public defenders, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors under the order of the juvenile court, when essential to performing their responsibilities.

(3) Federal, State, or local prosecutors, public defenders, probation officers, and designated staff:

(a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805;

(b) when institution of criminal proceedings has been permitted or required under Section 5-805 and the minor is the subject of a proceeding to determine the amount of bail ~~conditions of pretrial release~~;

(c) when criminal proceedings have been permitted or required under Section 5-805 and the minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an

application for probation; or

(d) in the course of prosecution or administrative adjudication of a violation of a traffic, boating, or fish and game law, or a county or municipal ordinance.

(4) Adult and Juvenile Prisoner Review Board.

(5) Authorized military personnel.

(5.5) Employees of the federal government authorized by law.

(6) Persons engaged in bona fide research, with the permission of the Presiding Judge and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.

(7) Department of Children and Family Services child protection investigators acting in their official capacity.

(8) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others.

(A) Inspection and copying shall be limited to juvenile law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest by a local law enforcement agency under a reciprocal reporting system established and

maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) a violation of the Illinois Controlled Substances Act;

(iii) a violation of the Cannabis Control Act;

(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(v) a violation of the Methamphetamine Control and Community Protection Act;

(vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;

(vii) a violation of the Hazing Act; or

(viii) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.

The information derived from the juvenile law enforcement records shall be kept separate from and

shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community-based social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student.

(B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written juvenile law

enforcement records, and shall be used solely by the appropriate school official or officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. The information derived orally from the local law enforcement officials shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity.

(9) Mental health professionals on behalf of the Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any

juvenile law enforcement records and any information obtained from those juvenile law enforcement records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

(10) The president of a park district. Inspection and copying shall be limited to juvenile law enforcement records transmitted to the president of the park district by the Illinois State Police under Section 8-23 of the Park District Code or Section 16a-5 of the Chicago Park District Act concerning a person who is seeking employment with that park district and who has been adjudicated a juvenile delinquent for any of the offenses listed in subsection (c) of Section 8-23 of the Park District Code or subsection (c) of Section 16a-5 of the Chicago Park District Act.

(11) Persons managing and designated to participate in a court diversion program as designated in subsection (6) of Section 5-105.

(12) The Public Access Counselor of the Office of the Attorney General, when reviewing juvenile law enforcement records under its powers and duties under the Freedom of Information Act.

(13) Collection agencies, contracted or otherwise engaged by a governmental entity, to collect any debts due and owing to the governmental entity.

(B)(1) Except as provided in paragraph (2), no law

enforcement officer or other person or agency may knowingly transmit to the Department of Corrections, the Illinois State Police, or the Federal Bureau of Investigation any fingerprint or photograph relating to a minor who has been arrested or taken into custody before the minor's 18th birthday, unless the court in proceedings under this Act authorizes the transmission or enters an order under Section 5-805 permitting or requiring the institution of criminal proceedings.

(2) Law enforcement officers or other persons or agencies shall transmit to the Illinois State Police copies of fingerprints and descriptions of all minors who have been arrested or taken into custody before their 18th birthday for the offense of unlawful possession of weapons under Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, a Class X or Class 1 felony, a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class 2 or greater felony under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act. Information reported to the Department pursuant to this Section may be maintained with records that the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before the minor's 18th birthday for

an offense other than those listed in this paragraph (2).

(C) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public. For purposes of obtaining documents under this Section, a civil subpoena is not an order of the court.

(1) In cases where the law enforcement, or independent agency, records concern a pending juvenile court case, the party seeking to inspect the records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(2) In cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

(3) In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Any records obtained in violation of this

subsection (C) shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office or securing employment, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.

(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.

(E) Law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype, or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 18 years of age if there are

reasonable grounds to believe that the person poses a real and present danger to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any federal government, state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 18th birthday.

(G-5) Information identifying victims and alleged victims of sex offenses shall not be disclosed or open to the public under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing this identity.

(H) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(H-5) Nothing in this Section shall require any court or adjudicative proceeding for traffic, boating, fish and game law, or municipal and county ordinance violations to be closed

to the public.

(I) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of $1,000. This subsection (I) shall not apply to the person who is the subject of the record.

(J) A person convicted of violating this Section is liable for damages in the amount of $1,000 or actual damages, whichever is greater.

(Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23; 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-822, eff. 1-1-25.)

(705 ILCS 405/1-8)

Sec. 1-8. Confidentiality and accessibility of juvenile court records.

(A) A juvenile adjudication shall never be considered a conviction nor shall an adjudicated individual be considered a criminal. Unless expressly allowed by law, a juvenile adjudication shall not operate to impose upon the individual any of the civil disabilities ordinarily imposed by or resulting from conviction. Unless expressly allowed by law, adjudications shall not prejudice or disqualify the individual in any civil service application or appointment, from holding public office, or from receiving any license granted by public authority. All juvenile court records which have not been expunged are sealed and may never be disclosed to the general

public or otherwise made widely available. Sealed juvenile court records may be obtained only under this Section and Section 1-7 and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court. Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

(1) The minor who is the subject of record, the minor's parents, guardian, and counsel.

(2) Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conducting an ongoing investigation or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.

Before July 1, 1994, for the purposes of this Section, "criminal street gang" means any ongoing organization, association, or group of 3 or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts and that has a common name or common identifying sign, symbol, or specific color apparel displayed, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Beginning July 1, 1994, for purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Judges, hearing officers, prosecutors, public defenders, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors under the order of the juvenile court when essential to performing their responsibilities.

(4) Judges, federal, State, and local prosecutors, public defenders, probation officers, and designated staff:

(a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805;

(b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail ~~conditions of pretrial release~~;

(c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an

application for probation; or

(d) when a minor becomes 18 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail ~~conditions of pretrial release~~, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

(6.5) Employees of the federal government authorized by law.

(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.

(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.

(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses

shall be privileged and available only to the Secretary of State, courts, and police officers.

(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile court records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act, who is the subject of juvenile court records sought. Any records and any information obtained from those records under this paragraph (11) may be used only in sexually violent persons commitment proceedings.

(12) (Blank).

(A-1) Findings and exclusions of paternity entered in proceedings occurring under Article II of this Act shall be disclosed, in a manner and form approved by the Presiding Judge of the Juvenile Court, to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code.

(B) A minor who is the victim in a juvenile proceeding

shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.

(C)(0.1) In cases where the records concern a pending juvenile court case, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(0.2) In cases where the juvenile court records concern a juvenile court case that is no longer pending, the requesting party seeking to inspect the juvenile court records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

(0.3) In determining whether juvenile court records should be made available for inspection and whether inspection should be limited to certain parts of the file, the court shall consider the minor's interest in confidentiality and rehabilitation over the requesting party's interest in obtaining the information. The State's Attorney, the minor, and the minor's parents, guardian, and counsel shall at all times have the right to examine court files and records.

(0.4) Any records obtained in violation of this Section shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office, or operate as a forfeiture of any public

benefit, right, privilege, or right to receive any license granted by public authority.

(D) Pending or following any adjudication of delinquency for any offense defined in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the victim of any such offense shall receive the rights set out in Sections 4 and 6 of the Rights of Crime Victims and Witnesses Act; and the juvenile who is the subject of the adjudication, notwithstanding any other provision of this Act, shall be treated as an adult for the purpose of affording such rights to the victim.

(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of the federal government, or any state, county, or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so,

shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to the dispositional order shall be limited to the principal or chief administrative officer of the school and any school counselor designated by the principal or chief administrative officer.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a court hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that court shall request, and the court in which the earlier proceedings were initiated shall transmit, an authenticated copy of the juvenile court record, including all documents, petitions, and orders filed and the minute orders, transcript of proceedings, and docket entries of the court.

(I) The Clerk of the Circuit Court shall report to the Illinois State Police, in the form and manner required by the Illinois State Police, the final disposition of each minor who has been arrested or taken into custody before the minor's 18th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information

reported to the Illinois State Police under this Section may be maintained with records that the Illinois State Police files under Section 2.1 of the Criminal Identification Act.

(J) The changes made to this Section by Public Act 98-61 apply to juvenile law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(K) Willful violation of this Section is a Class C misdemeanor and each violation is subject to a fine of $1,000. This subsection (K) shall not apply to the person who is the subject of the record.

(L) A person convicted of violating this Section is liable for damages in the amount of $1,000 or actual damages, whichever is greater.

(Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24.)

(705 ILCS 405/5-150)

Sec. 5-150. Admissibility of evidence and adjudications in other proceedings.

(1) Evidence and adjudications in proceedings under this Act shall be admissible:

(a) in subsequent proceedings under this Act concerning the same minor; or

(b) in criminal proceedings when the court is to

determine the amount of bail ~~conditions of pretrial release~~, fitness of the defendant or in sentencing under the Unified Code of Corrections; or

(c) in proceedings under this Act or in criminal proceedings in which anyone who has been adjudicated delinquent under Section 5-105 is to be a witness including the minor or defendant if the minor or defendant testifies, and then only for purposes of impeachment and pursuant to the rules of evidence for criminal trials; or

(d) in civil proceedings concerning causes of action arising out of the incident or incidents which initially gave rise to the proceedings under this Act.

(2) No adjudication or disposition under this Act shall operate to disqualify a minor from subsequently holding public office nor shall operate as a forfeiture of any right, privilege or right to receive any license granted by public authority.

(3) The court which adjudicated that a minor has committed any offense relating to motor vehicles prescribed in Sections 4-102 and 4-103 of the Illinois Vehicle Code shall notify the Secretary of State of that adjudication and the notice shall constitute sufficient grounds for revoking that minor's driver's license or permit as provided in Section 6-205 of the Illinois Vehicle Code; no minor shall be considered a criminal by reason thereof, nor shall any such adjudication be considered a conviction.

(Source: P.A. 103-22, eff. 8-8-23.)

Section 225. The Criminal Code of 2012 is amended by changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

(720 ILCS 5/26.5-5)

Sec. 26.5-5. Sentence.

(a) Except as provided in subsection (b), a person who violates any of the provisions of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is guilty of a Class B misdemeanor. Except as provided in subsection (b), a second or subsequent violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is a Class A misdemeanor, for which the court shall impose a minimum of 14 days in jail or, if public or community service is established in the county in which the offender was convicted, 240 hours of public or community service.

(b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony:

(1) The person has 3 or more prior violations in the last 10 years of harassment by telephone, harassment through electronic communications, or any similar offense of any other state;

(2) The person has previously violated the harassment by telephone provisions, or the harassment through electronic communications provisions, or committed any

similar offense in any other state with the same victim or a member of the victim's family or household;

(3) At the time of the offense, the offender was under conditions of bail ~~pretrial release~~, probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household;

(4) In the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household;

(5) The person has been convicted in the last 10 years of a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(6) The person violates paragraph (5) of Section 26.5-2 or paragraph (4) of Section 26.5-3; or

(7) The person was at least 18 years of age at the time of the commission of the offense and the victim was under 18 years of age at the time of the commission of the offense.

(c) The court may order any person convicted under this Article to submit to a psychiatric examination.

(Source: P.A. 101-652, eff. 1-1-23.)

(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer,

firefighter, or correctional institution employee.

(a) A person who knowingly:

(1) resists arrest, or

(2) obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor.

(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 4 felony.

(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for

offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing ~~on setting the conditions of pretrial release~~, or who are sexually dangerous persons or who are sexually violent persons; and "firefighter" means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. "Firefighter" also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(c) It is an affirmative defense to a violation of this Section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.

~~(d) A person shall not be subject to arrest for resisting arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.~~

(Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

(720 ILCS 5/31A-0.1)

Sec. 31A-0.1. Definitions. For the purposes of this Article:

"Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship.

"Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority.

"Item of contraband" means any of the following:

(i) "Alcoholic liquor" as that term is defined in Section 1-3.05 of the Liquor Control Act of 1934.

(ii) "Cannabis" as that term is defined in subsection (a) of Section 3 of the Cannabis Control Act.

(iii) "Controlled substance" as that term is defined in the Illinois Controlled Substances Act.

(iii-a) "Methamphetamine" as that term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy,

razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. This term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Code, or any other dangerous weapon or instrument of like character.

(vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to:

(A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or

(B) any device used exclusively for signaling or safety and required as recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or

(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of

normal functioning, commonly referred to as a stun gun or taser.

(vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to:

(A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, popper, or any device or instrument used to or capable of unlocking or preventing from locking any handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to,

hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" for the purposes of Section 31A-1.1 of this Article means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal institution without the written authorization of the Chief Administrative Officer. "Electronic contraband" for the purposes of Section 31A-1.2 of this Article, means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment.

"Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, or a violation of mandatory supervised release, or awaiting a <u>bail setting</u>

hearing ~~on the setting of conditions of pretrial release~~ or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons.
(Source: P.A. 101-652, eff. 1-1-23.)

(720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

Sec. 32-10. Violation of ~~conditions of pretrial release~~ bail bond.

(a) (Blank).

(a-1) Whoever, having been admitted to bail for appearance before any court of this State, incurs a forfeiture of the bail and knowingly fails to surrender himself or herself within 30 days following the date of the forfeiture, commits, if the bail was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, a felony of the next lower Class or a Class A misdemeanor if the underlying offense was a Class 4 felony; or, if the bail was given in connection with a charge of committing a misdemeanor, or for appearance as a witness, commits a misdemeanor of the next lower Class, but not less than a Class C misdemeanor.

(a-5) Any person who knowingly violates a condition of ~~pretrial release~~ bail bond by possessing a firearm in violation of his or her conditions of ~~pretrial release~~ bail commits a Class 4 felony for a first violation and a Class 3

felony for a second or subsequent violation.

(b) Whoever, having been ~~released pretrial under conditions~~ admitted to bail for appearance before any court of this State, while charged with a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, knowingly violates a condition of that release as set forth in Section 110-10, subsection (d) of the Code of Criminal Procedure of 1963, commits a Class A misdemeanor.

(c) Whoever, having been admitted to bail ~~released pretrial~~ for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on this release, must appear before the court before bail is statutorily set ~~and may not be released by law enforcement under 109-1 of the Code of Criminal Procedure of 1963 prior to the court appearance~~.

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to punish for contempt. Any sentence imposed for violation of this Section shall ~~may~~ be served consecutive to the sentence imposed for the charge for which bail ~~pretrial release~~ had been granted

and with respect to which the defendant has been convicted.
(Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

Section 230. The Criminal Code of 2012 is amended by changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest.

(a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes~~, based on the totality of the circumstances,~~ to be necessary to effect the arrest and of any force which he reasonably believes~~, based on the totality of the circumstances,~~ to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when: (i) he reasonably believes~~, based on the totality of the circumstances,~~ that such force is necessary to prevent death or great bodily harm to himself or such other person; or (ii) when he reasonably believes~~, based on the totality of the circumstances,~~ both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape ~~and the officer reasonably believes that the person to be arrested is~~

~~likely to cause great bodily harm to another~~; and

(2) The person to be arrested committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

~~As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics.~~

~~A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.~~

~~(a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used.~~

~~(a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person.~~

~~(a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.~~

~~(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.~~

~~(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.~~

~~(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the totality of circumstances of each case, including, but not limited to, the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.~~

~~(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.~~

~~(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances~~

~~known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.~~

~~(g) Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental, or intellectual disabilities, or individuals who are significantly more likely to experience greater levels of physical force during police interactions, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.~~

(h) ~~As used in this Section:~~

~~(1) "Deadly force" means any use of force that creates a substantial risk of causing death or great bodily harm, including, but not limited to, the discharge of a firearm.~~

~~(2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or great bodily harm to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from~~

~~appearances, must be instantly confronted and addressed.~~

~~(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-687, eff. 12-17-21.)

(720 ILCS 5/7-5.5)

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer~~, or any other person acting under the color of law,~~ shall not use a chokehold ~~or restraint above the shoulders with risk of asphyxiation~~ in the performance of his or her duties, unless deadly force is justified under this Article.

(b) A peace officer~~, or any other person acting under the color of law,~~ shall not use a chokehold ~~or restraint above the shoulders with risk of asphyxiation~~, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.

(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air

such as a headlock where the only pressure applied is to the head.

~~(d) As used in this Section, "restraint above the shoulders with risk of positional asphyxiation" means a use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.~~

~~(e) A peace officer, or any other person acting under the color of law, shall not:~~

~~(i) use force as punishment or retaliation;~~

~~(ii) discharge kinetic impact projectiles and all other non-lethal or less-lethal projectiles in a manner that targets the head, neck, groin, anterior pelvis, or back;~~

~~(iii) discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis;~~

~~(iv) discharge firearms or kinetic impact projectiles indiscriminately into a crowd;~~

~~(v) use chemical agents or irritants for crowd control, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to allow for the order to be heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order unless providing such time and space would~~

~~unduly place an officer or another person at risk of death or great bodily harm; or~~

~~(vi) use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order in a sufficient manner to ensure the order is heard, and repeated if necessary, to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21; 102-687, eff. 12-17-21.)

(720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

Sec. 7-9. Use of force to prevent escape.

(a) A peace officer or other person who has an arrested person in his custody is justified in the use of <u>such</u> force~~, except deadly force,~~ to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

(b) A guard or other peace officer is justified in the use of force<u>, including force likely to cause death or great bodily harm,</u> which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

~~(c) Deadly force shall not be used to prevent escape under this Section unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to himself or such other person.~~

(Source: P.A. 101-652, eff. 7-1-21.)

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree murder.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) <u>he or she is attempting or committing a forcible felony other than second degree murder</u> ~~he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person~~.

(b) (Blank).

(b-5) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(h-5) (Blank).

(i) (Blank).

(j) (Blank).

(k) (Blank).

(Source: P.A. 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

Sec. 33-3. Official misconduct.

(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:

(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

(2) Knowingly performs an act which he knows he is forbidden by law to perform; or

(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(4) Solicits or knowingly accepts for the performance

of any act a fee or reward which he knows is not authorized by law.

(b) An employee of a law enforcement agency commits misconduct when he or she knowingly uses or communicates, directly or indirectly, information acquired in the course of employment, with the intent to obstruct, impede, or prevent the investigation, apprehension, or prosecution of any criminal offense or person. Nothing in this subsection (b) shall be construed to impose liability for communicating to a confidential resource, who is participating or aiding law enforcement, in an ongoing investigation.

(c) A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his or her office or employment or position as a special government agent. In addition, he or she commits a Class 3 felony.

(d) For purposes of this Section, "special ~~: "Special~~ government agent" has the meaning ascribed to it in subsection (l) of Section 4A-101 of the Illinois Governmental Ethics Act.

(Source: P.A. 101-652, eff. 7-1-21.)

Section 235. The Criminal Code of 2012 is amended by adding Section 32-15.1 as follows:

(720 ILCS 5/32-15.1 new)

Sec. 32-15.1. Bail bond false statement. Any person who in

any affidavit, document, schedule or other application to become surety or bail for another on any bail bond or recognizance in any civil or criminal proceeding then pending or about to be started against the other person, having taken a lawful oath or made affirmation, shall swear or affirm wilfully, corruptly and falsely as to the ownership or liens or incumbrances upon or the value of any real or personal property alleged to be owned by the person proposed as surety or bail, the financial worth or standing of the person proposed as surety or bail, or as to the number or total penalties of all other bonds or recognizances signed by and standing against the proposed surety or bail, or any person who, having taken a lawful oath or made affirmation, shall testify wilfully, corruptly and falsely as to any of said matters for the purpose of inducing the approval of any such bail bond or recognizance; or for the purpose of justifying on any such bail bond or recognizance, or who shall suborn any other person to so swear, affirm or testify as aforesaid, shall be deemed and adjudged guilty of perjury or subornation of perjury (as the case may be) and punished accordingly.

(720 ILCS 5/7-15 rep.)

(720 ILCS 5/7-16 rep.)

(720 ILCS 5/33-9 rep.)

Section 240. The Criminal Code of 2012 is amended by repealing Sections 7-15, 7-16, and 33-9.

Section 245. The Code of Criminal Procedure of 1963 is amended by changing the heading of Article 110 and by changing Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17, 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23, 113-3.1, 114-1, 115-4.1, and 122-6 and by adding Section 110-3.1 as follows:

(725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond. ~~"Pretrial release" has the meaning ascribed to bail in Section 9 of Article I of the Illinois Constitution where the sureties provided are nonmonetary in nature.~~

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

(725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

Sec. 102-7. ~~Conditions of pretrial release.~~ "Bail bond"."Bail bond" means an undertaking secured by bail entered into by a person in custody by which he binds himself to comply

with such conditions as are set forth therein. ~~"Conditions of pretrial release" means the requirements imposed upon a criminal defendant by the court under Section 110-5.~~

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

(725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

Sec. 103-5. Speedy trial.)

(a) Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he or she was taken into custody unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal. Delay shall be considered to be agreed to by the defendant unless he or she objects to the delay by making a written demand for trial or an oral demand for trial on the record. The provisions of this subsection (a) do not apply to a person on bail ~~pretrial release~~ or recognizance for an offense but who is in custody for a violation of his or her parole, aftercare release, or mandatory supervised release for another offense.

The 120-day term must be one continuous period of incarceration. In computing the 120-day term, separate periods of incarceration may not be combined. If a defendant is taken

into custody a second (or subsequent) time for the same offense, the term will begin again at day zero.

(b) Every person on bail ~~pretrial release~~ or recognizance shall be tried by the court having jurisdiction within 160 days from the date defendant demands trial unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal. The defendant's failure to appear for any court date set by the court operates to waive the defendant's demand for trial made under this subsection.

For purposes of computing the 160 day period under this subsection (b), every person who was in custody for an alleged offense and demanded trial and is subsequently released on bail ~~pretrial release~~ or recognizance and demands trial, shall be given credit for time spent in custody following the making of the demand while in custody. Any demand for trial made under this subsection (b) shall be in writing; and in the case of a defendant not in custody, the demand for trial shall include the date of any prior demand made under this provision while the defendant was in custody.

(c) If the court determines that the State has exercised without success due diligence to obtain evidence material to

the case and that there are reasonable grounds to believe that such evidence may be obtained at a later day the court may continue the cause on application of the State for not more than an additional 60 days. If the court determines that the State has exercised without success due diligence to obtain results of DNA testing that is material to the case and that there are reasonable grounds to believe that such results may be obtained at a later day, the court may continue the cause on application of the State for not more than an additional 120 days.

(d) Every person not tried in accordance with subsections (a), (b) and (c) of this Section shall be discharged from custody or released from the obligations of the person's bail ~~his pretrial release~~ or recognizance.

(e) If a person is simultaneously in custody upon more than one charge pending against him in the same county, or simultaneously demands trial upon more than one charge pending against him in the same county, he shall be tried, or adjudged guilty after waiver of trial, upon at least one such charge before expiration relative to any of such pending charges of the period prescribed by subsections (a) and (b) of this Section. Such person shall be tried upon all of the remaining charges thus pending within 160 days from the date on which judgment relative to the first charge thus prosecuted is rendered pursuant to the Unified Code of Corrections or, if such trial upon such first charge is terminated without

judgment and there is no subsequent trial of, or adjudication of guilt after waiver of trial of, such first charge within a reasonable time, the person shall be tried upon all of the remaining charges thus pending within 160 days from the date on which such trial is terminated; if either such period of 160 days expires without the commencement of trial of, or adjudication of guilt after waiver of trial of, any of such remaining charges thus pending, such charge or charges shall be dismissed and barred for want of prosecution unless delay is occasioned by the defendant, by an examination for fitness ordered pursuant to Section 104-13 of this Act, by a fitness hearing, by an adjudication of unfitness for trial, by a continuance allowed pursuant to Section 114-4 of this Act after a court's determination of the defendant's physical incapacity for trial, or by an interlocutory appeal; provided, however, that if the court determines that the State has exercised without success due diligence to obtain evidence material to the case and that there are reasonable grounds to believe that such evidence may be obtained at a later day the court may continue the cause on application of the State for not more than an additional 60 days.

(f) Delay occasioned by the defendant shall temporarily suspend for the time of the delay the period within which a person shall be tried as prescribed by subsections (a), (b), or (e) of this Section and on the day of expiration of the delay the said period shall continue at the point at which it

was suspended. Where such delay occurs within 21 days of the end of the period within which a person shall be tried as prescribed by subsections (a), (b), or (e) of this Section, the court may continue the cause on application of the State for not more than an additional 21 days beyond the period prescribed by subsections (a), (b), or (e). This subsection (f) shall become effective on, and apply to persons charged with alleged offenses committed on or after, March 1, 1977.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

Sec. 103-7. Posting notice of rights. Every sheriff, chief of police or other person who is in charge of any jail, police station or other building where persons under arrest are held in custody pending investigation, bail ~~pretrial release~~ or other criminal proceedings, shall post in every room, other than cells, of such buildings where persons are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2, 110-4, and sub-parts (a) and (b) of Sections 110-7.1, and 113-3 of this Code. Each person who is in charge of any courthouse or other building in which any trial of an offense is conducted shall post in each room primarily used for such trials and in each room in which defendants are confined or

wait, pending trial, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section 113-3 of this Code.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

Sec. 103-9. Bail bondsmen. No bail bondsman from any state may seize or transport unwillingly any person found in this State who is allegedly in violation of a bail bond posted in some other state ~~or conditions of pretrial release~~. The return of any such person to another state may be accomplished only as provided by the laws of this State. Any bail bondsman who violates this Section is fully subject to the criminal and civil penalties provided by the laws of this State for his actions.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

Sec. 104-13. Fitness examination.

(a) When the issue of fitness involves the defendant's mental condition, the court shall order an examination of the defendant by one or more licensed physicians, clinical psychologists, or psychiatrists chosen by the court. No

physician, clinical psychologist or psychiatrist employed by the Department of Human Services shall be ordered to perform, in his official capacity, an examination under this Section.

(b) If the issue of fitness involves the defendant's physical condition, the court shall appoint one or more physicians and in addition, such other experts as it may deem appropriate to examine the defendant and to report to the court regarding the defendant's condition.

(c) An examination ordered under this Section shall be given at the place designated by the person who will conduct the examination, except that if the defendant is being held in custody, the examination shall take place at such location as the court directs. No examinations under this Section shall be ordered to take place at mental health or developmental disabilities facilities operated by the Department of Human Services. If the defendant fails to keep appointments without reasonable cause or if the person conducting the examination reports to the court that diagnosis requires hospitalization or extended observation, the court may order the defendant admitted to an appropriate facility for an examination, other than a screening examination, for not more than 7 days. The court may, upon a showing of good cause, grant an additional 7 days to complete the examination.

(d) Release on bail ~~pretrial release~~ or on recognizance shall not be revoked and an application therefor shall not be denied on the grounds that an examination has been ordered.

(e) Upon request by the defense and if the defendant is indigent, the court may appoint, in addition to the expert or experts chosen pursuant to subsection (a) of this Section, a qualified expert selected by the defendant to examine him and to make a report as provided in Section 104-15. Upon the filing with the court of a verified statement of services rendered, the court shall enter an order on the county board to pay such expert a reasonable fee stated in the order.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

Sec. 104-17. Commitment for treatment; treatment plan.

(a) If the defendant is eligible to be or has been released on bail ~~pretrial release~~ or on his own recognizance, the court shall select the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan. The placement may be ordered either on an inpatient or an outpatient basis.

(b) If the defendant's disability is mental, the court may order him placed for secure treatment in the custody of the Department of Human Services, or the court may order him placed in the custody of any other appropriate public or private mental health facility or treatment program which has agreed to provide treatment to the defendant. If the most serious charge faced by the defendant is a misdemeanor, the court shall order outpatient treatment, unless the court finds

good cause on the record to order inpatient treatment. If the court orders the defendant to inpatient treatment in the custody of the Department of Human Services, the Department shall evaluate the defendant to determine the most appropriate secure facility to receive the defendant and, within 20 days of the transmittal by the clerk of the circuit court of the court's placement order, notify the court of the designated facility to receive the defendant. The Department shall admit the defendant to a secure facility within 60 days of the transmittal of the court's placement order, unless the Department can demonstrate good faith efforts at placement and a lack of bed and placement availability. If placement cannot be made within 60 days of the transmittal of the court's placement order and the Department has demonstrated good faith efforts at placement and a lack of bed and placement availability, the Department shall provide an update to the ordering court every 30 days until the defendant is placed. Once bed and placement availability is determined, the Department shall notify the sheriff who shall promptly transport the defendant to the designated facility. If the defendant is placed in the custody of the Department of Human Services, the defendant shall be placed in a secure setting. During the period of time required to determine bed and placement availability at the designated facility, the defendant shall remain in jail. If during the course of evaluating the defendant for placement, the Department of

Human Services determines that the defendant is currently fit to stand trial, it shall immediately notify the court and shall submit a written report within 7 days. In that circumstance the placement shall be held pending a court hearing on the Department's report. Otherwise, upon completion of the placement process, including identifying bed and placement availability, the sheriff shall be notified and shall transport the defendant to the designated facility. If, within 60 days of the transmittal by the clerk of the circuit court of the court's placement order, the Department fails to provide the sheriff with notice of bed and placement availability at the designated facility, the sheriff shall contact the Department to inquire about when a placement will become available at the designated facility as well as bed and placement availability at other secure facilities. The Department shall respond to the sheriff within 2 business days of the notice and inquiry by the sheriff seeking the transfer and the Department shall provide the sheriff with the status of the evaluation, information on bed and placement availability, and an estimated date of admission for the defendant and any changes to that estimated date of admission. If the Department notifies the sheriff during the 2 business day period of a facility operated by the Department with placement availability, the sheriff shall promptly transport the defendant to that facility. The placement may be ordered either on an inpatient or an outpatient basis.

(c) If the defendant's disability is physical, the court may order him placed under the supervision of the Department of Human Services which shall place and maintain the defendant in a suitable treatment facility or program, or the court may order him placed in an appropriate public or private facility or treatment program which has agreed to provide treatment to the defendant. The placement may be ordered either on an inpatient or an outpatient basis.

(d) The clerk of the circuit court shall within 5 days of the entry of the order transmit to the Department, agency or institution, if any, to which the defendant is remanded for treatment, the following:

(1) a certified copy of the order to undergo treatment. Accompanying the certified copy of the order to undergo treatment shall be the complete copy of any report prepared under Section 104-15 of this Code or other report prepared by a forensic examiner for the court;

(2) the county and municipality in which the offense was committed;

(3) the county and municipality in which the arrest took place;

(4) a copy of the arrest report, criminal charges, arrest record; and

(5) all additional matters which the Court directs the clerk to transmit.

(e) Within 30 days of admission to the designated

facility, the person supervising the defendant's treatment shall file with the court, the State, and the defense a report assessing the facility's or program's capacity to provide appropriate treatment for the defendant and indicating his opinion as to the probability of the defendant's attaining fitness within a period of time from the date of the finding of unfitness. For a defendant charged with a felony, the period of time shall be one year. For a defendant charged with a misdemeanor, the period of time shall be no longer than the sentence if convicted of the most serious offense. If the report indicates that there is a substantial probability that the defendant will attain fitness within the time period, the treatment supervisor shall also file a treatment plan which shall include:

(1) A diagnosis of the defendant's disability;

(2) A description of treatment goals with respect to rendering the defendant fit, a specification of the proposed treatment modalities, and an estimated timetable for attainment of the goals;

(3) An identification of the person in charge of supervising the defendant's treatment.

(Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

(725 ILCS 5/106D-1)

Sec. 106D-1. Defendant's appearance by <u>closed circuit television and video conference</u> ~~two way audio visual~~

~~communication system~~.

(a) Whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of ~~a~~ two-way audio-visual communication ~~system~~, including closed circuit television and computerized video conference, in the following proceedings:

(1) the initial appearance before a judge on a criminal complaint, at which bail will be set; ~~as provided in subsection (f) of Section 109-1~~;

(2) the waiver of a preliminary hearing;

(3) the arraignment on an information or indictment at which a plea of not guilty will be entered;

(4) the presentation of a jury waiver;

(5) any status hearing;

(6) any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and

(7) at any hearing at which no witness testimony will be taken conducted under the following:

(A) Section 104-20 of this Code (90-day hearings);

(B) Section 104-22 of this Code (trial with special provisions and assistance);

(C) Section 104-25 of this Code (discharge hearing); or

(D) Section 5-2-4 of the Unified Code of Corrections (proceedings after acquittal by reason of insanity).

(b) The two-way audio-visual communication facilities must provide two-way audio-visual communication between the court and the place of custody or confinement, and must include a secure line over which the person in custody and his or her counsel, if any, may communicate.

(c) Nothing in this Section shall be construed to prohibit other court appearances through the use of ~~a~~ two-way audio-visual communication, upon waiver of any right the person in custody or confinement may have to be present physically. ~~system if the person in custody or confinement waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.~~

(d) Nothing in this Section shall be construed to

establish a right of any person held in custody or confinement to appear in court through ~~a~~ two-way audio-visual communication ~~system~~ or to require that any governmental entity, or place of custody or confinement, provide ~~a~~ two-way audio-visual communication ~~system~~.

(Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

Sec. 107-4. Arrest by peace officer from other jurisdiction.

(a) As used in this Section:

(1) "State" means any State of the United States and the District of Columbia.

(2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, the United States Department of Defense, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

(3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.

(4) "Law enforcement agency" means a municipal police department or county sheriff's office of this State.

(a-3) Any peace officer employed by a law enforcement

agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State: (1) if the officer is engaged in the investigation of criminal activity that occurred in the officer's primary jurisdiction and the temporary questioning or arrest relates to, arises from, or is conducted pursuant to that investigation; or (2) if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or (3) if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction; or (4) in accordance with Section 2605-580 of the Illinois State Police Law of the Civil Administrative Code of Illinois. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.

(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.

(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as

peace officers of this State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.

(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail ~~pretrial release~~ for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.

(Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

Sec. 107-9. Issuance of arrest warrant upon complaint.

(a) When a complaint is presented to a court charging that an offense has been committed, it shall examine upon oath or affirmation the complainant or any witnesses.

(b) The complaint shall be in writing and shall:

(1) State the name of the accused if known, and if not known the accused may be designated by any name or

description by which he can be identified with reasonable certainty;

(2) State the offense with which the accused is charged;

(3) State the time and place of the offense as definitely as can be done by the complainant; and

(4) Be subscribed and sworn to by the complainant.

(b-5) If an arrest warrant ~~or summons~~ is sought and the request is made by electronic means that has a simultaneous video and audio transmission between the requester and a judge, the judge may issue an arrest warrant ~~or summons~~ based upon a sworn complaint or sworn testimony communicated in the transmission.

(c) A warrant shall ~~or summons may~~ be issued by the court for the arrest ~~or appearance~~ of the person complained against if it appears from the contents of the complaint and the examination of the complainant or other witnesses, if any, that the person against whom the complaint was made has committed an offense.

(d) The warrant of arrest ~~or summons~~ shall:

(1) Be in writing;

(2) Specify the name, sex and birth date of the person to be arrested ~~or summoned~~ or, if his name, sex or birth date is unknown, shall designate such person by any name or description by which the person can be identified with reasonable certainty;

(3) Set forth the nature of the offense;

(4) State the date when issued and the municipality or county where issued;

(5) Be signed by the judge of the court with the title of the judge's office; ~~and~~

(6) Command that the person against whom the complaint was made ~~to~~ be arrested and brought before the court issuing the warrant or if he is absent or unable to act before the nearest or most accessible court in the same county ~~issuing the warrant or the nearest or most accessible court in the same county, or appear before the court at a certain time and place~~;

(7) Specify the amount of bail ~~conditions of pretrial release, if any~~; and

(8) Specify any geographical limitation placed on the execution of the warrant~~, if any,~~ but such limitation shall not be expressed in mileage.

~~(e) The summons may be served in the same manner as the summons in a civil action, except that a police officer may serve a summons for a violation of an ordinance occurring within the municipality of the police officer.~~

~~(f) If the person summoned fails to appear by the date required or cannot be located to serve the summons, a warrant may be issued by the court for the arrest of the person complained against.~~

~~(g) A warrant of arrest issued under this Section shall~~

~~incorporate the information included in the summons, and shall comply with the following:~~

~~(1) The arrest warrant shall specify any geographic limitation placed on the execution of the warrant, but such limitation shall not be expressed in mileage.~~

(e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace officers in the State. It shall be executed by the peace officer, or by a private person specially named therein, at any location within the geographic limitation for execution placed on the warrant. If no geographic limitation is placed on the warrant, then it may be executed anywhere in the State.

(f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued electronically or electromagnetically by use of electronic mail or a facsimile transmission machine and any ~~such~~ arrest warrant ~~or summons~~ shall have the same validity as a written ~~arrest~~ warrant ~~or summons~~.

(Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

(725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

Sec. 107-11. When summons may be issued.

(a) When authorized to issue a warrant of arrest, a court may instead issue a summons.

(b) The summons shall:

(1) Be in writing;

(2) State the name of the person summoned and his or

her address, if known;

(3) Set forth the nature of the offense;

(4) State the date when issued and the municipality or county where issued;

(5) Be signed by the judge of the court with the title of his or her office; and

(6) Command the person to appear before a court at a certain time and place.

(c) The summons may be served in the same manner as the summons in a civil action ~~or by certified or regular mail~~, except that police officers may serve summons for violations of ordinances occurring within their municipalities.

(Source: P.A. 102-1104, eff. 12-6-22.)

(725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

Sec. 109-1. Person arrested~~; release from law enforcement custody and court appearance; geographic constraints prevent in person appearances~~.

(a) A person arrested with or without a warrant ~~for an offense for which pretrial release may be denied under paragraphs (1) through (6) of Section 110-6.1~~ shall be taken without unnecessary delay before the nearest and most accessible judge in that county, except when such county is a participant in a regional jail authority, in which event such person may be taken to the nearest and most accessible judge, irrespective of the county where such judge presides, ~~within~~

~~48 hours,~~ and a charge shall be filed. Whenever a person arrested either with or without a warrant is required to be taken before a judge, a charge may be filed against such person by way of a two-way closed circuit television system ~~audio visual communication system~~, except that a hearing to deny ~~pretrial release~~ bail to the defendant may not be conducted by way of closed circuit television ~~two way audio visual communication system unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.~~.

~~(a 1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of any offense that is not a felony or Class A misdemeanor unless (i) a law enforcement officer reasonably believes the accused poses a threat to the community or any person, (ii) a custodial arrest is necessary because the criminal activity persists after the issuance of a citation, or (iii) the accused has an obvious medical or mental health~~

~~issue that poses a risk to the accused's own safety. Nothing in this Section requires arrest in the case of Class A misdemeanor and felony offenses, or otherwise limits existing law enforcement discretion to decline to effect a custodial arrest.~~

~~(a-3) A person arrested with or without a warrant for an offense for which pretrial release may not be denied may, except as otherwise provided in this Code, be released by a law enforcement officer without appearing before a judge. A presumption in favor of pretrial release shall be applied by an arresting officer in the exercise of his or her discretion under this Section.~~

(a-5) A person charged with an offense shall be allowed counsel at the hearing at which ~~pretrial release~~ bail is determined under Article 110 of this Code. If the defendant desires counsel for his or her initial appearance but is unable to obtain counsel, the court shall appoint a public defender or licensed attorney at law of this State to represent him or her for purposes of that hearing.

(b) ~~Upon initial appearance of a person before the court, the~~ The judge shall:

(1) inform the defendant of the charge against him and shall provide him with a copy of the charge;

(2) advise the defendant of his right to counsel and if indigent shall appoint a public defender or licensed attorney at law of this State to represent him in

accordance with the provisions of Section 113-3 of this Code;

(3) schedule a preliminary hearing in appropriate cases;

(4) admit the defendant to ~~pretrial release~~ bail in accordance with the provisions of Article ~~110/5~~ 110 of this Code~~, or upon verified petition of the State, proceed with the setting of a detention hearing as provided in Section 110-6.1~~; and

(5) order ~~Order~~ the confiscation of the person's passport or impose travel restrictions on a defendant arrested for first degree murder or other violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, if the judge determines, based on the factors in Section 110-5 of this Code, that this will reasonably ensure the appearance of the defendant and compliance by the defendant with all conditions of release.

(c) The court may issue an order of protection in accordance with the provisions of Article 112A of this Code. ~~Crime victims shall be given notice by the State's Attorney's office of this hearing as required in paragraph (2) of subsection (b) of the Rights of Crime Victims and Witnesses Act and shall be informed of their opportunity at this hearing to obtain an order of protection under Article 112A of this Code.~~

(d) At the initial appearance of a defendant in any criminal proceeding, the court must advise the defendant in open court that any foreign national who is arrested or detained has the right to have notice of the arrest or detention given to his or her country's consular representatives and the right to communicate with those consular representatives if the notice has not already been provided. The court must make a written record of so advising the defendant.

(e) If consular notification is not provided to a defendant before his or her first appearance in court, the court shall grant any reasonable request for a continuance of the proceedings to allow contact with the defendant's consulate. Any delay caused by the granting of the request by a defendant shall temporarily suspend for the time of the delay the period within which a person shall be tried as prescribed by subsections (a), (b), or (e) of Section 103-5 of this Code and on the day of the expiration of delay the period shall continue at the point at which it was suspended.

~~(f) At the hearing at which conditions of pretrial release are determined, the person charged shall be present in person rather than by two-way audio-video communication system unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the~~

~~circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.~~

~~(g) Defense counsel shall be given adequate opportunity to confer with the defendant prior to any hearing in which conditions of release or the detention of the defendant is to be considered, with a physical accommodation made to facilitate attorney/client consultation. If defense counsel needs to confer or consult with the defendant during any hearing conducted via a two-way audio-visual communication system, such consultation shall not be recorded and shall be undertaken consistent with constitutional protections.~~

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

(725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

Sec. 109-2. Person arrested in another county.

(a) Any person arrested in a county other than the one in which a warrant for his arrest was issued shall be taken without unnecessary delay before the nearest and most accessible judge in the county where the arrest was made or, if no additional delay is created, before the nearest and most

accessible judge in the county from which the warrant was issued. He shall be admitted to bail in the amount specified in the warrant or, for offenses other than felonies, in an amount as set by the judge, and such bail shall be conditioned on his appearing in the court issuing the warrant on a certain date. The judge may hold a hearing to determine if the defendant is the same person as named in the warrant.

(b) Notwithstanding the provisions of subsection (a), any person arrested in a county other than the one in which a warrant for his arrest was issued, may waive the right to be taken before a judge in the county where the arrest was made. If a person so arrested waives such right, the arresting agency shall surrender such person to a law enforcement agency of the county that issued the warrant without unnecessary delay. The provisions of Section 109-1 shall then apply to the person so arrested.

~~(c) If a person is taken before a judge in any county and a warrant for arrest issued by another Illinois county exists for that person, the court in the arresting county shall hold for that person a detention hearing under Section 110-6.1, or other hearing under Section 110-5 or Section 110-6.~~

~~(d) After the court in the arresting county has determined whether the person shall be released or detained on the arresting offense, the court shall then order the sheriff to immediately contact the sheriff in any county where any warrant is outstanding and notify them of the arrest of the~~

~~individual.~~

~~(c) If a person has a warrant in another county for an offense, then, no later than 5 calendar days after the end of any detention issued on the charge in the arresting county, the county where the warrant is outstanding shall do one of the following:~~

~~(1) transport the person to the county where the warrant was issued for a hearing under Section 110-6 or 110-6.1 in the matter for which the warrant was issued; or~~

~~(2) quash the warrant and order the person released on the case for which the warrant was issued only when the county that issued the warrant fails to transport the defendant in the timeline as proscribed.~~

~~(f) If the issuing county fails to take any action under subsection (c) within 5 calendar days, the defendant shall be released from custody on the warrant, and the circuit judge or associate circuit judge in the county of arrest shall set conditions of release under Section 110-5 and shall admit the defendant to pretrial release for his or her appearance before the court named in the warrant. Upon releasing the defendant, the circuit judge or associate circuit judge shall certify such a fact on the warrant and deliver the warrant and the acknowledgment by the defendant of his or her receiving the conditions of pretrial release to the officer having charge of the defendant from arrest and without delay deliver such warrant and such acknowledgment by the defendant of his or her~~

~~receiving the conditions to the court before which the defendant is required to appear.~~

~~(g) If a person has a warrant in another county, in lieu of transporting the person to the issuing county as outlined in subsection (e), the issuing county may hold the hearing by way of a two way audio visual communication system if the accused waives the right to be physically present in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.~~

~~(h) If more than 2 Illinois county warrants exist, the judge in the county of arrest shall order that the process described in subsections (d) through (f) occur in each county in whatever order the judge finds most appropriate. Each judge in each subsequent county shall then follow the rules in this Section.~~

~~(i) This Section applies only to warrants issued by Illinois state, county, or municipal courts.~~

~~(j) When an issuing agency is contacted by an out-of-state agency of a person arrested for any offense, or when an~~

~~arresting agency is contacted by or contacts an out-of-state issuing agency, the Uniform Criminal Extradition Act shall govern.~~

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

(725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

Sec. 109-3. Preliminary examination.

(a) The judge shall hold the defendant to answer to the court having jurisdiction of the offense if from the evidence it appears there is probable cause to believe an offense has been committed by the defendant, as provided in Section 109-3.1 of this Code, if the offense is a felony.

(b) If the defendant waives preliminary examination the judge shall hold him to answer and may, or on the demand of the prosecuting attorney shall, cause the witnesses for the State to be examined. After hearing the testimony if it appears that there is not probable cause to believe the defendant guilty of any offense the judge shall discharge him.

(c) During the examination of any witness or when the defendant is making a statement or testifying the judge may and on the request of the defendant or State shall exclude all other witnesses. He may also cause the witnesses to be kept separate and to be prevented from communicating with each other until all are examined.

(d) If the defendant is held to answer the judge may require any material witness for the State or defendant to

enter into a written undertaking to appear at the trial, and may provide for the forfeiture of a sum certain in the event the witness does not appear at the trial. Any witness who refuses to execute a recognizance may be committed by the judge to the custody of the sheriff until trial or further order of the court having jurisdiction of the cause. Any witness who executes a recognizance and fails to comply with its terms shall, in addition to any forfeiture provided in the recognizance, be subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of bail bond ~~commits a Class C misdemeanor~~.

(e) During preliminary hearing or examination the defendant may move for an order of suppression of evidence pursuant to Section 114-11 or 114-12 of this Act or for other reasons, and may move for dismissal of the charge pursuant to Section 114-1 of this Act or for other reasons.

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

(725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

Sec. 109-3.1. Persons charged with felonies.

(a) In any case involving a person charged with a felony in this State, alleged to have been committed on or after January 1, 1984, the provisions of this Section shall apply.

(b) Every person in custody in this State for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by

Grand Jury as provided in Section 111-2, within 30 days from the date he or she was taken into custody. Every person on bail or recognizance ~~released pretrial~~ for the alleged commission of a felony shall receive either a preliminary examination as provided in Section 109-3 or an indictment by Grand Jury as provided in Section 111-2, within 60 days from the date he or she was arrested.

The provisions of this paragraph shall not apply in the following situations:

(1) when delay is occasioned by the defendant; or

(2) when the defendant has been indicted by the Grand Jury on the felony offense for which he or she was initially taken into custody or on an offense arising from the same transaction or conduct of the defendant that was the basis for the felony offense or offenses initially charged; or

(3) when a competency examination is ordered by the court; or

(4) when a competency hearing is held; or

(5) when an adjudication of incompetency for trial has been made; or

(6) when the case has been continued by the court under Section 114-4 of this Code after a determination that the defendant is physically incompetent to stand trial.

(c) Delay occasioned by the defendant shall temporarily

suspend, for the time of the delay, the period within which the preliminary examination must be held. On the day of expiration of the delay the period in question shall continue at the point at which it was suspended.

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

(725 ILCS 5/Art. 110 heading)

ARTICLE 110. BAIL ~~PRETRIAL RELEASE~~

(725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

Sec. 110-1. Definitions. As used in this Article:

~~(a) (Blank).~~

"Security" is that which is required to be pledged to insure the payment of bail.

~~(b)~~ "Sureties" encompasses the monetary and nonmonetary requirements set by the court as conditions for release either before or after conviction. "Surety" is one who executes a bail bond and binds himself to pay the bail if the person in custody fails to comply with all conditions of the bail bond.

~~(c)~~ The phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction" means an offense for which a sentence of imprisonment ~~in the Department of Corrections~~, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction.

"Real and present threat to the physical safety of any

person or persons", as used in this Article, includes a threat to the community, person, persons or class of persons.

~~(d) (Blank).~~

~~(e) "Protective order" means any order of protection issued under Section 112A-14 of this Code or the Illinois Domestic Violence Act of 1986, a stalking no contact order issued under Section 80 of the Stalking No Contact Order Act, or a civil no contact order issued under Section 213 of the Civil No Contact Order Act.~~

~~(f) "Willful flight" means intentional conduct with a purpose to thwart the judicial process to avoid prosecution. Isolated instances of nonappearance in court alone are not evidence of the risk of willful flight. Reoccurrence and patterns of intentional conduct to evade prosecution, along with any affirmative steps to communicate or remedy any such missed court date, may be considered as factors in assessing future intent to evade prosecution.~~

(Source: P.A. 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23; 103-154, eff. 6-30-23.)

(725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

Sec. 110-2. Release on own recognizance ~~Pretrial release~~. When from all the circumstances the court is of the opinion that the defendant will appear as required either before or after conviction and the defendant will not pose a danger to any person or the community and that the defendant will comply

with all conditions of bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 of this Code regarding any change in his or her address, the defendant may be released on his or her own recognizance. The defendant's address shall at all times remain a matter of public record with the clerk of the court. A failure to appear as required by such recognizance shall constitute an offense subject to the penalty provided in Section 32-10 of the Criminal Code of 2012 for violation of the bail bond, and any obligated sum fixed in the recognizance shall be forfeited and collected in accordance with subsection (g) of Section 110-7.1 of this Code.

This Section shall be liberally construed to effectuate the purpose of relying upon contempt of court proceedings or criminal sanctions instead of financial loss to assure the appearance of the defendant, and that the defendant will not pose a danger to any person or the community and that the defendant will comply with all conditions of bond. Monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of bond.

The State may appeal any order permitting release by personal recognizance.

~~(a) All persons charged with an offense shall be eligible for pretrial release before conviction. It is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense, and complies with all terms of pretrial release, including, but not limited to, orders of protection under both Section 112A-4 of this Code and Section 214 of the Illinois Domestic Violence Act of 1986, all civil no contact orders, and all stalking no contact orders. Pretrial release may be denied only if a person is charged with an offense listed in Section 110-6.1 and after the court has held a hearing under Section 110-6.1, and in a manner consistent with subsections (b), (c), and (d) of this Section.~~

~~(b) At all pretrial hearings, the prosecution shall have the burden to prove by clear and convincing evidence that any condition of release is necessary.~~

~~(c) When it is alleged that pretrial release should be denied to a person upon the grounds that the person presents 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, the burden of proof of such allegations shall be upon the State.~~

~~(d) When it is alleged that pretrial release should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3, the~~

~~burden of proof of those allegations shall be upon the State.~~

~~(c) This Section shall be liberally construed to effectuate the purpose of relying on pretrial release by nonmonetary means to reasonably ensure an eligible person's appearance in court, the protection of the safety of any other person or the community, that the person will not attempt or obstruct the criminal justice process, and the person's compliance with all conditions of release, while authorizing the court, upon motion of a prosecutor, to order pretrial detention of the person under Section 110-6.1 when it finds clear and convincing evidence that no condition or combination of conditions can reasonably ensure the effectuation of these goals.~~

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

(725 ILCS 5/110-3.1 new)

Sec. 110-3.1. Issuance of warrant.

(a) Upon failure to comply with any condition of a bail bond or recognizance the court having jurisdiction at the time of such failure may, in addition to any other action provided by law, issue a warrant for the arrest of the person at liberty on bail or his own recognizance. The contents of such a warrant shall be the same as required for an arrest warrant issued upon complaint. When a defendant is at liberty on bail or his own recognizance on a felony charge and fails to appear in court as directed, the court shall issue a warrant for the arrest of

such person. Such warrant shall be noted with a directive to peace officers to arrest the person and hold such person without bail and to deliver such person before the court for further proceedings.

(b) A defendant who is arrested or surrenders within 30 days of the issuance of such warrant shall not be bailable in the case in question unless he shows by the preponderance of the evidence that his failure to appear was not intentional.

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

Sec. 110-5. Determining the amount of bail and conditions of release.

(a) In determining the amount of monetary bail or conditions of release, if any, which will reasonably assure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of bail, the court shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, whether the evidence shows that as part of the offense there was a use of violence or threatened use of violence, whether the offense involved corruption of public officials or employees, whether there was physical harm or threats of physical harm to any public official, public employee, judge, prosecutor, juror or witness, senior citizen, child, or person with a disability, whether evidence shows

that during the offense or during the arrest the defendant possessed or used a firearm, machine gun, explosive or metal piercing ammunition or explosive bomb device or any military or paramilitary armament, whether the evidence shows that the offense committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, the condition of the victim, any written statement submitted by the victim or proffer or representation by the State regarding the impact which the alleged criminal conduct has had on the victim and the victim's concern, if any, with further contact with the defendant if released on bail, whether the offense was based on racial, religious, sexual orientation or ethnic hatred, the likelihood of the filing of a greater charge, the likelihood of conviction, the sentence applicable upon conviction, the weight of the evidence against such defendant, whether there exists motivation or ability to flee, whether there is any verification as to prior residence, education, or family ties in the local jurisdiction, in another county, state or foreign country, the defendant's employment, financial resources, character and mental condition, past conduct, prior use of alias names or dates of birth, and length of residence in the community, the consent of the defendant to periodic drug testing in accordance with Section 110-6.5-1, whether a foreign national defendant is lawfully admitted in the United States of America, whether the

government of the foreign national maintains an extradition treaty with the United States by which the foreign government will extradite to the United States its national for a trial for a crime allegedly committed in the United States, whether the defendant is currently subject to deportation or exclusion under the immigration laws of the United States, whether the defendant, although a United States citizen, is considered under the law of any foreign state a national of that state for the purposes of extradition or non-extradition to the United States, the amount of unrecovered proceeds lost as a result of the alleged offense, the source of bail funds tendered or sought to be tendered for bail, whether from the totality of the court's consideration, the loss of funds posted or sought to be posted for bail will not deter the defendant from flight, whether the evidence shows that the defendant is engaged in significant possession, manufacture, or delivery of a controlled substance or cannabis, either individually or in consort with others, whether at the time of the offense charged he or she was on bond or pre-trial release pending trial, probation, periodic imprisonment or conditional discharge pursuant to this Code or the comparable Code of any other state or federal jurisdiction, whether the defendant is on bond or pre-trial release pending the imposition or execution of sentence or appeal of sentence for any offense under the laws of Illinois or any other state or federal jurisdiction, whether the defendant is under parole, aftercare

release, mandatory supervised release, or work release from the Illinois Department of Corrections or Illinois Department of Juvenile Justice or any penal institution or corrections department of any state or federal jurisdiction, the defendant's record of convictions, whether the defendant has been convicted of a misdemeanor or ordinance offense in Illinois or similar offense in other state or federal jurisdiction within the 10 years preceding the current charge or convicted of a felony in Illinois, whether the defendant was convicted of an offense in another state or federal jurisdiction that would be a felony if committed in Illinois within the 20 years preceding the current charge or has been convicted of such felony and released from the penitentiary within 20 years preceding the current charge if a penitentiary sentence was imposed in Illinois or other state or federal jurisdiction, the defendant's records of juvenile adjudication of delinquency in any jurisdiction, any record of appearance or failure to appear by the defendant at court proceedings, whether there was flight to avoid arrest or prosecution, whether the defendant escaped or attempted to escape to avoid arrest, whether the defendant refused to identify himself or herself, or whether there was a refusal by the defendant to be fingerprinted as required by law. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based upon reliable information offered by the State or defendant. All evidence

shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. If the State presents evidence that the offense committed by the defendant was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang, and if the court determines that the evidence may be substantiated, the court shall prohibit the defendant from associating with other members of the organized gang as a condition of bail or release. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(a-5) There shall be a presumption that any conditions of release imposed shall be non-monetary in nature and the court shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings and protect the integrity of the judicial proceedings from a specific threat to a witness or participant. Conditions of release may include, but not be limited to, electronic home monitoring, curfews, drug counseling, stay-away orders, and in-person reporting. The court shall consider the defendant's socio-economic circumstance when setting conditions of release or imposing monetary bail.

(b) The amount of bail shall be:

(1) Sufficient to assure compliance with the conditions set forth in the bail bond, which shall include the defendant's current address with a written admonishment to the defendant that he or she must comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of public record with the clerk of the court.

(2) Not oppressive.

(3) Considerate of the financial ability of the accused.

(4) When a person is charged with a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, the full street value of the drugs seized shall be considered. "Street value" shall be determined by the court on the basis of a proffer by the State based upon reliable information of a law enforcement official contained in a written report as to the amount seized and such proffer may be used by the court as to the current street value of the smallest unit of the drug seized.

(b-5) Upon the filing of a written request demonstrating reasonable cause, the State's Attorney may request a source of

bail hearing either before or after the posting of any funds. If the hearing is granted, before the posting of any bail, the accused must file a written notice requesting that the court conduct a source of bail hearing. The notice must be accompanied by justifying affidavits stating the legitimate and lawful source of funds for bail. At the hearing, the court shall inquire into any matters stated in any justifying affidavits, and may also inquire into matters appropriate to the determination which shall include, but are not limited to, the following:

(1) the background, character, reputation, and relationship to the accused of any surety; and

(2) the source of any money or property deposited by any surety, and whether any such money or property constitutes the fruits of criminal or unlawful conduct; and

(3) the source of any money posted as cash bail, and whether any such money constitutes the fruits of criminal or unlawful conduct; and

(4) the background, character, reputation, and relationship to the accused of the person posting cash bail.

Upon setting the hearing, the court shall examine, under oath, any persons who may possess material information.

The State's Attorney has a right to attend the hearing, to call witnesses and to examine any witness in the proceeding.

The court shall, upon request of the State's Attorney, continue the proceedings for a reasonable period to allow the State's Attorney to investigate the matter raised in any testimony or affidavit. If the hearing is granted after the accused has posted bail, the court shall conduct a hearing consistent with this subsection (b-5). At the conclusion of the hearing, the court must issue an order either approving or disapproving the bail.

(c) When a person is charged with an offense punishable by fine only the amount of the bail shall not exceed double the amount of the maximum penalty.

(d) When a person has been convicted of an offense and only a fine has been imposed the amount of the bail shall not exceed double the amount of the fine.

(e) The State may appeal any order granting bail or setting a given amount for bail.

(f) When a person is charged with a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 or when a person is charged with domestic battery, aggravated domestic battery, kidnapping, aggravated kidnaping, unlawful restraint, aggravated unlawful restraint, stalking, aggravated stalking, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against an intimate partner regardless whether an order of protection has been issued against the

person,

(1) whether the alleged incident involved harassment or abuse, as defined in the Illinois Domestic Violence Act of 1986;

(2) whether the person has a history of domestic violence, as defined in the Illinois Domestic Violence Act, or a history of other criminal acts;

(3) based on the mental health of the person;

(4) whether the person has a history of violating the orders of any court or governmental entity;

(5) whether the person has been, or is, potentially a threat to any other person;

(6) whether the person has access to deadly weapons or a history of using deadly weapons;

(7) whether the person has a history of abusing alcohol or any controlled substance;

(8) based on the severity of the alleged incident that is the basis of the alleged offense, including, but not limited to, the duration of the current incident, and whether the alleged incident involved the use of a weapon, physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;

(9) whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently

occurred or is pending;

(10) whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including, but not limited to, stalking, surveillance, or isolation of the alleged victim or victim's family member or members;

(11) whether the person has expressed suicidal or homicidal ideations;

(12) based on any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint;

the court may, in its discretion, order the respondent to undergo a risk assessment evaluation using a recognized, evidence-based instrument conducted by an Illinois Department of Human Services approved partner abuse intervention program provider, pretrial service, probation, or parole agency. These agencies shall have access to summaries of the defendant's criminal history, which shall not include victim interviews or information, for the risk evaluation. Based on the information collected from the 12 points to be considered at a bail hearing under this subsection (f), the results of any risk evaluation conducted and the other circumstances of the violation, the court may order that the person, as a condition of bail, be placed under electronic surveillance as provided in Section 5-8A-7 of the Unified Code of Corrections. Upon making a determination whether or not to order the respondent to

undergo a risk assessment evaluation or to be placed under electronic surveillance and risk assessment, the court shall document in the record the court's reasons for making those determinations. The cost of the electronic surveillance and risk assessment shall be paid by, or on behalf, of the defendant. As used in this subsection (f), "intimate partner" means a spouse or a current or former partner in a cohabitation or dating relationship.

~~(a) In determining which conditions of pretrial release, if any, will reasonably ensure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of pretrial release, the court shall, on the basis of available information, take into account such matters as:~~

~~(1) the nature and circumstances of the offense charged;~~

~~(2) the weight of the evidence against the defendant, except that the court may consider the admissibility of any evidence sought to be excluded;~~

~~(3) the history and characteristics of the defendant, including:~~

~~(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, history criminal history, and record~~

~~concerning appearance at court proceedings; and~~

~~(B) whether, at the time of the current offense or arrest, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;~~

~~(4) the nature and seriousness of the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, that would be posed by the defendant's release, if applicable, as required under paragraph (7.5) of Section 4 of the Rights of Crime Victims and Witnesses Act;~~

~~(5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the defendant's release, if applicable;~~

~~(6) when a person is charged with a violation of a protective order, domestic battery, aggravated domestic battery, kidnapping, aggravated kidnaping, unlawful restraint, aggravated unlawful restraint, cyberstalking, harassment by telephone, harassment through electronic communications, or an attempt to commit first degree murder committed against a spouse or a current or former partner in a cohabitation or dating relationship, regardless of whether an order of protection has been issued against the person, the court may consider the

~~following additional factors:~~

~~(A) whether the alleged incident involved harassment or abuse, as defined in the Illinois Domestic Violence Act of 1986;~~

~~(B) whether the person has a history of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, or a history of other criminal acts;~~

~~(C) the mental health of the person;~~

~~(D) whether the person has a history of violating the orders of any court or governmental entity;~~

~~(E) whether the person has been, or is, potentially a threat to any other person;~~

~~(F) whether the person has access to deadly weapons or a history of using deadly weapons;~~

~~(G) whether the person has a history of abusing alcohol or any controlled substance;~~

~~(H) the severity of the alleged incident that is the basis of the alleged offense, including, but not limited to, the duration of the current incident, and whether the alleged incident involved the use of a weapon, physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;~~

~~(I) whether a separation of the person from the victim of abuse or a termination of the relationship~~

~~between the person and the victim of abuse has recently occurred or is pending;~~

~~(J) whether the person has exhibited obsessive or controlling behaviors toward the victim of abuse, including, but not limited to, stalking, surveillance, or isolation of the victim of abuse or the victim's family member or members;~~

~~(K) whether the person has expressed suicidal or homicidal ideations; and~~

~~(L) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of that behavior.~~

~~(7) in cases of stalking or aggravated stalking under Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the court may consider the factors listed in paragraph (6) and the following additional factors:~~

~~(A) any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior; the evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations, or other proceedings;~~

~~(B) any evidence of the defendant's psychological, psychiatric, or other similar social history that tends to indicate a violent, abusive, or assaultive~~

~~nature, or lack of any such history;~~

~~(C) the nature of the threat that is the basis of the charge against the defendant;~~

~~(D) any statements made by, or attributed to, the defendant, together with the circumstances surrounding them;~~

~~(E) the age and physical condition of any person allegedly assaulted by the defendant;~~

~~(F) whether the defendant is known to possess or have access to any weapon or weapons; and~~

~~(G) any other factors deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of that behavior.~~

~~(b) The court may use a regularly validated risk assessment tool to aid its determination of appropriate conditions of release as provided under Section 110-6.4. If a risk assessment tool is used, the defendant's counsel shall be provided with the information and scoring system of the risk assessment tool used to arrive at the determination. The defendant retains the right to challenge the validity of a risk assessment tool used by the court and to present evidence relevant to the defendant's challenge.~~

~~(c) The court shall impose any conditions that are mandatory under subsection (a) of Section 110-10. The court may impose any conditions that are permissible under~~

~~subsection (b) of Section 110-10. The conditions of release imposed shall be the least restrictive conditions or combination of conditions necessary to reasonably ensure the appearance of the defendant as required or the safety of any other person or persons or the community.~~

~~(d) When a person is charged with a violation of a protective order, the court may order the defendant placed under electronic surveillance as a condition of pretrial release, as provided in Section 5-8A-7 of the Unified Code of Corrections, based on the information collected under paragraph (6) of subsection (a) of this Section, the results of any assessment conducted, or other circumstances of the violation.~~

~~(e) If a person remains in pretrial detention 48 hours after having been ordered released with pretrial conditions, the court shall hold a hearing to determine the reason for continued detention. If the reason for continued detention is due to the unavailability or the defendant's ineligibility for one or more pretrial conditions previously ordered by the court or directed by a pretrial services agency, the court shall reopen the conditions of release hearing to determine what available pretrial conditions exist that will reasonably ensure the appearance of a defendant as required, the safety of any other person, and the likelihood of compliance by the defendant with all the conditions of pretrial release. The inability of the defendant to pay for a condition of release or~~

~~any other ineligibility for a condition of pretrial release shall not be used as a justification for the pretrial detention of that defendant.~~

~~(f) Prior to the defendant's first appearance, and with sufficient time for meaningful attorney client contact to gather information in order to advocate effectively for the defendant's pretrial release, the court shall appoint the public defender or a licensed attorney at law of this State to represent the defendant for purposes of that hearing, unless the defendant has obtained licensed counsel. Defense counsel shall have access to the same documentary information relied upon by the prosecution and presented to the court.~~

~~(f-5) At each subsequent appearance of the defendant before the court, the judge must find that the current conditions imposed are necessary to reasonably ensure the appearance of the defendant as required, the safety of any other person, and the compliance of the defendant with all the conditions of pretrial release. The court is not required to be presented with new information or a change in circumstance to remove pretrial conditions.~~

~~(g) Electronic monitoring, GPS monitoring, or home confinement can only be imposed as a condition of pretrial release if a no less restrictive condition of release or combination of less restrictive condition of release would reasonably ensure the appearance of the defendant for later hearings or protect an identifiable person or persons from~~

~~imminent threat of serious physical harm.~~

~~(h) If the court imposes electronic monitoring, GPS monitoring, or home confinement, the court shall set forth in the record the basis for its finding. A defendant shall be given custodial credit for each day he or she was subjected to home confinement, at the same rate described in subsection (b) of Section 5-4.5-100 of the Unified Code of Corrections. The court may give custodial credit to a defendant for each day the defendant was subjected to GPS monitoring without home confinement or electronic monitoring without home confinement.~~

~~(i) If electronic monitoring, GPS monitoring, or home confinement is imposed, the court shall determine every 60 days if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. If the court finds that there are less restrictive conditions of release, the court shall order that the condition be removed. This subsection takes effect January 1, 2022.~~

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

~~(k) The State and defendants may appeal court orders imposing conditions of pretrial release.~~

(Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

(725 ILCS 5/110-5.2)

Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial detainee.

(a) It is the policy of this State that a pre-trial detainee shall not be required to deliver a child while in custody absent a finding by the court that continued pre-trial custody is necessary to protect the public or the victim of the offense on which the charge is based ~~alleviate 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 prevent the defendant's willful flight~~.

(b) If the court reasonably believes that a pre-trial detainee will give birth while in custody, the court shall order an alternative to custody unless, after a hearing, the court determines:

(1) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of the alleged victim of the offense and continuing custody is necessary to prevent the fulfillment of the threat upon which the charge is based; or ~~the~~

~~pregnant pretrial detainee is charged with an offense for which pretrial release may be denied under Section 110-6.1; and~~

(2) that the release of the pregnant pre-trial detainee would pose a real and present threat to the physical safety of any person or persons or the general public ~~after a hearing under Section 110-6.1 that considers the circumstances of the pregnancy, the court determines that continued detention is the only way to prevent 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 prevent the defendant's willful flight~~.

(c) The court may order a pregnant or post-partum detainee to be subject to electronic monitoring as a condition of pre-trial release or order other condition or combination of conditions the court reasonably determines are in the best interest of the detainee and the public. ~~Electronic Monitoring may be ordered by the court only if no less restrictive condition of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm. All pregnant people or those who have given birth within 6 weeks shall be granted ample movement to attend doctor's appointments and for emergencies~~

~~related to the health of the pregnancy, infant, or postpartum person.~~

(d) This Section shall be applicable to a pregnant pre-trial detainee in custody on or after the effective date of this amendatory Act of the 100th General Assembly.

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

(725 ILCS 5/110-6)

Sec. 110-6. Modification of bail or conditions ~~Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release~~.

(a) Upon verified application by the State or the defendant or on its own motion the court before which the proceeding is pending may increase or reduce the amount of bail or may alter the conditions of the bail bond or grant bail where it has been previously revoked or denied. If bail has been previously revoked pursuant to subsection (f) of this Section or if bail has been denied to the defendant pursuant to subsection (e) of Section 110-6.1 or subsection (e) of Section 110-6.3-1, the defendant shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the previous revocation or denial of bail proceedings. If the court grants bail where it has been previously revoked or denied, the court shall state on the record of the proceedings the findings of facts and

conclusion of law upon which such order is based.

(a-5) In addition to any other available motion or procedure under this Code, a person in custody solely for a Category B offense due to an inability to post monetary bail shall be brought before the court at the next available court date or 7 calendar days from the date bail was set, whichever is earlier, for a rehearing on the amount or conditions of bail or release pending further court proceedings. The court may reconsider conditions of release for any other person whose inability to post monetary bail is the sole reason for continued incarceration, including a person in custody for a Category A offense or a Category A offense and a Category B offense. The court may deny the rehearing permitted under this subsection (a-5) if the person has failed to appear as required before the court and is incarcerated based on a warrant for failure to appear on the same original criminal offense.

(b) Violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court shall constitute grounds for the court to increase the amount of bail, or otherwise alter the conditions of bail, or, where the alleged offense committed on bail is a forcible felony in Illinois or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, revoke bail pursuant to the appropriate provisions of subsection (e)

of this Section.

(c) Reasonable notice of such application by the defendant shall be given to the State.

(d) Reasonable notice of such application by the State shall be given to the defendant, except as provided in subsection (e).

(e) Upon verified application by the State stating facts or circumstances constituting a violation or a threatened violation of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. If the actual court before which the proceeding is pending is absent or otherwise unavailable another court may issue a warrant pursuant to this Section. When the defendant is charged with a felony offense and while free on bail is charged with a subsequent felony offense and is the subject of a proceeding set forth in Section 109-1 or 109-3 of this Code, upon the filing of a verified petition by the State alleging a violation of Section 110-10 (a) (4) of this Code, the court shall without prior notice to the defendant, grant leave to file such application and shall order the transfer of the defendant and the application without unnecessary delay to the court before which the previous felony matter is pending for a hearing as provided in subsection (b) or this subsection of this Section. The defendant shall be held without bond pending

transfer to and a hearing before such court. At the conclusion of the hearing based on a violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court, the court may enter an order increasing the amount of bail or alter the conditions of bail as deemed appropriate.

(f) Where the alleged violation consists of the violation of one or more felony statutes of any jurisdiction which would be a forcible felony in Illinois or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and the defendant is on bail for the alleged commission of a felony, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery against the same victim the court shall, on the motion of the State or its own motion, revoke bail in accordance with the following provisions:

(1) The court shall hold the defendant without bail

pending the hearing on the alleged breach; however, if the defendant is not admitted to bail the hearing shall be commenced within 10 days from the date the defendant is taken into custody or the defendant may not be held any longer without bail, unless delay is occasioned by the defendant. Where defendant occasions the delay, the running of the 10 day period is temporarily suspended and resumes at the termination of the period of delay. Where defendant occasions the delay with 5 or fewer days remaining in the 10 day period, the court may grant a period of up to 5 additional days to the State for good cause shown. The State, however, shall retain the right to proceed to hearing on the alleged violation at any time, upon reasonable notice to the defendant and the court.

(2) At a hearing on the alleged violation the State has the burden of going forward and proving the violation by clear and convincing evidence. The evidence shall be presented in open court with the opportunity to testify, to present witnesses in his behalf, and to cross-examine witnesses if any are called by the State, and representation by counsel and if the defendant is indigent to have counsel appointed for him. The rules of evidence applicable in criminal trials in this State shall not govern the admissibility of evidence at such hearing. Information used by the court in its findings or stated in or offered in connection with hearings for increase or

revocation of bail may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained at such a hearing. Evidence that proof may have been obtained as a result of an unlawful search and seizure or through improper interrogation is not relevant to this hearing.

(3) Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has committed a forcible felony or a Class 2 or greater offense under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act while admitted to bail, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic

battery, against the same victim, the court shall revoke the bail of the defendant and hold the defendant for trial without bail. Neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code or in a perjury proceeding.

(4) If the bail of any defendant is revoked pursuant to paragraph (f) (3) of this Section, the defendant may demand and shall be entitled to be brought to trial on the offense with respect to which he was formerly released on bail within 90 days after the date on which his bail was revoked. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(5) If the defendant either is arrested on a warrant issued pursuant to this Code or is arrested for an unrelated offense and it is subsequently discovered that the defendant is a subject of another warrant or warrants issued pursuant to this Code, the defendant shall be transferred promptly to the court which issued such warrant. If, however, the defendant appears initially before a court other than the court which issued such

warrant, the non-issuing court shall not alter the amount of bail set on such warrant unless the court sets forth on the record of proceedings the conclusions of law and facts which are the basis for such altering of another court's bond. The non-issuing court shall not alter another court's bail set on a warrant unless the interests of justice and public safety are served by such action.

(g) The State may appeal any order where the court has increased or reduced the amount of bail or altered the conditions of the bail bond or granted bail where it has previously been revoked.

~~(a) When a defendant has previously been granted pretrial release under this Section 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.~~

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

~~Upon the filing of a petition or upon motion of the court seeking revocation, the court shall order the transfer of the~~

~~defendant and the petition or motion to the court before which the previous felony or Class A misdemeanor is pending. The defendant may be held in custody pending transfer to and a hearing before such court. The defendant shall be transferred to the court before which the previous matter is pending without unnecessary delay, and the revocation hearing shall occur within 72 hours of the filing of the State's petition or the court's motion for revocation.~~

~~A hearing at which pretrial release may be revoked must be conducted in person (and not by way of two way audio visual communication) unless the accused waives the right to be present physically in court, the court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the chief judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person. Such operational challenges must be documented and approved by the chief judge of the circuit, and a plan to address the challenges through reasonable efforts must be presented and approved by the Administrative Office of the Illinois Courts every 6 months.~~

~~The court before which the previous felony matter or Class A misdemeanor is pending may revoke the defendant's pretrial release after a hearing. During the hearing for revocation, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence~~

~~in mitigation. The court shall consider all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged. The State shall bear the burden of proving, by clear and convincing evidence, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.~~

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

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

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

~~(b) If a defendant previously has been granted pretrial release under this Section for a Class B or Class C misdemeanor offense, a petty or business offense, or an ordinance~~

~~violation and if the defendant is subsequently charged with a felony that is alleged to have occurred during the defendant's pretrial release or a Class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release, such pretrial release may not be revoked, but the court may impose sanctions under subsection (c).~~

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

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

~~(2) is charged with a felony or Class A misdemeanor offense that is alleged to have occurred during the defendant's pretrial release after having been 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) 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;~~

~~(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 Victims and Witnesses Act.~~

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

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

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

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

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

Sec. 110-6.1. Denial of bail ~~pretrial release~~.

(a) Upon verified petition by the State, the court shall hold a hearing to determine whether bail should be denied to a defendant who is charged with a felony offense for which a sentence of imprisonment, without probation, periodic imprisonment, or conditional discharge, is required by law upon conviction, when it is alleged that the defendant's admission to bail poses a real and present threat to the physical safety of any person or persons.

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the defendant if previously released shall not be detained.

(2) The hearing shall be held immediately upon the

defendant's appearance before the court, unless for good cause shown the defendant or the State seeks a continuance. A continuance on motion of the defendant may not exceed 5 calendar days, and a continuance on the motion of the State may not exceed 3 calendar days. The defendant may be held in custody during such continuance.

(b) The court may deny bail to the defendant where, after the hearing, it is determined that:

(1) the proof is evident or the presumption great that the defendant has committed an offense for which a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, must be imposed by law as a consequence of conviction, and

(2) the defendant poses a real and present threat to the physical safety of any person or persons, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, physical harm, an offense under the Illinois Controlled Substances Act which is a Class X felony, or an offense under the Methamphetamine Control and Community Protection Act which is a Class X felony, and

(3) the court finds that no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article, can reasonably assure the physical safety of any other person or persons.

(c) Conduct of the hearings.

(1) The hearing on the defendant's culpability and dangerousness shall be conducted in accordance with the following provisions:

(A) Information used by the court in its findings or stated in or offered at such hearing may be by way of proffer based upon reliable information offered by the State or by defendant. Defendant has the right to be represented by counsel, and if he is indigent, to have counsel appointed for him. Defendant shall have the opportunity to testify, to present witnesses in his own behalf, and to cross-examine witnesses if any are called by the State. The defendant has the right to present witnesses in his favor. When the ends of justice so require, the court may exercise its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well-being of the witness. The pre-trial detention hearing is not to be used for purposes of discovery, and the post

arraignment rules of discovery do not apply. The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State in its petition. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code, or in a perjury proceeding.

(B) A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained. Evidence that proof may have been obtained as the result of an unlawful search and seizure or through improper interrogation is not relevant to this state of the prosecution.

(2) The facts relied upon by the court to support a finding that the defendant poses a real and present threat to the physical safety of any person or persons shall be supported by clear and convincing evidence presented by the State.

(d) Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses a real and present threat to the physical safety of any person or persons, consider but shall not be limited to evidence or testimony concerning:

(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon.

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

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

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

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

(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;

(5) The age and physical condition of any person assaulted by the defendant;

(6) Whether the defendant is known to possess or have access to any weapon or weapons;

(7) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law;

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

(e) Detention order. The court shall, in any order for detention:

(1) briefly summarize the evidence of the defendant's culpability and its reasons for concluding that the defendant should be held without bail;

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

(3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his choice by visitation,

mail and telephone; and

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

(f) If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(g) Rights of the defendant. Any person shall be entitled to appeal any order entered under this Section denying bail to the defendant.

(h) The State may appeal any order entered under this Section denying any motion for denial of bail.

(i) Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings.

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

~~(1) the defendant is charged with a felony offense~~

~~other than a forcible felony for which, based on the charge or the defendant's criminal history, a sentence of imprisonment, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction, and it is alleged that the defendant's pretrial release poses 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;~~

~~(1.5) the defendant's pretrial release poses 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, and the defendant is charged with a forcible felony, which as used in this Section, means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated robbery, robbery, burglary where there is use of force against another person, residential burglary, home invasion, vehicular invasion, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement or any other felony which involves the threat of or infliction of great bodily harm or permanent disability or disfigurement;~~

~~(2) the defendant is charged with stalking or aggravated stalking, and it is alleged that the~~

~~defendant's pre-trial release poses a real and present threat to the safety of a victim of the alleged offense, and denial of release is necessary to prevent fulfillment of the threat upon which the charge is based;~~

~~(3) the defendant is charged with a violation of an order of protection issued under Section 112A-14 of this Code or Section 214 of the Illinois Domestic Violence Act of 1986, a stalking no contact order under Section 80 of the Stalking No Contact Order Act, or of a civil no contact order under Section 213 of the Civil No Contact Order Act, and it is alleged that the defendant's pretrial release poses 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;~~

~~(4) the defendant is charged with domestic battery or aggravated domestic battery under Section 12-3.2 or 12-3.3 of the Criminal Code of 2012 and it is alleged that the defendant's pretrial release poses 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;~~

~~(5) the defendant is charged with any offense under Article 11 of the Criminal Code of 2012, except for Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35, 11-40, and 11-45 of the Criminal Code of 2012, or similar provisions of the Criminal Code of 1961 and it is alleged~~

~~that the defendant's pretrial release poses 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;~~

~~(6) the defendant is charged with any of the following offenses under the Criminal Code of 2012, and it is alleged that the defendant's pretrial release poses 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:~~

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

~~(B) Section 24-2.5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or use for silencing the report of a firearm);~~

~~(C) Section 24 1.5 (reckless discharge of a firearm);~~

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

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

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

~~(C) Section 24-3.3 (unlawful sale or delivery of firearms on the premises of any school);~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(U) Section 10-3.1 (aggravated unlawful~~

~~restraint);~~

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

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

~~(6.5) the defendant is charged with any of the following offenses, and it is alleged that the defendant's pretrial release poses 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:~~

~~(A) Felony violations of Sections 3.01, 3.02, or 3.03 of the Humane Care for Animals Act (cruel treatment, aggravated cruelty, and animal torture);~~

~~(B) Subdivision (d)(1)(B) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence while operating a school bus with passengers);~~

~~(C) Subdivision (d)(1)(C) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence causing great bodily harm);~~

~~(D) Subdivision (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence after a previous reckless homicide conviction);~~

~~(E) Subdivision (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the~~

~~influence leading to death); or~~

~~(F) Subdivision (d)(1)(J) of Section 11-501 of the Illinois Vehicle Code (aggravated driving under the influence that resulted in bodily harm to a child under the age of 16);~~

~~(7) the defendant is charged with an attempt to commit any charge listed in paragraphs (1) through (6.5), and it is alleged that the defendant's pretrial release poses 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~~

~~(8) the person has a high likelihood of willful flight to avoid prosecution and is charged with:~~

~~(A) Any felony described in subdivisions (a)(1) through (a)(7) of this Section; or~~

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

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

~~(c) Timing of petition.~~

~~(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the defendant if previously released shall not be detained.~~

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

~~(d) Contents of petition.~~

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

~~(2) If the State seeks to file a second or subsequent petition under this Section, the State shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the filing of the previous petition.~~

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

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

~~(2) for offenses listed in paragraphs (1) through (7) of subsection (a), the defendant poses 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, by conduct which may include, but is not limited to, a forcible felony, the obstruction of justice, intimidation, injury, or abuse as defined by paragraph (1) of Section 103 of the Illinois Domestic Violence Act of 1986, and~~

~~(3) no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Article can mitigate (i) the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, for offenses listed in paragraphs (1) through (7) of subsection (a), or~~

~~(ii) the defendant's willful flight for offenses listed in paragraph (8) of subsection (a), and~~

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

~~(f) Conduct of the hearings.~~

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

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

~~(3) The defendant has the right to be represented by counsel, and if he or she is indigent, to have counsel appointed for him or her. The defendant shall have the opportunity to testify, to present witnesses on his or her own behalf, and to cross-examine any witnesses that are~~

~~called by the State. Defense counsel shall be given adequate opportunity to confer with the defendant before any hearing at which conditions of release or the detention of the defendant are to be considered, with an accommodation for a physical condition made to facilitate attorney/client consultation. If defense counsel needs to confer or consult with the defendant during any hearing conducted via a two way audio visual communication system, such consultation shall not be recorded and shall be undertaken consistent with constitutional protections.~~

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

~~(4) If the defense seeks to compel the complaining witness to testify as a witness in its favor, it shall~~

~~petition the court for permission. When the ends of justice so require, the court may exercise its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness only on the issue of the defendant's pretrial detention. In making a determination under this Section, the court shall state on the record the reason for granting a defense request to compel the presence of a complaining witness, and only grant the request if the court finds by clear and convincing evidence that the defendant will be materially prejudiced if the complaining witness does not appear. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well being of the witness. The pre-trial detention hearing is not to be used for purposes of discovery, and the post arraignment rules of discovery do not apply. The State shall tender to the defendant, prior to the hearing, copies, if any, of the defendant's criminal history, if available, and any written or recorded statements and the substance of any oral statements made by any person, if in the State's~~

~~Attorney's possession at the time of the hearing.~~

~~(5) The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115 10.1 of this Code, or in a perjury proceeding.~~

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

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

~~(g) Factors to be considered in making a determination of dangerousness. The court may, in determining whether the defendant poses 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, consider, but shall not be~~

~~limited to, evidence or testimony concerning:~~

~~(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon, or a sex offense.~~

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

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

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

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

~~(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them.~~

~~(5) The age and physical condition of the defendant.~~

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

~~(7) Whether the defendant is known to possess or have~~

~~access to any weapon or weapons.~~

~~(8) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law.~~

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

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

~~(1) make a written finding summarizing the court's reasons for concluding that the defendant should be denied pretrial release, including why less restrictive conditions would not avoid 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 prevent the defendant's willful flight from prosecution;~~

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

~~(3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for~~

~~communication with others of his or her choice by visitation, mail and telephone; and~~

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

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

~~(i-5) At each subsequent appearance of the defendant before the court, the judge must find that continued detention is necessary to avoid 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 to prevent the defendant's willful flight from prosecution.~~

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

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

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

~~(m) Interest of victims.~~

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

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

(Source: P.A. 102-1104, eff. 1-1-23; 103-822, eff. 1-1-25; revised 10-23-24.)

(725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

Sec. 110-6.2. Post-conviction detention.

(a) The court may order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence be held without bond ~~release~~ unless the court finds by clear and convincing evidence that the person

is not likely to flee or pose a danger to any other person or the community if released under Sections 110-5 and 110-10 of this Act.

(b) The court may order that person who has been found guilty of an offense and sentenced to a term of imprisonment be held without bond ~~release~~ unless the court finds by clear and convincing evidence that:

(1) the person is not likely to flee or pose a danger to the safety of any other person or the community if released on bond pending appeal; and

(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/110-6.4)

Sec. 110-6.4. Statewide risk-assessment tool. The Supreme Court may establish a statewide risk-assessment tool to be used in proceedings to assist the court in establishing bail ~~conditions of pretrial release~~ for a defendant by assessing the defendant's likelihood of appearing at future court proceedings or determining if the defendant poses a real and present threat to the physical safety of any person or persons. The Supreme Court shall consider establishing a risk-assessment tool that does not discriminate on the basis of race, gender, educational level, socio-economic status, or

neighborhood. If a risk-assessment tool is utilized within a circuit that does not require a personal interview to be completed, the Chief Judge of the circuit or the director of the pretrial services agency may exempt the requirement under Section 9 and subsection (a) of Section 7 of the Pretrial Services Act.

For the purpose of this Section, "risk-assessment tool" means an empirically validated, evidence-based screening instrument that demonstrates reduced instances of a defendant's failure to appear for further court proceedings or prevents future criminal activity.

(Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18; 101-652, eff. 1-1-23.)

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of bail bond ~~pretrial release~~.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond ~~pretrial release~~ shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

(2) Submit himself or herself to the orders and process of the court;

(3) (Blank);

(3.1) Not depart this State without leave of the court;

(4) Not violate any criminal statute of any jurisdiction;

(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; if the Firearm Owner's Identification Card is confiscated, the clerk of the circuit court shall mail the confiscated card to the Illinois State Police; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity;

and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail ~~pretrial release~~ under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail ~~pretrial release~~, pursuant to Section 110-6 of this Code. The court may change the conditions of bail ~~pretrial release~~ to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the

psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

(1) Report to or appear in person before such person or agency as the court may direct;

(2) Refrain from possessing a firearm or other dangerous weapon;

(3) Refrain from approaching or communicating with particular persons or classes of persons;

(4) Refrain from going to certain described geographical areas or premises;

(5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;

(6) Undergo treatment for drug addiction or alcoholism;

(7) Undergo medical or psychiatric treatment;

(8) Work or pursue a course of study or vocational training;

(9) Attend or reside in a facility designated by the court;

(10) Support his or her dependents;

(11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;

(12) Observe any curfew ordered by the court;

(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond

home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any

additional charges or fees for late payment, interest, or damage to any device;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic

monitoring of offenders with regard to drug-related and alcohol-related offenses, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device;

(14.3) The Chief Judge of the Judicial Circuit may establish reasonable fees to be paid by a person receiving pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, DNA testing, GPS electronic monitoring, assessments and evaluations related to domestic violence and other victims, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

(14.4) For persons charged with violating Section

11-501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock device, as defined in Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;

(16) Under Section 110-6.5-1 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

~~(b) Additional conditions of release shall be set only when it is determined that they are necessary to ensure the defendant's appearance in court, ensure the defendant does not commit any criminal offense, ensure the defendant complies with all conditions of pretrial release, prevent the defendant's unlawful interference with the orderly administration of justice, or ensure compliance with the rules~~

~~and procedures of problem solving courts. However, conditions shall include the least restrictive means and be individualized. Conditions shall not mandate rehabilitative services unless directly tied to the risk of pretrial misconduct. Conditions of supervision shall not include punitive measures such as community service work or restitution. Conditions may include the following:~~

~~(0.05) Not depart this State without leave of the court;~~

~~(1) Report to or appear in person before such person or agency as the court may direct;~~

~~(2) Refrain from possessing a firearm or other dangerous weapon;~~

~~(3) Refrain from approaching or communicating with particular persons or classes of persons;~~

~~(4) Refrain from going to certain described geographic areas or premises;~~

~~(5) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;~~

~~(6) For persons charged with violating Section 11-501 of the Illinois Vehicle Code, refrain from operating a motor vehicle not equipped with an ignition interlock~~

~~device, as defined in Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules promulgated by the Secretary of State for the installation of ignition interlock devices. Under this condition the court may allow a defendant who is not self employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment;~~

~~(7) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory;~~

~~(8) Sign a written admonishment requiring that he or she comply with the provisions of Section 110-12 regarding any change in his or her address. The defendant's address shall at all times remain a matter of record with the clerk of the court; and~~

~~(9) Such other reasonable conditions as the court may impose, so long as these conditions are the least restrictive means to achieve the goals listed in subsection (b), are individualized, and are in accordance with national best practices as detailed in the Pretrial Supervision Standards of the Supreme Court.~~

~~The defendant shall receive verbal and written notification of conditions of pretrial release and future~~

~~court dates, including the date, time, and location of court.~~

(c) When a person is charged with an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his or her recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the household.

2. Make payment of temporary support to his dependents.

3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

(1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and

(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond ~~pretrial release~~ forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond ~~pretrial release~~ as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail ~~released after conviction following appeal or other post-conviction proceeding~~, the conditions of the bail bond ~~pretrial release~~ shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

(1) Duly prosecute his appeal;

(2) Appear at such time and place as the court may direct;

(3) Not depart this State without leave of the court;

(4) Comply with such other reasonable conditions as the court may impose; and

(5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed ~~released~~.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place

designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond ~~being released~~ pending sentencing.

(h) In the event the defendant is unable to post bond, the court may impose a no contact provision with the victim or other interested party that shall be enforced while the defendant remains in custody.

(Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

(725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

Sec. 110-11. Bail ~~Pretrial release~~ on a new trial. If the judgment of conviction is reversed and the cause remanded for a new trial the trial court may order that the bail ~~conditions of pretrial release~~ stand pending such trial, or reduce or increase bail ~~modify the conditions of pretrial release~~.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

Sec. 110-12. Notice of change of address. A defendant who has been admitted to bail ~~pretrial release~~ shall file a written notice with the clerk of the court before which the proceeding is pending of any change in his or her address within 24 hours after such change, except that a defendant who has been admitted to bail ~~pretrial release~~ for a forcible

felony as defined in Section 2-8 of the Criminal Code of 2012 shall file a written notice with the clerk of the court before which the proceeding is pending and the clerk shall immediately deliver a time stamped copy of the written notice to the State's Attorney ~~prosecutor~~ charged with the prosecution within 24 hours prior to such change. The address of a defendant who has been admitted to bail ~~pretrial release~~ shall at all times remain a matter of public record with the clerk of the court.

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

(725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

Sec. 111-2. Commencement of prosecutions.

(a) All prosecutions of felonies shall be by information or by indictment. No prosecution may be pursued by information unless a preliminary hearing has been held or waived in accordance with Section 109-3 and at that hearing probable cause to believe the defendant committed an offense was found, and the provisions of Section 109-3.1 of this Code have been complied with.

(b) All other prosecutions may be by indictment, information or complaint.

(c) Upon the filing of an information or indictment in open court charging the defendant with the commission of a sex offense defined in any Section of Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012, and a minor as

defined in Section 1-3 of the Juvenile Court Act of 1987 is alleged to be the victim of the commission of the acts of the defendant in the commission of such offense, the court may appoint a guardian ad litem for the minor as provided in Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of 1987.

(d) Upon the filing of an information or indictment in open court, the court shall immediately issue a warrant for the arrest of each person charged with an offense directed to a peace officer or some other person specifically named commanding him to arrest such person.

(e) When the offense is bailable ~~eligible for pretrial release~~, the judge shall endorse on the warrant the amount of bail ~~conditions of pretrial release~~ required by the order of the court, and if the court orders the process returnable forthwith, the warrant shall require that the accused be arrested and brought immediately into court.

(f) Where the prosecution of a felony is by information or complaint after preliminary hearing, or after a waiver of preliminary hearing in accordance with paragraph (a) of this Section, such prosecution may be for all offenses, arising from the same transaction or conduct of a defendant even though the complaint or complaints filed at the preliminary hearing charged only one or some of the offenses arising from that transaction or conduct.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

Sec. 112A-23. Enforcement of protective orders.

(a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 of this Code,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe, or United States territory, or

(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

Prosecution for a violation of a domestic violence order of protection shall not bar concurrent prosecution

for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraph (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid domestic violence order of protection, which is authorized under the laws of another state, tribe, or United States territory.

(3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012. Prosecution for a violation of a civil no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(4) The respondent commits the crime of violation of a stalking no contact order when the respondent violates

Section 12-3.9 of the Criminal Code of 2012. Prosecution for a violation of a stalking no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the stalking no contact order.

(b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding or by a military judge, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to

show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of a protective order shall be treated as an expedited proceeding.

(c) Violation of custody, allocation of parental responsibility, or support orders. A violation of remedies described in paragraph (5), (6), (8), or (9) of subsection (b) of Section 112A-14 of this Code may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 112A-14 of this Code in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. A protective order may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) (Blank).

(2) (Blank).

(3) By service of a protective order under subsection (f) of Section 112A-17.5 or Section 112A-22 of this Code.

(4) By other means demonstrating actual knowledge of the contents of the order.

(e) The enforcement of a protective order in civil or

criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order entered under Section 112A-15 of this Code.

(2) Any finding or order entered in a conjoined criminal proceeding.

(e-5) If a civil no contact order entered under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 conflicts with an order issued pursuant to the Juvenile Court Act of 1987 or the Illinois Marriage and Dissolution of Marriage Act, the conflicting order issued under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 shall be void.

(f) Circumstances. The court, when determining whether or not a violation of a protective order has occurred, shall not require physical manifestations of abuse on the person of the victim.

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection (g), where the court finds the commission of a crime or contempt of court under subsection (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection (g).

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any protective order over any penalty previously imposed by any court for respondent's violation of any protective order or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any protective order; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a protective order

unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:

(i) to increase, revoke, or modify the bail bond ~~conditions of pretrial release~~ on an underlying criminal charge pursuant to Section 110-6 of this

Code;

(ii) to revoke or modify an order of probation, conditional discharge, or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

(725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

Sec. 113-3.1. Payment for Court-Appointed Counsel.

(a) Whenever under either Section 113-3 of this Code or Rule 607 of the Illinois Supreme Court the court appoints counsel to represent a defendant, the court may order the defendant to pay to the Clerk of the Circuit Court a reasonable sum to reimburse either the county or the State for such representation. In a hearing to determine the amount of the payment, the court shall consider the affidavit prepared by the defendant under Section 113-3 of this Code and any other information pertaining to the defendant's financial circumstances which may be submitted by the parties. Such hearing shall be conducted on the court's own motion or on motion of the prosecutor ~~State's Attorney~~ at any time after the appointment of counsel but no later than 90 days after the

entry of a final order disposing of the case at the trial level.

(b) Any sum ordered paid under this Section may not exceed $500 for a defendant charged with a misdemeanor, $5,000 for a defendant charged with a felony, or $2,500 for a defendant who is appealing a conviction of any class offense.

(c) The method of any payment required under this Section shall be as specified by the Court. The court may order that payments be made on a monthly basis during the term of representation; however, the sum deposited as money bond shall not be used to satisfy this court order. ~~Any sum deposited as money bond with the Clerk of the Circuit Court under Section 110-7 of this Code may be used in the court's discretion in whole or in part to comply with any payment order entered in accordance with paragraph (a) of this Section. The court may give special consideration to the interests of relatives or other third parties who may have posted a money bond on the behalf of the defendant to secure his release.~~ At any time prior to full payment of any payment order the court on its own motion or the motion of any party may reduce, increase, or suspend the ordered payment, or modify the method of payment, as the interest of fairness may require. No increase, suspension, or reduction may be ordered without a hearing and notice to all parties.

(d) The Supreme Court or the circuit courts may provide by rule for procedures for the enforcement of orders entered

under this Section. Such rules may provide for the assessment of all costs, including attorneys' fees which are required for the enforcement of orders entered under this Section when the court in an enforcement proceeding has first found that the defendant has willfully refused to pay. The Clerk of the Circuit Court shall keep records and make reports to the court concerning funds paid under this Section in whatever manner the court directs.

(e) Whenever an order is entered under this Section for the reimbursement of the State due to the appointment of the State Appellate Defender as counsel on appeal, the order shall provide that the Clerk of the Circuit Court shall retain all funds paid pursuant to such order until the full amount of the sum ordered to be paid by the defendant has been paid. When no balance remains due on such order, the Clerk of the Circuit Court shall inform the court of this fact and the court shall promptly order the Clerk of the Circuit Court to pay to the State Treasurer all of the sum paid.

(f) The Clerk of the Circuit Court shall retain all funds under this Section paid for the reimbursement of the county, and shall inform the court when no balance remains due on an order entered hereunder. The Clerk of the Circuit Court shall make payments of funds collected under this Section to the County Treasurer in whatever manner and at whatever point as the court may direct, including payments made on a monthly basis during the term of representation.

(g) A defendant who fails to obey any order of court entered under this Section may be punished for contempt of court. Any arrearage in payments may be reduced to judgment in the court's discretion and collected by any means authorized for the collection of money judgments under the law of this State.

(Source: P.A. 102-1104, eff. 1-1-23.)

(725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

Sec. 114-1. Motion to dismiss charge.

(a) Upon the written motion of the defendant made prior to trial before or after a plea has been entered the court may dismiss the indictment, information or complaint upon any of the following grounds:

(1) The defendant has not been placed on trial in compliance with Section 103-5 of this Code.

(2) The prosecution of the offense is barred by Sections 3-3 through 3-8 of the Criminal Code of 2012.

(3) The defendant has received immunity from prosecution for the offense charged.

(4) The indictment was returned by a Grand Jury which was improperly selected and which results in substantial injustice to the defendant.

(5) The indictment was returned by a Grand Jury which acted contrary to Article 112 of this Code and which results in substantial injustice to the defendant.

(6) The court in which the charge has been filed does not have jurisdiction.

(7) The county is an improper place of trial.

(8) The charge does not state an offense.

(9) The indictment is based solely upon the testimony of an incompetent witness.

(10) The defendant is misnamed in the charge and the misnomer results in substantial injustice to the defendant.

(11) The requirements of Section 109-3.1 have not been complied with.

(b) The court shall require any motion to dismiss to be filed within a reasonable time after the defendant has been arraigned. Any motion not filed within such time or an extension thereof shall not be considered by the court and the grounds therefor, except as to subsections (a)(6) and (a)(8) of this Section, are waived.

(c) If the motion presents only an issue of law the court shall determine it without the necessity of further pleadings. If the motion alleges facts not of record in the case the State shall file an answer admitting or denying each of the factual allegations of the motion.

(d) When an issue of fact is presented by a motion to dismiss and the answer of the State the court shall conduct a hearing and determine the issues.

(d-5) When a defendant seeks dismissal of the charge upon

the ground set forth in subsection (a)(7) of this Section, the defendant shall make a prima facie showing that the county is an improper place of trial. Upon such showing, the State shall have the burden of proving, by a preponderance of the evidence, that the county is the proper place of trial.

(d-6) When a defendant seeks dismissal of the charge upon the grounds set forth in subsection (a)(2) of this Section, the prosecution shall have the burden of proving, by a preponderance of the evidence, that the prosecution of the offense is not barred by Sections 3-3 through 3-8 of the Criminal Code of 2012.

(e) Dismissal of the charge upon the grounds set forth in subsections (a)(4) through (a)(11) of this Section shall not prevent the return of a new indictment or the filing of a new charge, and upon such dismissal the court may order that the defendant be held in custody or, if the defendant had been previously released on bail ~~pretrial release~~, that the bail ~~pretrial release~~ be continued for a specified time pending the return of a new indictment or the filing of a new charge.

(f) If the court determines that the motion to dismiss based upon the grounds set forth in subsections (a)(6) and (a)(7) is well founded it may, instead of dismissal, order the cause transferred to a court of competent jurisdiction or to a proper place of trial.

(Source: P.A. 100-434, eff. 1-1-18; 101-652, eff. 1-1-23.)

(725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

Sec. 115-4.1. Absence of defendant.

(a) When a defendant after arrest and an initial court appearance for a non-capital felony or a misdemeanor, fails to appear for trial, at the request of the State and after the State has affirmatively proven through substantial evidence that the defendant is willfully avoiding trial, the court may commence trial in the absence of the defendant. Absence of a defendant as specified in this Section shall not be a bar to indictment of a defendant, return of information against a defendant, or arraignment of a defendant for the charge for which bail ~~pretrial release~~ has been granted. If a defendant fails to appear at arraignment, the court may enter a plea of "not guilty" on his behalf. If a defendant absents himself before trial on a capital felony, trial may proceed as specified in this Section provided that the State certifies that it will not seek a death sentence following conviction. Trial in the defendant's absence shall be by jury unless the defendant had previously waived trial by jury. The absent defendant must be represented by retained or appointed counsel. The court, at the conclusion of all of the proceedings, may order the clerk of the circuit court to pay counsel such sum as the court deems reasonable, from any bond monies which were posted by the defendant with the clerk, after the clerk has first deducted all court costs. If trial had previously commenced in the presence of the defendant and

the defendant willfully absents himself for two successive court days, the court shall proceed to trial. All procedural rights guaranteed by the United States Constitution, Constitution of the State of Illinois, statutes of the State of Illinois, and rules of court shall apply to the proceedings the same as if the defendant were present in court and had not either forfeited his or her bail bond ~~had his or her pretrial release revoked~~ or escaped from custody. The court may set the case for a trial which may be conducted under this Section despite the failure of the defendant to appear at the hearing at which the trial date is set. When such trial date is set the clerk shall send to the defendant, by certified mail at his last known address indicated on his bond slip, notice of the new date which has been set for trial. Such notification shall be required when the defendant was not personally present in open court at the time when the case was set for trial.

(b) The absence of a defendant from a trial conducted pursuant to this Section does not operate as a bar to concluding the trial, to a judgment of conviction resulting therefrom, or to a final disposition of the trial in favor of the defendant.

(c) Upon a verdict of not guilty, the court shall enter judgment for the defendant. Upon a verdict of guilty, the court shall set a date for the hearing of post-trial motions and shall hear such motion in the absence of the defendant. If post-trial motions are denied, the court shall proceed to

conduct a sentencing hearing and to impose a sentence upon the defendant.

(d) A defendant who is absent for part of the proceedings of trial, post-trial motions, or sentencing, does not thereby forfeit his right to be present at all remaining proceedings.

(e) When a defendant who in his absence has been either convicted or sentenced or both convicted and sentenced appears before the court, he must be granted a new trial or new sentencing hearing if the defendant can establish that his failure to appear in court was both without his fault and due to circumstances beyond his control. A hearing with notice to the State's Attorney on the defendant's request for a new trial or a new sentencing hearing must be held before any such request may be granted. At any such hearing both the defendant and the State may present evidence.

(f) If the court grants only the defendant's request for a new sentencing hearing, then a new sentencing hearing shall be held in accordance with the provisions of the Unified Code of Corrections. At any such hearing, both the defendant and the State may offer evidence of the defendant's conduct during his period of absence from the court. The court may impose any sentence authorized by the Unified Code of Corrections and is not in any way limited or restricted by any sentence previously imposed.

(g) A defendant whose motion under paragraph (e) for a new trial or new sentencing hearing has been denied may file a

notice of appeal therefrom. Such notice may also include a request for review of the judgment and sentence not vacated by the trial court.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

Sec. 122-6. Disposition in trial court. The court may receive proof by affidavits, depositions, oral testimony, or other evidence. In its discretion the court may order the petitioner brought before the court for the hearing. If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, bail, ~~conditions of pretrial release~~ or discharge as may be necessary and proper.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 5/102-10.5 rep.)

(725 ILCS 5/102-14.5 rep.)

(725 ILCS 5/110-6.6 rep.)

(725 ILCS 5/110-7.5 rep.)

(725 ILCS 5/110-1.5 rep.)

Section 250. The Code of Criminal Procedure of 1963 is amended by repealing Sections 102-10.5, 102-14.5, 110-1.5 110-6.6, and 110-7.5.

Section 255. The Code of Criminal Procedure of 1963 is amended by changing Sections 103-2 and 108-8 as follows:

(725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

Sec. 103-2. Treatment while in custody.

(a) On being taken into custody every person shall have the right to remain silent.

(b) No unlawful means of any kind shall be used to obtain a statement, admission or confession from any person in custody.

(c) Persons in custody shall be treated humanely and provided with proper food, shelter and, if required, medical treatment ~~without unreasonable delay if the need for the treatment is apparent~~.

(Source: P.A. 101-652, eff. 7-1-21.)

(725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

Sec. 108-8. Use of force in execution of search warrant.

(a) All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant.

(b) The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:

(1) That the officer reasonably believes that if

notice were given a weapon would be used:

(i) against the officer executing the search warrant; or

(ii) against another person.

(2) That if notice were given there is an imminent "danger" that evidence will be destroyed.

~~(c) Prior to the issuing of a warrant under subsection (b), the officer must attest that:~~

~~(1) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act. If a law enforcement agency or each participating member of a multi jurisdictional team has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the warrant is otherwise recorded;~~

~~(2) The supervising officer verified the subject address listed on the warrant for accuracy and planned for children or other vulnerable people on-site; and~~

~~(3) if an officer becomes aware the search warrant was~~

~~executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation or formal inquiry ensues.~~

(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)

Section 260. The Code of Criminal Procedure of 1963 is amended by adding Sections 103-3.1, 110-4.1, 110-6.3-1, 110-6.5-1, 110-7.1, 110-8.1, 110-9.1, 110-13.1, 110-14.1, 110-15.1, 110-16.1, 110-17.1, and 110-18.1 and Article 110B as follows:

(725 ILCS 5/103-3.1 new)

Sec. 103-3.1. Right to communicate with attorney and family; transfers.

(a) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.

(b) In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.

(725 ILCS 5/110-4.1 new)

Sec. 110-4.1. Bailable offenses.

(a) All persons shall be bailable before conviction, except the following offenses where the proof is evident or the presumption great that the defendant is guilty of the offense: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, where the court after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons; stalking or aggravated stalking, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of the alleged victim of the offense and denial of bail is necessary to prevent fulfillment of the threat upon which the charge is based; or unlawful use of weapons in violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 when that offense occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any

person and denial of bail is necessary to prevent fulfillment of that threat; or making a terrorist threat in violation of Section 29D-20 of the Criminal Code of 1961 or the Criminal Code of 2012 or an attempt to commit the offense of making a terrorist threat, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.

(b) A person seeking release on bail who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be bailable until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.

(c) Where it is alleged that bail should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.

(d) When it is alleged that bail should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3-1 of this Code, the burden of proof of those allegations shall be upon the State.

(725 ILCS 5/110-6.3-1 new)

Sec. 110-6.3-1. Denial of bail in stalking and aggravated

stalking offenses.

(a) Upon verified petition by the State, the court shall hold a hearing to determine whether bail should be denied to a defendant who is charged with stalking or aggravated stalking, when it is alleged that the defendant's admission to bail poses a real and present threat to the physical safety of the alleged victim of the offense, and denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based.

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while the petition is pending before the court, the defendant if previously released shall not be detained.

(2) The hearing shall be held immediately upon the defendant's appearance before the court, unless for good cause shown the defendant or the State seeks a continuance. A continuance on motion of the defendant may not exceed 5 calendar days, and the defendant may be held in custody during the continuance. A continuance on the motion of the State may not exceed 3 calendar days; however, the defendant may be held in custody during the continuance under this provision if the defendant has been previously found to have violated an order of protection

or has been previously convicted of, or granted court supervision for, any of the offenses set forth in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, against the same person as the alleged victim of the stalking or aggravated stalking offense.

(b) The court may deny bail to the defendant when, after the hearing, it is determined that:

(1) the proof is evident or the presumption great that the defendant has committed the offense of stalking or aggravated stalking; and

(2) the defendant poses a real and present threat to the physical safety of the alleged victim of the offense; and

(3) the denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based; and

(4) the court finds that no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Code, including mental health treatment at a community mental health center, hospital, or facility of the Department of Human Services, can reasonably assure the physical safety of the alleged victim of the offense.

(c) Conduct of the hearings.

(1) The hearing on the defendant's culpability and threat to the alleged victim of the offense shall be conducted in accordance with the following provisions:

(A) Information used by the court in its findings or stated in or offered at the hearing may be by way of proffer based upon reliable information offered by the State or by defendant. Defendant has the right to be represented by counsel, and if he is indigent, to have counsel appointed for him. Defendant shall have the opportunity to testify, to present witnesses in his own behalf, and to cross-examine witnesses if any are called by the State. The defendant has the right to present witnesses in his favor. When the ends of justice so require, the court may exercise its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well-being of the witness. The pretrial detention hearing is not to be used for the purposes of discovery, and the post

arraignment rules of discovery do not apply. The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code, or in a perjury proceeding.

(B) A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained. Evidence that proof may have been obtained as the result of an unlawful search and seizure or through improper interrogation is not relevant to this state of the prosecution.

(2) The facts relied upon by the court to support a finding that:

(A) the defendant poses a real and present threat to the physical safety of the alleged victim of the offense; and

(B) the denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based;

shall be supported by clear and convincing evidence presented by the State.

(d) Factors to be considered in making a determination of the threat to the alleged victim of the offense. The court may, in determining whether the defendant poses, at the time of the hearing, a real and present threat to the physical safety of the alleged victim of the offense, consider but shall not be limited to evidence or testimony concerning:

(1) The nature and circumstances of the offense charged;

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

(A) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior. The evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations or other proceedings;

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

(3) The nature of the threat which is the basis of the

charge against the defendant;

(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them;

(5) The age and physical condition of any person assaulted by the defendant;

(6) Whether the defendant is known to possess or have access to any weapon or weapons;

(7) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law;

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

(e) The court shall, in any order denying bail to a person charged with stalking or aggravated stalking:

(1) briefly summarize the evidence of the defendant's culpability and its reasons for concluding that the defendant should be held without bail;

(2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail

pending trial;

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

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

(f) If the court enters an order for the detention of the defendant under subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by this subsection (f), he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant. The court shall immediately notify the alleged victim of the offense that the defendant has been admitted to bail under this subsection.

(g) Any person shall be entitled to appeal any order entered under this Section denying bail to the defendant.

(h) The State may appeal any order entered under this Section denying any motion for denial of bail.

(i) Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption

of innocence in further criminal proceedings.

(725 ILCS 5/110-6.5-1 new)

Sec. 110-6.5-1. Drug testing program.

(a) The Chief Judge of the circuit may establish a drug testing program as provided by this Section in any county in the circuit if the county board has approved the establishment of the program and the county probation department or pretrial services agency has consented to administer it. The drug testing program shall be conducted under the following provisions:

(a-1) The court, in the case of a defendant charged with a felony offense or any offense involving the possession or delivery of cannabis or a controlled substance, shall:

(1) not consider the release of the defendant on his or her own recognizance, unless the defendant consents to periodic drug testing during the period of release on his or her own recognizance, in accordance with this Section;

(2) consider the consent of the defendant to periodic drug testing during the period of release on bail in accordance with this Section as a favorable factor for the defendant in determining the amount of bail, the conditions of release or in considering the defendant's motion to reduce the amount of bail.

(b) The drug testing shall be conducted by the pretrial services agency or under the direction of the probation

department when a pretrial services agency does not exist in accordance with this Section.

(c) A defendant who consents to periodic drug testing as set forth in this Section shall sign an agreement with the court that, during the period of release, the defendant shall refrain from using illegal drugs and that the defendant will comply with the conditions of the testing program. The agreement shall be on a form prescribed by the court and shall be executed at the time of the bail hearing. This agreement shall be made a specific condition of bail.

(d) The drug testing program shall be conducted as follows:

(1) The testing shall be done by urinalysis for the detection of phencyclidine, heroin, cocaine, methadone and amphetamines.

(2) The collection of samples shall be performed under reasonable and sanitary conditions.

(3) Samples shall be collected and tested with due regard for the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.

(4) Sample collection shall be documented, and the documentation procedures shall include:

(i) Labeling of samples so as to reasonably preclude the probability of erroneous identification

of test results; and

(ii) An opportunity for the defendant to provide information on the identification of prescription or nonprescription drugs used in connection with a medical condition.

(5) Sample collection, storage, and transportation to the place of testing shall be performed so as to reasonably preclude the probability of sample contamination or adulteration.

(6) Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include verification or confirmation of any positive test result by a reliable analytical method before the result of any test may be used as a basis for any action by the court.

(e) The initial sample shall be collected before the defendant's release on bail. Thereafter, the defendant shall report to the pretrial services agency or probation department as required by the agency or department. The pretrial services agency or probation department shall immediately notify the court of any defendant who fails to report for testing.

(f) After the initial test, a subsequent confirmed positive test result indicative of continued drug use shall result in the following:

(1) Upon the first confirmed positive test result, the pretrial services agency or probation department, shall

place the defendant on a more frequent testing schedule and shall warn the defendant of the consequences of continued drug use.

(2) A second confirmed positive test result shall be grounds for a hearing before the judge who authorized the release of the defendant in accordance with the provisions of subsection (g) of this Section.

(g) The court shall, upon motion of the State or upon its own motion, conduct a hearing in connection with any defendant who fails to appear for testing, fails to cooperate with the persons conducting the testing program, attempts to submit a sample not his or her own or has had a confirmed positive test result indicative of continued drug use for the second or subsequent time after the initial test. The hearing shall be conducted in accordance with the procedures of Section 110-6.

Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has violated the drug testing conditions of bail, the court may consider any of the following sanctions:

(1) increase the amount of the defendant's bail or conditions of release;

(2) impose a jail sentence of up to 5 days;

(3) revoke the defendant's bail; or

(4) enter such other orders which are within the power of the court as deemed appropriate.

(h) The results of any drug testing conducted under this

Section shall not be admissible on the issue of the defendant's guilt in connection with any criminal charge.

(i) The court may require that the defendant pay for the cost of drug testing.

(725 ILCS 5/110-7.1 new)

Sec. 110-7.1. Deposit of bail security.

(a) The person for whom bail has been set shall execute the bail bond and deposit with the clerk of the court before which the proceeding is pending a sum of money equal to 10% of the bail, but in no event shall such deposit be less than $25. The clerk of the court shall provide a space on each form for a person other than the accused who has provided the money for the posting of bail to so indicate and a space signed by an accused who has executed the bail bond indicating whether a person other than the accused has provided the money for the posting of bail. The form shall also include a written notice to such person who has provided the defendant with the money for the posting of bail indicating that the bail may be used to pay costs, attorney's fees, fines, or other purposes authorized by the court and if the defendant fails to comply with the conditions of the bail bond, the court shall enter an order declaring the bail to be forfeited. The written notice must be: (1) distinguishable from the surrounding text; (2) in bold type or underscored; and (3) in a type size at least 2 points larger than the surrounding type. When a person for

whom bail has been set is charged with an offense under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act which is a Class X felony, or making a terrorist threat in violation of Section 29D-20 of the Criminal Code of 1961 or the Criminal Code of 2012 or an attempt to commit the offense of making a terrorist threat, the court may require the defendant to deposit a sum equal to 100% of the bail. Where any person is charged with a forcible felony while free on bail and is the subject of proceedings under Section 109-3 of this Code the judge conducting the preliminary examination may also conduct a hearing upon the application of the State pursuant to the provisions of Section 110-6 of this Code to increase or revoke the bail for that person's prior alleged offense.

(b) Upon depositing this sum and any bond fee authorized by law, the person shall be released from custody subject to the conditions of the bail bond.

(c) Once bail has been given and a charge is pending or is thereafter filed in or transferred to a court of competent jurisdiction the latter court shall continue the original bail in that court subject to the provisions of Section 110-6 of this Code.

(d) After conviction the court may order that the original bail stand as bail pending appeal or deny, increase or reduce bail subject to the provisions of Section 110-6.2.

(e) After the entry of an order by the trial court allowing

or denying bail pending appeal either party may apply to the reviewing court having jurisdiction or to a justice thereof sitting in vacation for an order increasing or decreasing the amount of bail or allowing or denying bail pending appeal subject to the provisions of Section 110-6.2.

(f) When the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause the clerk of the court shall return to the accused or to the defendant's designee by an assignment executed at the time the bail amount is deposited, unless the court orders otherwise, 90% of the sum which had been deposited and shall retain as bail bond costs 10% of the amount deposited. However, in no event shall the amount retained by the clerk as bail bond costs be less than $5. Notwithstanding the foregoing, in counties with a population of 3,000,000 or more, in no event shall the amount retained by the clerk as bail bond costs exceed $100. Bail bond deposited by or on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations of that same defendant incurred in a different case due to a fine, court costs, restitution or fees of the defendant's attorney of record. In counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and

attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied. In counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited.

At the request of the defendant the court may order such 90% of defendant's bail deposit, or whatever amount is repayable to defendant from such deposit, to be paid to defendant's attorney of record.

(g) If the accused does not comply with the conditions of the bail bond the court having jurisdiction shall enter an order declaring the bail to be forfeited. Notice of such order of forfeiture shall be mailed forthwith to the accused at his last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture or within such period satisfy the court that appearance and surrender by the accused is impossible and without his fault the court shall enter judgment for the State if the charge for which the bond was given was a felony or misdemeanor, or if the charge was quasi-criminal or traffic, judgment for the political subdivision of the State which prosecuted the case, against the accused for the amount of the bail and costs of the court

proceedings; however, in counties with a population of less than 3,000,000, instead of the court entering a judgment for the full amount of the bond the court may, in its discretion, enter judgment for the cash deposit on the bond, less costs, retain the deposit for further disposition or, if a cash bond was posted for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due. The deposit made in accordance with paragraph (a) shall be applied to the payment of costs. If judgment is entered and any amount of such deposit remains after the payment of costs it shall be applied to payment of the judgment and transferred to the treasury of the municipal corporation wherein the bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or to the treasury of the county wherein the bond was taken if the offense was a violation of any penal statute of this State. The balance of the judgment may be enforced and collected in the same manner as a judgment entered in a civil action.

(h) After a judgment for a fine and court costs or either is entered in the prosecution of a cause in which a deposit had been made in accordance with paragraph (a) the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of the judgment.

(i) When a court appearance is required for an alleged violation of the Criminal Code of 1961, the Criminal Code of 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish and Aquatic Life Code, the Child Passenger Protection Act, or a comparable offense of a unit of local government as specified in Supreme Court Rule 551, and if the accused does not appear in court on the date set for appearance or any date to which the case may be continued and the court issues an arrest warrant for the accused, based upon his or her failure to appear when having so previously been ordered to appear by the court, the accused upon his or her admission to bail shall be assessed by the court a fee of $75. Payment of the fee shall be a condition of release unless otherwise ordered by the court. The fee shall be in addition to any bail that the accused is required to deposit for the offense for which the accused has been charged and may not be used for the payment of court costs or fines assessed for the offense. The clerk of the court shall remit $70 of the fee assessed to the arresting agency who brings the offender in on the arrest warrant. If the Illinois State Police is the arresting agency, $70 of the fee assessed shall be remitted by the clerk of the court to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund. The clerk of the court shall remit $5 of the fee assessed to the Circuit Court Clerk Operation and Administrative Fund as provided in Section 27.3d of the Clerks of Courts Act.

(725 ILCS 5/110-8.1 new)

Sec. 110-8.1. Cash, stocks, bonds and real estate as security for bail.

(a) In lieu of the bail deposit provided for in Section 110-7.1 of this Code any person for whom bail has been set may execute the bail bond with or without sureties which bond may be secured:

(1) By a deposit, with the clerk of the court, of an amount equal to the required bail, of cash, or stocks and bonds in which trustees are authorized to invest trust funds under the laws of this State; or

(2) By real estate situated in this State with unencumbered equity not exempt owned by the accused or sureties worth double the amount of bail set in the bond.

(b) If the bail bond is secured by stocks and bonds the accused or sureties shall file with the bond a sworn schedule which shall be approved by the court and shall contain:

(1) A list of the stocks and bonds deposited describing each in sufficient detail that it may be identified;

(2) The market value of each stock and bond;

(3) The total market value of the stocks and bonds listed;

(4) A statement that the affiant is the sole owner of the stocks and bonds listed and they are not exempt from

the enforcement of a judgment thereon;

(5) A statement that such stocks and bonds have not previously been used or accepted as bail in this State during the 12 months preceding the date of the bail bond; and

(6) A statement that such stocks and bonds are security for the appearance of the accused in accordance with the conditions of the bail bond.

(c) If the bail bond is secured by real estate the accused or sureties shall file with the bond a sworn schedule which shall contain:

(1) A legal description of the real estate;

(2) A description of any and all encumbrances on the real estate including the amount of each and the holder thereof;

(3) The market value of the unencumbered equity owned by the affiant;

(4) A statement that the affiant is the sole owner of such unencumbered equity and that it is not exempt from the enforcement of a judgment thereon;

(5) A statement that the real estate has not previously been used or accepted as bail in this State during the 12 months preceding the date of the bail bond; and

(6) A statement that the real estate is security for the appearance of the accused in accordance with the

conditions of the bail bond.

(d) The sworn schedule shall constitute a material part of the bail bond. The affiant commits perjury if in the sworn schedule he makes a false statement which he does not believe to be true. He shall be prosecuted and punished accordingly, or, he may be punished for contempt.

(e) A certified copy of the bail bond and schedule of real estate shall be filed immediately in the office of the registrar of titles or recorder of the county in which the real estate is situated and the State shall have a lien on such real estate from the time such copies are filed in the office of the registrar of titles or recorder. The registrar of titles or recorder shall enter, index and record (or register as the case may be) such bail bonds and schedules without requiring any advance fee, which fee shall be taxed as costs in the proceeding and paid out of such costs when collected.

(f) When the conditions of the bail bond have been performed and the accused has been discharged from his obligations in the cause, the clerk of the court shall return to him or his sureties the deposit of any cash, stocks or bonds. If the bail bond has been secured by real estate the clerk of the court shall forthwith notify in writing the registrar of titles or recorder and the lien of the bail bond on the real estate shall be discharged.

(g) If the accused does not comply with the conditions of the bail bond the court having jurisdiction shall enter an

order declaring the bail to be forfeited. Notice of such order of forfeiture shall be mailed forthwith by the clerk of the court to the accused and his sureties at their last known address. If the accused does not appear and surrender to the court having jurisdiction within 30 days from the date of the forfeiture or within such period satisfy the court that appearance and surrender by the accused is impossible and without his fault the court shall enter judgment for the State against the accused and his sureties for the amount of the bail and costs of the proceedings; however, in counties with a population of less than 3,000,000, if the defendant has posted a cash bond, instead of the court entering a judgment for the full amount of the bond the court may, in its discretion, enter judgment for the cash deposit on the bond, less costs, retain the deposit for further disposition or, if a cash bond was posted for failure to appear in a matter involving enforcement of child support or maintenance, the amount of the cash deposit on the bond, less outstanding costs, may be awarded to the person or entity to whom the child support or maintenance is due.

(h) When judgment is entered in favor of the State on any bail bond given for a felony or misdemeanor, or judgment for a political subdivision of the state on any bail bond given for a quasi-criminal or traffic offense, the State's Attorney or political subdivision's attorney shall forthwith obtain a certified copy of the judgment and deliver same to the sheriff

to be enforced by levy on the stocks or bonds deposited with the clerk of the court and the real estate described in the bail bond schedule. Any cash forfeited under subsection (g) of this Section shall be used to satisfy the judgment and costs and, without necessity of levy, ordered paid into the treasury of the municipal corporation wherein the bail bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or into the treasury of the county wherein the bail bond was taken if the offense was a violation of any penal statute of this State, or to the person or entity to whom child support or maintenance is owed if the bond was taken for failure to appear in a matter involving child support or maintenance. The stocks, bonds and real estate shall be sold in the same manner as in sales for the enforcement of a judgment in civil actions and the proceeds of such sale shall be used to satisfy all court costs, prior encumbrances, if any, and from the balance a sufficient amount to satisfy the judgment shall be paid into the treasury of the municipal corporation wherein the bail bond was taken if the offense was a violation of any penal ordinance of a political subdivision of this State, or into the treasury of the county wherein the bail bond was taken if the offense was a violation of any penal statute of this State. The balance shall be returned to the owner. The real estate so sold may be redeemed in the same manner as real estate may be redeemed after judicial sales or sales for the enforcement of judgments in

civil actions.

(i) No stocks, bonds or real estate may be used or accepted as bail bond security in this State more than once in any 12 month period.

(725 ILCS 5/110-9.1 new)

Sec. 110-9.1. Taking of bail by peace officer. When bail has been set by a judicial officer for a particular offense or offender any sheriff or other peace officer may take bail in accordance with the provisions of Section 110-7.1 or 110-8.1 of this Code and release the offender to appear in accordance with the conditions of the bail bond, the Notice to Appear or the Summons. The officer shall give a receipt to the offender for the bail so taken and within a reasonable time deposit such bail with the clerk of the court having jurisdiction of the offense. A sheriff or other peace officer taking bail in accordance with the provisions of Section 110-7.1 or 110-8.1 of this Code shall accept payments made in the form of currency, and may accept other forms of payment as the sheriff shall by rule authorize. For purposes of this Section, "currency" has the meaning provided in subsection (a) of Section 3 of the Currency Reporting Act.

(725 ILCS 5/110-13.1 new)

Sec. 110-13.1. Persons prohibited from furnishing bail security. No attorney at law practicing in this State and no

official authorized to admit another to bail or to accept bail shall furnish any part of any security for bail in any criminal action or any proceeding nor shall any such person act as surety for any accused admitted to bail.

(725 ILCS 5/110-14.1 new)

Sec. 110-14.1. Credit for incarceration on bailable offense; credit against monetary bail for certain offenses.

(a) Any person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense shall be allowed a credit of $30 for each day so incarcerated upon application of the defendant. However, in no case shall the amount so allowed or credited exceed the amount of the fine.

(b) Subsection (a) does not apply to a person incarcerated for sexual assault as defined in paragraph (1) of subsection (a) of Section 5-9-1.7 of the Unified Code of Corrections.

(c) A person subject to bail on a Category B offense, before January 1, 2023, shall have $30 deducted from his or her 10% cash bond amount every day the person is incarcerated. The sheriff shall calculate and apply this $30 per day reduction and send notice to the circuit clerk if a defendant's 10% cash bond amount is reduced to $0, at which point the defendant shall be released upon his or her own recognizance.

(d) The court may deny the incarceration credit in subsection (c) of this Section if the person has failed to

appear as required before the court and is incarcerated based on a warrant for failure to appear on the same original criminal offense.

(725 ILCS 5/110-15.1 new)

Sec. 110-15.1. Applicability of provisions for giving and taking bail. The provisions of Sections 110-7.1 and 110-8.1 of this Code are exclusive of other provisions of law for the giving, taking, or enforcement of bail. In all cases where a person is admitted to bail the provisions of Sections 110-7.1 and 110-8.1 of this Code shall be applicable.

However, the Supreme Court may, by rule or order, prescribe a uniform schedule of amounts of bail in all but felony offenses. The uniform schedule shall not require a person cited for violating the Illinois Vehicle Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection (d) of Section 3-401 of the Illinois Vehicle Code, to post bond to secure bail for his or her release. Such uniform schedule may provide that the cash deposit provisions of Section 110-7.1 shall not apply to bail amounts established for alleged violations punishable by fine alone, and the schedule may further provide that in specified traffic cases a valid Illinois chauffeur's or

operator's license must be deposited, in addition to 10% of the amount of the bail specified in the schedule.

(725 ILCS 5/110-16.1 new)

Sec. 110-16.1. Bail bond-forfeiture in same case or absents self during trial-not bailable. If a person admitted to bail on a felony charge forfeits his bond and fails to appear in court during the 30 days immediately after such forfeiture, on being taken into custody thereafter he shall not be bailable in the case in question, unless the court finds that his absence was not for the purpose of obstructing justice or avoiding prosecution.

(725 ILCS 5/110-17.1 new)

Sec. 110-17.1. Unclaimed bail deposits. Any sum of money deposited by any person to secure his or her release from custody which remains unclaimed by the person entitled to its return for 3 years after the conditions of the bail bond have been performed and the accused has been discharged from all obligations in the cause shall be presumed to be abandoned and subject to disposition under the Revised Uniform Unclaimed Property Act.

(725 ILCS 5/110-18.1 new)

Sec. 110-18.1. Reimbursement. The sheriff of each county shall certify to the treasurer of each county the number of

days that persons had been detained in the custody of the sheriff without a bond being set as a result of an order entered pursuant to Section 110-6.1 of this Code. The county treasurer shall, no later than January 1, annually certify to the Supreme Court the number of days that persons had been detained without bond during the twelve-month period ending November 30. The Supreme Court shall reimburse, from funds appropriated to it by the General Assembly for such purposes, the treasurer of each county an amount of money for deposit in the county general revenue fund at a rate of $50 per day for each day that persons were detained in custody without bail as a result of an order entered pursuant to Section 110-6.1 of this Code.

(725 ILCS 5/Art. 110B heading new)

ARTICLE 110B. PEACE BONDS

(725 ILCS 5/110B-5 new)

Sec. 110B-5. Courts as conservators of the peace. All courts are conservators of the peace, shall cause to be kept all laws made for the preservation of the peace, and may require persons to give security to keep the peace or for their good behavior, or both, as provided by this Article.

(725 ILCS 5/110B-10 new)

Sec. 110B-10. Complaints. When complaint is made to a

judge that a person has threatened or is about to commit an offense against the person or property of another, the court shall examine on oath the complaint, and any witness who may be produced, and reduce the complaint to writing, and cause it to be subscribed and sworn to by the complainant.

The complaint may be issued electronically or electromagnetically by use of a facsimile transmission machine, and that complaint has the same validity as a written complaint.

(725 ILCS 5/110B-15 new)

Sec. 110B-15. Warrants. If the court is satisfied that there is danger that an offense will be committed, the court shall issue a warrant requiring the proper officer to whom it is directed forthwith to apprehend the person complained of and bring him or her before the court having jurisdiction in the premises.

The warrant may be issued electronically or electromagnetically by use of a facsimile transmission machine, and that warrant has the same validity as a written warrant.

(725 ILCS 5/110B-20 new)

Sec. 110B-20. Hearing. When the person complained of is brought before the court if the charge is controverted, the testimony produced on behalf of the plaintiff and defendant

shall be heard.

(725 ILCS 5/110B-25 new)

Sec. 110B-25. Malicious prosecution; costs. If it appears that there is no just reason to fear the commission of the offense, the defendant shall be discharged. If the court is of the opinion that the prosecution was commenced maliciously without probable cause, the court may enter judgment against the complainant for the costs of the prosecution.

(725 ILCS 5/110B-30 new)

Sec. 110B-30. Recognizance. If there is just reason to fear the commission of an offense, the defendant shall be required to give a recognizance, with sufficient security, in the sum as the court may direct, to keep the peace towards all people of this State, and especially towards the person against whom or whose property there is reason to fear the offense may be committed, for such time, not exceeding 12 months, as the court may order. But he or she shall not be bound over to the next court unless he or she is also charged with some other offense for which he or she ought to be held to answer at the court.

(725 ILCS 5/110B-35 new)

Sec. 110B-35. Refusal to give recognizance. If the person so ordered to recognize complies with the order, he or she

shall be discharged; but if he or she refuses or neglects, the court shall commit him or her to jail during the period for which he or she was required to give security, or until he or she so recognizes, stating in the warrant the cause of commitment, with the sum and time for which the security was required.

(725 ILCS 5/110B-40 new)

Sec. 110B-40. Costs of prosecution. When a person is required to give security to keep the peace, or for his or her good behavior, the court may further order that the costs of the prosecution, or any part of the costs, shall be paid by that person, who shall stand committed until the costs are paid or he or she is otherwise legally discharged.

(725 ILCS 5/110B-45 new)

Sec. 110B-45. Discharge upon giving recognizance. A person committed for not finding sureties, or refusing to recognize as required by the court, may be discharged on giving the security as was required.

(725 ILCS 5/110B-50 new)

Sec. 110B-50. Filing of recognizance; breach of condition. Every recognizance taken in accordance with the foregoing provisions shall be filed of record by the clerk and upon a breach of the condition the same shall be prosecuted by the

State's Attorney.

(725 ILCS 5/110B-55 new)

Sec. 110B-55. Conviction not needed. In proceeding upon a recognizance it is not necessary to show a conviction of the defendant of an offense against the person or property of another.

(725 ILCS 5/110B-60 new)

Sec. 110B-60. Threat made in court. A person who, in the presence of a court, commits or threatens to commit an offense against the person or property of another, may be ordered, without process, to enter into a recognizance to keep the peace for a period not exceeding 12 months, and in case of refusal be committed as in other cases.

(725 ILCS 5/110B-65 new)

Sec. 110B-65. Remitting recognizance. When, upon an action brought upon a recognizance, the penalty for the action is adjudged forfeited, the court may, on the petition of a defendant, remit the portion of it as the circumstances of the case render just and reasonable.

(725 ILCS 5/110B-70 new)

Sec. 110B-70. Surrender of principal. The sureties of a person bound to keep the peace may, at any time, surrender

their principal to the sheriff of the county in which the principal was bound, under the same rules and regulations governing the surrender of the principal in other criminal cases.

(725 ILCS 5/110B-75 new)

Sec. 110B-75. New recognizance. The person so surrendered may recognize anew, with sufficient sureties, before a court, for the residue of the time, and shall thereupon be discharged.

(725 ILCS 5/110B-80 new)

Sec. 110B-80. Amended complaint. No proceeding to prevent a breach of the peace shall be dismissed on account of any informality or insufficiency in the complaint, or any process or proceeding, but the complaint may be amended, by order of the court, to conform to the facts in the case.

Section 265. The Firearm Seizure Act is amended by changing Section 4 as follows:

(725 ILCS 165/4) (from Ch. 38, par. 161-4)

Sec. 4. In lieu of requiring the surrender of any firearm, the court may require the defendant to give a recognizance as provided in Article 110B ~~110A~~ of the Code of Criminal Procedure of 1963.

(Source: P.A. 96-328, eff. 8-11-09.)

Section 270. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 3, 4 and 4.5 as follows:

(725 ILCS 120/3) (from Ch. 38, par. 1403)

Sec. 3. The terms used in this Act shall have the following meanings:

(a) "Crime victim" or "victim" means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim's representative. In no

event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.

A board, agency, or other governmental entity making decisions regarding an offender's release, sentence reduction, or clemency can determine additional persons are victims for the purpose of its proceedings.

(a-3) "Advocate" means a person whose communications with the victim are privileged under Section 8-802.1 or 8-802.2 of the Code of Civil Procedure, or Section 227 of the Illinois Domestic Violence Act of 1986.

(a-5) "Confer" means to consult together, share information, compare opinions and carry on a discussion or deliberation.

(a-6) "DNA database" means a collection of DNA profiles from forensic casework or specimens from anonymous, identified, and unidentified sources that is created to search DNA records against each other to develop investigative leads among forensic cases.

(a-7) "Sentence" includes, but is not limited to, the imposition of sentence, a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, inpatient treatment, outpatient treatment, conditional release after a finding that the defendant is not guilty by reason of insanity, clemency, or a proposal that would reduce the defendant's sentence or result in the

defendant's release. "Early release" refers to a discretionary release.

(a-9) "Sentencing" includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, consideration of inpatient treatment or outpatient treatment, or conditional release after a finding that the defendant is not guilty by reason of insanity.

(a-10) "Status hearing" means a hearing designed to provide information to the court, at which no motion of a substantive nature and no constitutional or statutory right of a crime victim is implicated or at issue.

(b) "Witness" means: any person who personally observed the commission of a crime and who will testify on behalf of the State of Illinois; or a person who will be called by the prosecution to give testimony establishing a necessary nexus between the offender and the violent crime.

(c) "Violent crime" means: (1) any felony in which force or threat of force was used against the victim; (2) any offense involving sexual exploitation, sexual conduct, or sexual penetration; (3) a violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the Criminal Code of 2012; (4) domestic battery or stalking; (5) violation of an order of protection, a civil no contact order, or a stalking no contact order; (6) any misdemeanor which

results in death or great bodily harm to the victim; or (7) any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death. "Violent crime" includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) (Blank).

(e) "Court proceedings" includes, but is not limited to, the preliminary hearing, any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, change of plea hearing, the trial, any pretrial or post-trial hearing, sentencing, any oral argument or hearing before an Illinois appellate court, any hearing under the Mental Health and Developmental Disabilities Code or Section 5-2-4 of the Unified Code of Corrections after a finding that the defendant is not guilty by reason of insanity, including a hearing for conditional release, any hearing related to a modification of

sentence, probation revocation hearing, aftercare release or parole hearings, post-conviction relief proceedings, habeas corpus proceedings and clemency proceedings related to the defendant's conviction or sentence. For purposes of the victim's right to be present, "court proceedings" does not include (1) hearings under Section 109-1 of the Code of Criminal Procedure of 1963, (2) grand jury proceedings, (3) ~~(2)~~ status hearings, or (4) ~~(3)~~ the issuance of an order or decision of an Illinois court that dismisses a charge, reverses a conviction, reduces a sentence, or releases an offender under a court rule.

(f) "Concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.

(g) "Victim's attorney" means an attorney retained by the victim for the purposes of asserting the victim's constitutional and statutory rights. An attorney retained by the victim means an attorney who is hired to represent the victim at the victim's expense or an attorney who has agreed to provide pro bono representation. Nothing in this statute creates a right to counsel at public expense for a victim.

(h) "Support person" means a person chosen by a victim to be present at court proceedings.

(Source: P.A. 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23; 103-792, eff. 1-1-25.)

(725 ILCS 120/4) (from Ch. 38, par. 1404)

Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(1) The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.

(1.5) The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.

(1.6) Except as otherwise provided in Section 9.5 of the Criminal Identification Act or Section 3-3013 of the Counties Code, whenever a person's DNA profile is collected due to the person being a victim of a crime, as identified by law enforcement, that specific profile collected in conjunction with that criminal investigation shall not be entered into any DNA database. Nothing in this paragraph (1.6) shall be interpreted to contradict rules and regulations developed by the Federal Bureau of Investigation relating to the National DNA Index System or Combined DNA Index System.

(2) The right to timely notification of all court proceedings.

(3) The right to communicate with the prosecution.

(4) The right to be heard at any post-arraignment

court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.

(5) The right to be notified of the conviction, the sentence, the imprisonment and the release of the accused.

(6) The right to the timely disposition of the case following the arrest of the accused.

(7) The right to be reasonably protected from the accused through the criminal justice process.

(7.5) The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.

(8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.

(9) The right to have present at all court proceedings, including proceedings under the Juvenile Court Act of 1987, subject to the rules of evidence, an advocate and other support person of the victim's choice.

(10) The right to restitution.

(b) Any law enforcement agency that investigates an offense committed in this State shall provide a crime victim

with a written statement and explanation of the rights of crime victims under this amendatory Act of the 99th General Assembly within 48 hours of law enforcement's initial contact with a victim. The statement shall include information about crime victim compensation, including how to contact the Office of the Illinois Attorney General to file a claim, and appropriate referrals to local and State programs that provide victim services. The content of the statement shall be provided to law enforcement by the Attorney General. Law enforcement shall also provide a crime victim with a sign-off sheet that the victim shall sign and date as an acknowledgement that he or she has been furnished with information and an explanation of the rights of crime victims and compensation set forth in this Act.

(b-5) Upon the request of the victim, the law enforcement agency having jurisdiction shall provide a free copy of the police report concerning the victim's incident, as soon as practicable, but in no event later than 5 business days from the request.

(c) The Clerk of the Circuit Court shall post the rights of crime victims set forth in Article I, Section 8.1(a) of the Illinois Constitution and subsection (a) of this Section within 3 feet of the door to any courtroom where criminal proceedings are conducted. The clerk may also post the rights in other locations in the courthouse.

(d) At any point, the victim has the right to retain a

victim's attorney who may be present during all stages of any interview, investigation, or other interaction with representatives of the criminal justice system. Treatment of the victim should not be affected or altered in any way as a result of the victim's decision to exercise this right.

(Source: P.A. 103-792, eff. 1-1-25.)

(725 ILCS 120/4.5)

Sec. 4.5. Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges, and corrections will provide information, as appropriate, of the following procedures:

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(a-5) When law enforcement authorities reopen a closed case to resume investigating, they shall provide notice of the reopening of the case, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation.

(b) The office of the State's Attorney:

(1) shall provide notice of the filing of an

information, the return of an indictment, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

(2) shall provide timely notice of the date, time, and place of court proceedings; of any change in the date, time, and place of court proceedings; and of any cancellation of court proceedings. Notice shall be provided in sufficient time, wherever possible, for the victim to make arrangements to attend or to prevent an unnecessary appearance at court proceedings;

(3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;

(3.5) or victim advocate personnel shall provide information about available victim services, including referrals to programs, counselors, and agencies that assist a victim to deal with trauma, loss, and grief;

(4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;

(5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal

justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(6) shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends;

(7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings and, in compliance with the federal Americans with Disabilities Act of 1990, the right to communications access through a sign language interpreter or by other means;

(8) (blank);

(8.5) shall inform the victim of the right to be present at all court proceedings, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at trial;

(9) shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence and confidentiality, an advocate and other support person of the victim's choice;

(9.3) shall inform the victim of the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and

State's Attorney, is to receive copies of all notices, motions, and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case;

(9.5) shall inform the victim of (A) the victim's right under Section 6 of this Act to make a statement at the sentencing hearing; (B) the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members under Section 6 of this Act to present a statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent, and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person;

(10) at the sentencing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board or Department of Juvenile Justice information concerning the release of the defendant;

(11) shall request restitution at sentencing and as part of a plea agreement if the victim requests restitution;

(12) shall, upon the court entering a verdict of not guilty by reason of insanity, inform the victim of the notification services available from the Department of Human Services, including the statewide telephone number, under subparagraph (d)(2) of this Section;

(13) shall provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on ~~pretrial release~~ bail or personal recognizance or the release from detention of a minor who has been detained;

(14) shall explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent;

(15) shall make all reasonable efforts to consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the

victim;

(16) shall provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime;

(17) shall provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal, and how to request notice of any hearing, oral argument, or decision of an appellate court;

(18) shall provide timely notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given within 48 hours of the court's scheduling of the hearing;

(19) shall forward a copy of any statement presented under Section 6 to the Prisoner Review Board or Department of Juvenile Justice to be considered in making a determination under Section 3-2.5-85 or subsection (b) of Section 3-3-8 of the Unified Code of Corrections;

(20) shall, within a reasonable time, offer to meet with the crime victim regarding the decision of the State's Attorney not to charge an offense, and shall meet with the victim, if the victim agrees. The victim has a

right to have an attorney, advocate, and other support person of the victim's choice attend this meeting with the victim; and

(21) shall give the crime victim timely notice of any decision not to pursue charges and consider the safety of the victim when deciding how to give such notice.

(c) The court shall ensure that the rights of the victim are afforded.

(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:

(1) Written notice. A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.

(2) Victim's retained attorney. A victim's attorney shall file an entry of appearance limited to assertion of the victim's rights. Upon the filing of the entry of appearance and service on the State's Attorney and the

defendant, the attorney is to receive copies of all notices, motions and court orders filed thereafter in the case.

(3) Standing. The victim has standing to assert the rights enumerated in subsection (a) of Article I, Section 8.1 of the Illinois Constitution and the statutory rights under Section 4 of this Act in any court exercising jurisdiction over the criminal case. The prosecuting attorney, a victim, or the victim's retained attorney may assert the victim's rights. The defendant in the criminal case has no standing to assert a right of the victim in any court proceeding, including on appeal.

(4) Assertion of and enforcement of rights.

(A) The prosecuting attorney shall assert a victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury. The prosecuting attorney shall consult with the victim and the victim's attorney regarding the assertion or enforcement of a right. If the prosecuting attorney decides not to assert or enforce a victim's right, the prosecuting attorney shall notify the victim or the victim's attorney in sufficient time to allow the victim or the victim's attorney to assert the right or to seek enforcement of a right.

(B) If the prosecuting attorney elects not to assert a victim's right or to seek enforcement of a right, the victim or the victim's attorney may assert the victim's right or request enforcement of a right by filing a motion or by orally asserting the right or requesting enforcement in open court in the criminal case outside the presence of the jury.

(C) If the prosecuting attorney asserts a victim's right or seeks enforcement of a right, unless the prosecuting attorney objects or the trial court does not allow it, the victim or the victim's attorney may be heard regarding the prosecuting attorney's motion or may file a simultaneous motion to assert or request enforcement of the victim's right. If the victim or the victim's attorney was not allowed to be heard at the hearing regarding the prosecuting attorney's motion, and the court denies the prosecuting attorney's assertion of the right or denies the request for enforcement of a right, the victim or victim's attorney may file a motion to assert the victim's right or to request enforcement of the right within 10 days of the court's ruling. The motion need not demonstrate the grounds for a motion for reconsideration. The court shall rule on the merits of the motion.

(D) The court shall take up and decide any motion

or request asserting or seeking enforcement of a victim's right without delay, unless a specific time period is specified by law or court rule. The reasons for any decision denying the motion or request shall be clearly stated on the record.

(E) No later than January 1, 2023, the Office of the Attorney General shall:

(i) designate an administrative authority within the Office of the Attorney General to receive and investigate complaints relating to the provision or violation of the rights of a crime victim as described in Article I, Section 8.1 of the Illinois Constitution and in this Act;

(ii) create and administer a course of training for employees and offices of the State of Illinois that fail to comply with provisions of Illinois law pertaining to the treatment of crime victims as described in Article I, Section 8.1 of the Illinois Constitution and in this Act as required by the court under Section 5 of this Act; and

(iii) have the authority to make recommendations to employees and offices of the State of Illinois to respond more effectively to the needs of crime victims, including regarding the violation of the rights of a crime victim.

(F) Crime victims' rights may also be asserted by filing a complaint for mandamus, injunctive, or declaratory relief in the jurisdiction in which the victim's right is being violated or where the crime is being prosecuted. For complaints or motions filed by or on behalf of the victim, the clerk of court shall waive filing fees that would otherwise be owed by the victim for any court filing with the purpose of enforcing crime victims' rights. If the court denies the relief sought by the victim, the reasons for the denial shall be clearly stated on the record in the transcript of the proceedings, in a written opinion, or in the docket entry, and the victim may appeal the circuit court's decision to the appellate court. The court shall issue prompt rulings regarding victims' rights. Proceedings seeking to enforce victims' rights shall not be stayed or subject to unreasonable delay via continuances.

(5) Violation of rights and remedies.

(A) If the court determines that a victim's right has been violated, the court shall determine the appropriate remedy for the violation of the victim's right by hearing from the victim and the parties, considering all factors relevant to the issue, and then awarding appropriate relief to the victim.

(A-5) Consideration of an issue of a substantive

nature or an issue that implicates the constitutional or statutory right of a victim at a court proceeding labeled as a status hearing shall constitute a per se violation of a victim's right.

(B) The appropriate remedy shall include only actions necessary to provide the victim the right to which the victim was entitled. Remedies may include, but are not limited to: injunctive relief requiring the victim's right to be afforded; declaratory judgment recognizing or clarifying the victim's rights; a writ of mandamus; and may include reopening previously held proceedings; however, in no event shall the court vacate a conviction. Any remedy shall be tailored to provide the victim an appropriate remedy without violating any constitutional right of the defendant. In no event shall the appropriate remedy to the victim be a new trial or damages.

The court shall impose a mandatory training course provided by the Attorney General for the employee under item (ii) of subparagraph (E) of paragraph (4), which must be successfully completed within 6 months of the entry of the court order.

This paragraph (5) takes effect January 2, 2023.

(6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.

(7) Right to attend trial. A party must file a written motion to exclude a victim from trial at least 60 days prior to the date set for trial. The motion must state with specificity the reason exclusion is necessary to protect a constitutional right of the party, and must contain an offer of proof. The court shall rule on the motion within 30 days. If the motion is granted, the court shall set forth on the record the facts that support its finding that the victim's testimony will be materially affected if the victim hears other testimony at trial.

(8) Right to have advocate and support person present at court proceedings.

(A) A party who intends to call an advocate as a witness at trial must seek permission of the court before the subpoena is issued. The party must file a written motion at least 90 days before trial that sets forth specifically the issues on which the advocate's testimony is sought and an offer of proof regarding (i) the content of the anticipated testimony of the advocate; and (ii) the relevance, admissibility, and materiality of the anticipated testimony. The court shall consider the motion and make findings within 30 days of the filing of the motion. If the court finds by a preponderance of the evidence that: (i) the anticipated testimony is not protected by an absolute privilege; and (ii) the anticipated testimony contains

relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the advocate to appear to testify at an in camera hearing. The prosecuting attorney and the victim shall have 15 days to seek appellate review before the advocate is required to testify at an ex parte in camera proceeding.

The prosecuting attorney, the victim, and the advocate's attorney shall be allowed to be present at the ex parte in camera proceeding. If, after conducting the ex parte in camera hearing, the court determines that due process requires any testimony regarding confidential or privileged information or communications, the court shall provide to the prosecuting attorney, the victim, and the advocate's attorney a written memorandum on the substance of the advocate's testimony. The prosecuting attorney, the victim, and the advocate's attorney shall have 15 days to seek appellate review before a subpoena may be issued for the advocate to testify at trial. The presence of the prosecuting attorney at the ex parte in camera proceeding does not make the substance of the advocate's testimony that the court has ruled inadmissible subject to discovery.

(B) If a victim has asserted the right to have a

support person present at the court proceedings, the victim shall provide the name of the person the victim has chosen to be the victim's support person to the prosecuting attorney, within 60 days of trial. The prosecuting attorney shall provide the name to the defendant. If the defendant intends to call the support person as a witness at trial, the defendant must seek permission of the court before a subpoena is issued. The defendant must file a written motion at least 45 days prior to trial that sets forth specifically the issues on which the support person will testify and an offer of proof regarding: (i) the content of the anticipated testimony of the support person; and (ii) the relevance, admissibility, and materiality of the anticipated testimony.

If the prosecuting attorney intends to call the support person as a witness during the State's case-in-chief, the prosecuting attorney shall inform the court of this intent in the response to the defendant's written motion. The victim may choose a different person to be the victim's support person. The court may allow the defendant to inquire about matters outside the scope of the direct examination during cross-examination. If the court allows the defendant to do so, the support person shall be allowed to remain in the courtroom after the support

person has testified. A defendant who fails to question the support person about matters outside the scope of direct examination during the State's case-in-chief waives the right to challenge the presence of the support person on appeal. The court shall allow the support person to testify if called as a witness in the defendant's case-in-chief or the State's rebuttal.

If the court does not allow the defendant to inquire about matters outside the scope of the direct examination, the support person shall be allowed to remain in the courtroom after the support person has been called by the defendant or the defendant has rested. The court shall allow the support person to testify in the State's rebuttal.

If the prosecuting attorney does not intend to call the support person in the State's case-in-chief, the court shall verify with the support person whether the support person, if called as a witness, would testify as set forth in the offer of proof. If the court finds that the support person would testify as set forth in the offer of proof, the court shall rule on the relevance, materiality, and admissibility of the anticipated testimony. If the court rules the anticipated testimony is admissible, the court shall issue the subpoena. The support person may remain in

the courtroom after the support person testifies and shall be allowed to testify in rebuttal.

If the court excludes the victim's support person during the State's case-in-chief, the victim shall be allowed to choose another support person to be present in court.

If the victim fails to designate a support person within 60 days of trial and the defendant has subpoenaed the support person to testify at trial, the court may exclude the support person from the trial until the support person testifies. If the court excludes the support person the victim may choose another person as a support person.

(9) Right to notice and hearing before disclosure of confidential or privileged information or records.

(A) A defendant who seeks to subpoena testimony or records of or concerning the victim that are confidential or privileged by law must seek permission of the court before the subpoena is issued. The defendant must file a written motion and an offer of proof regarding the relevance, admissibility and materiality of the testimony or records. If the court finds by a preponderance of the evidence that:

(i) the testimony or records are not protected by an absolute privilege and

(ii) the testimony or records contain

relevant, admissible, and material evidence that is not available through other witnesses or evidence, the court shall issue a subpoena requiring the witness to appear in camera or a sealed copy of the records be delivered to the court to be reviewed in camera. If, after conducting an in camera review of the witness statement or records, the court determines that due process requires disclosure of any potential testimony or any portion of the records, the court shall provide copies of the records that it intends to disclose to the prosecuting attorney and the victim. The prosecuting attorney and the victim shall have 30 days to seek appellate review before the records are disclosed to the defendant, used in any court proceeding, or disclosed to anyone or in any way that would subject the testimony or records to public review. The disclosure of copies of any portion of the testimony or records to the prosecuting attorney under this Section does not make the records subject to discovery or required to be provided to the defendant.

(B) A prosecuting attorney who seeks to subpoena information or records concerning the victim that are confidential or privileged by law must first request

the written consent of the crime victim. If the victim does not provide such written consent, including where necessary the appropriate signed document required for waiving privilege, the prosecuting attorney must serve the subpoena at least 21 days prior to the date a response or appearance is required to allow the subject of the subpoena time to file a motion to quash or request a hearing. The prosecuting attorney must also send a written notice to the victim at least 21 days prior to the response date to allow the victim to file a motion or request a hearing. The notice to the victim shall inform the victim (i) that a subpoena has been issued for confidential information or records concerning the victim, (ii) that the victim has the right to request a hearing prior to the response date of the subpoena, and (iii) how to request the hearing. The notice to the victim shall also include a copy of the subpoena. If requested, a hearing regarding the subpoena shall occur before information or records are provided to the prosecuting attorney.

(10) Right to notice of court proceedings. If the victim is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecuting attorney whether the victim was notified of the time, place, and purpose of the court proceeding and that the victim had a right to be heard at the court

proceeding. If the court determines that timely notice was not given or that the victim was not adequately informed of the nature of the court proceeding, the court shall not rule on any substantive issues, accept a plea, or impose a sentence and shall continue the hearing for the time necessary to notify the victim of the time, place and nature of the court proceeding. The time between court proceedings shall not be attributable to the State under Section 103-5 of the Code of Criminal Procedure of 1963.

(11) Right to timely disposition of the case. A victim has the right to timely disposition of the case so as to minimize the stress, cost, and inconvenience resulting from the victim's involvement in the case. Before ruling on a motion to continue trial or other court proceeding, the court shall inquire into the circumstances for the request for the delay and, if the victim has provided written notice of the assertion of the right to a timely disposition, and whether the victim objects to the delay. If the victim objects, the prosecutor shall inform the court of the victim's objections. If the prosecutor has not conferred with the victim about the continuance, the prosecutor shall inform the court of the attempts to confer. If the court finds the attempts of the prosecutor to confer with the victim were inadequate to protect the victim's right to be heard, the court shall give the prosecutor at least 3 but not more than 5 business days to

confer with the victim. In ruling on a motion to continue, the court shall consider the reasons for the requested continuance, the number and length of continuances that have been granted, the victim's objections and procedures to avoid further delays. If a continuance is granted over the victim's objection, the court shall specify on the record the reasons for the continuance and the procedures that have been or will be taken to avoid further delays.

(12) Right to Restitution.

(A) If the victim has asserted the right to restitution and the amount of restitution is known at the time of sentencing, the court shall enter the judgment of restitution at the time of sentencing.

(B) If the victim has asserted the right to restitution and the amount of restitution is not known at the time of sentencing, the prosecutor shall, within 5 days after sentencing, notify the victim what information and documentation related to restitution is needed and that the information and documentation must be provided to the prosecutor within 45 days after sentencing. Failure to timely provide information and documentation related to restitution shall be deemed a waiver of the right to restitution. The prosecutor shall file and serve within 60 days after sentencing a proposed judgment for restitution and a notice that includes information concerning the

identity of any victims or other persons seeking restitution, whether any victim or other person expressly declines restitution, the nature and amount of any damages together with any supporting documentation, a restitution amount recommendation, and the names of any co-defendants and their case numbers. Within 30 days after receipt of the proposed judgment for restitution, the defendant shall file any objection to the proposed judgment, a statement of grounds for the objection, and a financial statement. If the defendant does not file an objection, the court may enter the judgment for restitution without further proceedings. If the defendant files an objection and either party requests a hearing, the court shall schedule a hearing.

(13) Access to presentence reports.

(A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:

(i) the defendant's mental history and condition;

(ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and

(iii) the name, address, phone number, and

other personal information about any other victim.

(B) The State's Attorney or the defendant may request the court redact other information in the report that may endanger the safety of any person.

(C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the information will be stated in court at the sentencing.

(D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a court proceeding constitutes indirect criminal contempt of court.

(14) Appellate relief. If the trial court denies the relief requested, the victim, the victim's attorney, or the prosecuting attorney may file an appeal within 30 days of the trial court's ruling. The trial or appellate court may stay the court proceedings if the court finds that a stay would not violate a constitutional right of the defendant. If the appellate court denies the relief sought, the reasons for the denial shall be clearly stated in a written opinion. In any appeal in a criminal case, the State may assert as error the court's denial of any crime victim's right in the proceeding to which the appeal relates.

(15) Limitation on appellate relief. In no case shall an appellate court provide a new trial to remedy the violation of a victim's right.

(16) The right to be reasonably protected from the accused throughout the criminal justice process and the right to have the safety of the victim and the victim's family considered in <u>denying or fixing the amount of bail,</u> determining whether to release the defendant, and setting conditions of release after arrest and conviction. A victim of domestic violence, a sexual offense, or stalking may request the entry of a protective order under Article 112A of the Code of Criminal Procedure of 1963.

(d) Procedures after the imposition of sentence.

(1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian, other than the Department of Juvenile Justice, of the discharge of any individual who was adjudicated a delinquent for a crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review

Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to the victim's or other concerned citizen's residence or other location available to the notifying authority.

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the approval by the court of an on-grounds pass, a supervised off-grounds pass, an unsupervised off-grounds pass, or conditional release; the release on an off-grounds pass; the return from an off-grounds pass; transfer to another facility; conditional release; escape; death; or final discharge from State custody. The Department of Human Services shall establish and maintain a statewide telephone number to be used by victims to make notification requests under these provisions and shall publicize this telephone number on its website and to the State's Attorney of each county.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced has the right to register with the Prisoner Review Board's victim registry. Victims registered with the Board shall receive reasonable written notice not less than 30 days prior to the parole hearing or target aftercare release date. The victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice in writing, on film, videotape, or other electronic means, or in the form of a recording prior to the parole hearing or target aftercare release date, or in person at the parole hearing or aftercare release protest hearing, or by calling the toll-free number established in subsection (f)

of this Section. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-1) The crime victim has the right to submit a victim statement for consideration by the Prisoner Review Board or the Department of Juvenile Justice prior to or at a hearing to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of

Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(4-2) The crime victim has the right to submit a victim statement to the Prisoner Review Board for consideration at an executive clemency hearing as provided in Section 3-3-13 of the Unified Code of Corrections. A victim statement may be submitted in writing, on film, videotape, or other electronic means, or in the form of a recording prior to a hearing, or orally at a hearing, or by calling the toll-free number established in subsection (f) of this Section. Victim statements provided to the Board shall be confidential and privileged, including any statements received prior to January 1, 2020 (the effective date of Public Act 101-288), except if the statement was an oral statement made by the victim at a hearing open to the public.

(5) If a statement is presented under Section 6, the Prisoner Review Board or Department of Juvenile Justice shall inform the victim of any order of discharge pursuant to Section 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

(6) At the written or oral request of the victim of the crime for which the prisoner was sentenced or the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted, the Prisoner Review

Board or Department of Juvenile Justice shall notify the victim and the State's Attorney of the county where the person seeking parole or aftercare release was prosecuted of the death of the prisoner if the prisoner died while on parole or aftercare release or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge, conditional release, death, or escape from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(8) When a defendant has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act and has been sentenced to the Department of Corrections or the Department of Juvenile Justice, the Prisoner Review Board or the Department of Juvenile Justice shall notify the victim of the sex offense of the prisoner's eligibility for release on parole, aftercare release, mandatory supervised release, electronic detention, work release, international transfer or

exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a sex offense from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The notification shall be made to the victim at least 30 days, whenever possible, before release of the sex offender.

(e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.

(f) The Prisoner Review Board shall establish a toll-free number that may be accessed by the crime victim to present a victim statement to the Board in accordance with paragraphs (4), (4-1), and (4-2) of subsection (d).

(Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

Section 275. The Pretrial Services Act is amended by changing Sections 7, 11, 19, 20, 22, and 34 as follows:

(725 ILCS 185/7) (from Ch. 38, par. 307)

Sec. 7. Pretrial services agencies shall perform the following duties for the circuit court:

(a) Interview and assemble verified information and data concerning the community ties, employment, residency, criminal record, and social background of arrested persons who are to be, or have been, presented in court for first appearance on felony charges, to assist the court in determining the appropriate terms and conditions of bail ~~pretrial release~~;

(b) Submit written reports of those investigations to the court along with such findings and recommendations, if any, as may be necessary to assess ~~appropriate conditions which shall be imposed to protect against the risks of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial;~~:

(1) the need for financial security to assure the defendant's appearance at later proceedings; and

(2) appropriate conditions which shall be imposed to protect against the risks of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial;

(c) Supervise compliance with bail ~~pretrial release~~ conditions, and promptly report violations of those conditions to the court and prosecutor to ~~ensure~~ assure effective enforcement;

(d) Cooperate with the court and all other criminal justice agencies in the development of programs to minimize unnecessary pretrial detention and protect the public against breaches of bail ~~pretrial release~~ conditions; and

(e) Monitor the local operations of the bail ~~pretrial release~~ system and maintain accurate and comprehensive records of program activities.

(Source: P.A. 102-1104, eff. 1-1-23.)

(725 ILCS 185/11) (from Ch. 38, par. 311)

Sec. 11. No person shall be interviewed by a pretrial services agency unless he or she has first been apprised of the identity and purpose of the interviewer, the scope of the interview, the right to secure legal advice, and the right to refuse cooperation. Inquiry of the defendant shall carefully exclude questions concerning the details of the current charge. Statements made by the defendant during the interview, or evidence derived therefrom, are admissible in evidence only when the court is considering the imposition of pretrial or posttrial conditions to bail or recognizance ~~of release, denial of pretrial release~~, or when considering the modification of a prior release order.

(Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

(725 ILCS 185/19) (from Ch. 38, par. 319)

Sec. 19. Written reports under Section 17 shall set forth all factual findings on which any recommendation and conclusions contained therein are based together with the source of each fact, and shall contain information and data relevant to ~~appropriate conditions imposed to protect against~~

~~the risk of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial.~~ the following issues:

(a) The need for financial security to assure the defendant's appearance for later court proceedings; and

(b) Appropriate conditions imposed to protect against the risk of nonappearance and commission of new offenses or other interference with the orderly administration of justice before trial.

(Source: P.A. 102-1104, eff. 1-1-23.)

(725 ILCS 185/20) (from Ch. 38, par. 320)

Sec. 20. In preparing and presenting its written reports under Sections 17 and 19, pretrial services agencies shall in appropriate cases include specific recommendations for the setting, increase, or decrease ~~the conditions~~ of bail ~~pretrial release~~; the release of the interviewee on his own recognizance in sums certain; and the imposition of pretrial conditions to bail ~~of pretrial release~~ or recognizance designed to minimize the risks of nonappearance, the commission of new offenses while awaiting trial, and other potential interference with the orderly administration of justice. In establishing objective internal criteria of any such recommendation policies, the agency may utilize so-called "point scales" for evaluating the aforementioned risks, but no interviewee shall be considered as ineligible for particular

agency recommendations by sole reference to such procedures.
(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 185/22) (from Ch. 38, par. 322)

(Text of Section before amendment by P.A. 103-602)

Sec. 22. If so ordered by the court, the pretrial services agency shall prepare and submit for the court's approval and signature a uniform release order on the uniform form established by the Supreme Court in all cases where an interviewee may be released from custody under conditions contained in an agency report. Such conditions shall become part of the conditions of the bail bond ~~pretrial release~~. A copy of the uniform release order shall be provided to the defendant and defendant's attorney of record, and the prosecutor.
(Source: P.A. 101-652, eff. 1-1-23.)

(Text of Section after amendment by P.A. 103-602)

Sec. 22. If so ordered by the court, the pretrial services agency shall prepare and submit for the court's approval and signature a uniform release order on the uniform form established by the Office in all cases where an interviewee may be released from custody under conditions contained in an agency report. Such conditions shall become part of the conditions of the bail bond ~~pretrial release~~. A copy of the uniform release order shall be provided to the defendant and

defendant's attorney of record, and the prosecutor.
(Source: P.A. 103-602, eff. 7-1-25.)

(725 ILCS 185/34)

Sec. 34. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under this Act and under the bail bond ~~pretrial release~~ provisions of the Code of Criminal Procedure of 1963.
(Source: P.A. 101-652, eff. 1-1-23.)

Section 285. The Quasi-criminal and Misdemeanor Bail Act is amended by changing the title of the Act and Sections 0.01, 1, 2, 3, and 5 as follows:

(725 ILCS 195/Act title)

An Act to authorize designated officers to let persons charged with quasi-criminal offenses and misdemeanors to ~~pretrial release~~ bail and to accept and receipt for fines on pleas of guilty in minor offenses, in accordance with schedules established by rule of court.

(725 ILCS 195/0.01) (from Ch. 16, par. 80)

Sec. 0.01. Short title. This Act may be cited as the

Quasi-criminal and Misdemeanor Bail ~~Pretrial Release~~ Act.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 195/1) (from Ch. 16, par. 81)

Sec. 1. Whenever in any circuit there shall be in force a rule or order of the Supreme Court establishing a uniform schedule ~~form~~ prescribing the amounts of bail ~~conditions of pretrial release~~ for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors, any general superintendent, chief, captain, lieutenant, or sergeant of police, or other police officer, the sheriff, the circuit clerk, and any deputy sheriff or deputy circuit clerk designated by the Circuit Court for the purpose, are authorized to let to bail ~~pretrial release~~ any person charged with a quasi-criminal offense or misdemeanor and to accept and receipt for bonds or cash bail in accordance with regulations established by rule or order of the Supreme Court. Unless otherwise provided by Supreme Court Rule, no such bail may be posted or accepted in any place other than a police station, sheriff's office or jail, or other county, municipal or other building housing governmental units, or a division headquarters building of the Illinois State Police. Bonds and cash so received shall be delivered to the office of the circuit clerk or that of his designated deputy as provided by regulation. Such cash and securities so received shall be delivered to the office of such clerk or deputy clerk within at

least 48 hours of receipt or within the time set for the accused's appearance in court whichever is earliest.

In all cases where a person is admitted to bail under a uniform schedule prescribing the amount of bail for specified conservation cases, traffic cases, quasi-criminal offenses and misdemeanors the provisions of Section 110-15.1 of the Code of Criminal Procedure of 1963 shall be applicable.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 195/2) (from Ch. 16, par. 82)

Sec. 2. The conditions of the bail bond or deposit of cash bail ~~pretrial release~~ shall be that the accused will appear to answer the charge in court at a time and place specified in the bond ~~pretrial release form~~ and thereafter as ordered by the court until discharged on final order of the court and to submit himself to the orders and process of the court. The accused shall be furnished with an official receipt on a form prescribed by rule of court for any cash or other security deposited, and shall receive a copy of the bond ~~pretrial release form~~ specifying the time and place of his court appearance.

Upon performance of the conditions of the bond ~~pretrial release~~, the bond ~~pretrial release form~~ shall be null and void any cash bail or other security shall be returned to the accused and any cash bail or other security shall be returned to the accused ~~the accused shall be released from the~~

~~conditions of pretrial release~~.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 195/3) (from Ch. 16, par. 83)

Sec. 3. In lieu of making bond or depositing cash bail as provided in this Act or the deposit of other security authorized by law ~~complying with the conditions of pretrial release~~, any accused person has the right to be brought without unnecessary delay before the nearest or most accessible judge of the circuit to be dealt with according to law.

(Source: P.A. 101-652, eff. 1-1-23.)

(725 ILCS 195/5) (from Ch. 16, par. 85)

Sec. 5. Any person authorized to accept bail ~~pretrial release~~ or pleas of guilty by this Act who violates any provision of this Act is guilty of a Class B misdemeanor.

(Source: P.A. 101-652, eff. 1-1-23.)

Section 290. The Unified Code of Corrections is amended by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7, and 8-2-1 as follows:

(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

Sec. 5-3-2. Presentence report.

(a) In felony cases, the presentence report shall set

forth:

(1) the defendant's history of delinquency or criminality, physical and mental history and condition, family situation and background, economic status, education, occupation and personal habits;

(2) information about special resources within the community which might be available to assist the defendant's rehabilitation, including treatment centers, residential facilities, vocational training services, correctional manpower programs, employment opportunities, special educational programs, alcohol and drug abuse programming, psychiatric and marriage counseling, and other programs and facilities which could aid the defendant's successful reintegration into society;

(3) the effect the offense committed has had upon the victim or victims thereof, and any compensatory benefit that various sentencing alternatives would confer on such victim or victims;

(3.5) information provided by the victim's spouse, guardian, parent, grandparent, and other immediate family and household members about the effect the offense committed has had on the victim and on the person providing the information; if the victim's spouse, guardian, parent, grandparent, or other immediate family or household member has provided a written statement, the statement shall be attached to the report;

(4) information concerning the defendant's status since arrest, including his record if released on his own recognizance, or the defendant's achievement record if released on a conditional pre-trial supervision program;

(5) when appropriate, a plan, based upon the personal, economic and social adjustment needs of the defendant, utilizing public and private community resources as an alternative to institutional sentencing;

(6) any other matters that the investigatory officer deems relevant or the court directs to be included;

(7) information concerning the defendant's eligibility for a sentence to a county impact incarceration program under Section 5-8-1.2 of this Code; and

(8) information concerning the defendant's eligibility for a sentence to an impact incarceration program administered by the Department under Section 5-8-1.1.

(b) The investigation shall include a physical and mental examination of the defendant when so ordered by the court. If the court determines that such an examination should be made, it shall issue an order that the defendant submit to examination at such time and place as designated by the court and that such examination be conducted by a physician, psychologist or psychiatrist designated by the court. Such an examination may be conducted in a court clinic if so ordered by the court. The cost of such examination shall be paid by the county in which the trial is held.

(b-5) In cases involving felony sex offenses in which the offender is being considered for probation only or any felony offense that is sexually motivated as defined in the Sex Offender Management Board Act in which the offender is being considered for probation only, the investigation shall include a sex offender evaluation by an evaluator approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act. In cases in which the offender is being considered for any mandatory prison sentence, the investigation shall not include a sex offender evaluation.

(c) In misdemeanor, business offense or petty offense cases, except as specified in subsection (d) of this Section, when a presentence report has been ordered by the court, such presentence report shall contain information on the defendant's history of delinquency or criminality and shall further contain only those matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court in its order for the report.

(d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, the presentence report shall set forth information about alcohol, drug abuse, psychiatric, and marriage counseling or other treatment programs and facilities, information on the defendant's history of delinquency or criminality, and shall

contain those additional matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court.

(e) Nothing in this Section shall cause the defendant to be held without ~~pretrial release~~ bail or to have his ~~pretrial release~~ bail revoked for the purpose of preparing the presentence report or making an examination.

(Source: P.A. 101-105, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff. 8-20-21.)

(730 ILCS 5/5-5-3.2)

Sec. 5-5-3.2. Factors in aggravation and extended-term sentencing.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it

to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who has a physical disability or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human

Rights Act;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail ~~on pretrial release~~ or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 11-0.1 of the Criminal Code of 2012, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section

11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11, 11-14.4 except for an offense that involves keeping a place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code of 2012;

(16.5) the defendant committed an offense in violation

of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 or the Criminal Code of 2012;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care

Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code;

(22) the defendant committed the offense against a person that the defendant knew, or reasonably should have

known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed Forces of the United States, including a member of any reserve component thereof or National Guard unit called to active duty;

(23) the defendant committed the offense against a person who was elderly or infirm or who was a person with a disability by taking advantage of a family or fiduciary relationship with the elderly or infirm person or person with a disability;

(24) the defendant committed any offense under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 and possessed 100 or more images;

(25) the defendant committed the offense while the defendant or the victim was in a train, bus, or other vehicle used for public transportation;

(26) the defendant committed the offense of child pornography or aggravated child pornography, specifically including paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context and specifically including paragraph (1), (2), (3), (4),

(5), or (7) of subsection (a) of Section 11-20.1B or Section 11-20.3 of the Criminal Code of 1961 where a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;

(26.5) the defendant committed the offense of obscene depiction of a purported child, specifically including paragraph (2) of subsection (b) of Section 11-20.4 of the Criminal Code of 2012 if a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context;

(27) the defendant committed the offense of first degree murder, assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person who was a veteran and the defendant knew, or reasonably should have known, that the person was a veteran performing duties as a representative of a veterans' organization. For the purposes of this paragraph (27), "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces; and "veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or

spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit;

(28) the defendant committed the offense of assault, aggravated assault, battery, aggravated battery, robbery, armed robbery, or aggravated robbery against a person that the defendant knew or reasonably should have known was a letter carrier or postal worker while that person was performing his or her duties delivering mail for the United States Postal Service;

(29) the defendant committed the offense of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse against a victim with an intellectual disability, and the defendant holds a position of trust, authority, or supervision in relation to the victim;

(30) the defendant committed the offense of promoting juvenile prostitution, patronizing a prostitute, or patronizing a minor engaged in prostitution and at the time of the commission of the offense knew that the prostitute or minor engaged in prostitution was in the custody or guardianship of the Department of Children and Family Services;

(31) the defendant (i) committed the offense of driving while under the influence of alcohol, other drug

or drugs, intoxicating compound or compounds or any combination thereof in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) the defendant during the commission of the offense was driving his or her vehicle upon a roadway designated for one-way traffic in the opposite direction of the direction indicated by official traffic control devices;

(32) the defendant committed the offense of reckless homicide while committing a violation of Section 11-907 of the Illinois Vehicle Code;

(33) the defendant was found guilty of an administrative infraction related to an act or acts of public indecency or sexual misconduct in the penal institution. In this paragraph (33), "penal institution" has the same meaning as in Section 2-14 of the Criminal Code of 2012; or

(34) the defendant committed the offense of leaving the scene of a crash in violation of subsection (b) of Section 11-401 of the Illinois Vehicle Code and the crash resulted in the death of a person and at the time of the offense, the defendant was: (i) driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof as defined by Section 11-501 of the Illinois Vehicle Code; or (ii) operating the motor vehicle while using an electronic

communication device as defined in Section 12-610.2 of the Illinois Vehicle Code.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

"Intellectual disability" means significantly subaverage intellectual functioning which exists concurrently with impairment in adaptive behavior.

"Public transportation" means the transportation or conveyance of persons by means available to the general public, and includes paratransit services.

"Traffic control devices" means all signs, signals, markings, and devices that conform to the Illinois Manual on Uniform Traffic Control Devices, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or

greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person who had a physical disability at the time of the offense or such person's property; or

(4) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(5) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(6) When a defendant is convicted of an offense committed while using a firearm with a laser sight attached to it. For purposes of this paragraph, "laser sight" has the meaning ascribed to it in Section 26-7 of the Criminal Code of 2012; or

(7) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10

years after the previous adjudication, excluding time spent in custody; or

(8) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged; or

(9) When a defendant commits any felony and the defendant knowingly video or audio records the offense with the intent to disseminate the recording.

(c) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed offenses:

(1) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and the charges are separately brought and tried and arise out of different series of acts.

(1.5) When a defendant is convicted of first degree murder, after having been previously convicted of domestic battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery

~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after having been previously convicted of violation of an order of protection ~~(720 ILCS 5/12-30)~~ in which the same victim was the protected person.

(2) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter, or reckless homicide in which the defendant has been convicted of causing the death of more than one individual.

(3) When a defendant is convicted of aggravated criminal sexual assault or criminal sexual assault, when there is a finding that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective.

(4) If the victim was under 18 years of age at the time of the commission of the offense, when a defendant is convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 11-1.40 or subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

(5) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a finding that the defendant is a member of an organized gang.

(6) When a defendant was convicted of unlawful possession of weapons under Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~.

(7) When a defendant is convicted of an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act ~~(720 ILCS 646/25)~~, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph, "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman,

emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel.

(8) When the defendant is convicted of attempted mob action, solicitation to commit mob action, or conspiracy to commit mob action under Section 8-1, 8-2, or 8-4 of the Criminal Code of 2012, where the criminal object is a violation of Section 25-1 of the Criminal Code of 2012, and an electronic communication is used in the commission of the offense. For the purposes of this paragraph (8), "electronic communication" shall have the meaning provided in Section 26.5-0.1 of the Criminal Code of 2012.

(d) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(e) The court may impose an extended term sentence under Article 4.5 of Chapter V upon an offender who has been convicted of a felony violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012 when the victim of the offense is under 18 years of age at the time of the commission of the offense and, during the commission of the offense, the victim was under the influence of alcohol, regardless of whether or not the alcohol was

supplied by the offender; and the offender, at the time of the commission of the offense, knew or should have known that the victim had consumed alcohol.

(Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23; 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, modification or revocation of probation, of conditional discharge or supervision or of a sentence of county impact incarceration - hearing.

(a) Except in cases where conditional discharge or supervision was imposed for a petty offense as defined in Section 5-1-17, when a petition is filed charging a violation of a condition, the court may:

(1) in the case of probation violations, order the issuance of a notice to the offender to be present by the County Probation Department or such other agency designated by the court to handle probation matters; and in the case of conditional discharge or supervision violations, such notice to the offender shall be issued by the Circuit Court Clerk; and in the case of a violation of a sentence of county impact incarceration, such notice shall be issued by the Sheriff;

(2) order a summons to the offender to be present for hearing; or

(3) order a warrant for the offender's arrest where

there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons or notice from the clerk of the court or Sheriff.

Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation, conditional discharge, supervision, or sentence of county impact incarceration until the final determination of the charge, and the term of probation, conditional discharge, supervision, or sentence of county impact incarceration shall not run until the hearing and disposition of the petition for violation.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to bail ~~pretrial release~~ pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to bail ~~pretrial release~~ on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such

hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with the right of confrontation, cross-examination, and representation by counsel.

(d) Probation, conditional discharge, periodic imprisonment and supervision shall not be revoked for failure to comply with conditions of a sentence or supervision, which imposes financial obligations upon the offender unless such failure is due to his willful refusal to pay.

(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence, with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Article 4.5 of Chapter V of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing. If the court finds that the person has failed to successfully complete his or her sentence to a county impact incarceration program, the court may impose any other sentence that was available under Article 4.5 of Chapter V of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing, except for a sentence of probation or conditional discharge.

If the court finds that the offender has violated paragraph (8.6) of subsection (a) of Section 5-6-3, the court shall revoke the probation of the offender. If the court finds that the offender has violated subsection (o) of Section 5-6-3.1, the court shall revoke the supervision of the offender.

(f) The conditions of probation, of conditional discharge, of supervision, or of a sentence of county impact incarceration may be modified by the court on motion of the supervising agency or on its own motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional discharge, or a sentence of county impact incarceration is a final appealable order.

(h) Resentencing after revocation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be under Article 4. The term on probation, conditional discharge or supervision shall not be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise. The amount of credit to be applied against a sentence of imprisonment or periodic imprisonment when the defendant served a term or partial term of periodic imprisonment shall be calculated upon the basis of the actual days spent in confinement rather than the duration of the term.

(i) Instead of filing a violation of probation, conditional discharge, supervision, or a sentence of county

impact incarceration, an agent or employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.

(j) When an offender is re-sentenced after revocation of probation that was imposed in combination with a sentence of imprisonment for the same offense, the aggregate of the sentences may not exceed the maximum term authorized under Article 4.5 of Chapter V.

(k)(1) On and after the effective date of this amendatory Act of the 101st General Assembly, this subsection (k) shall apply to arrest warrants in Cook County only. An arrest warrant issued under paragraph (3) of subsection (a) when the underlying conviction is for the offense of theft, retail theft, or possession of a controlled substance shall remain active for a period not to exceed 10 years from the date the warrant was issued unless a motion to extend the warrant is filed by the office of the State's Attorney or by, or on behalf of, the agency supervising the wanted person. A motion to extend the warrant shall be filed within one year before the warrant expiration date and notice shall be provided to the office of the sheriff.

(2) If a motion to extend a warrant issued under paragraph (3) of subsection (a) is not filed, the warrant shall be quashed and recalled as a matter of law under paragraph (1) of this subsection (k) and the wanted person's period of probation, conditional discharge, or supervision shall terminate unsatisfactorily as a matter of law.

(Source: P.A. 101-406, eff. 1-1-20; 101-652, eff. 1-1-23.)

(730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

Sec. 5-6-4.1. Violation, modification or revocation of conditional discharge or supervision - hearing.)

(a) In cases where a defendant was placed upon supervision or conditional discharge for the commission of a petty offense, upon the oral or written motion of the State, or on the court's own motion, which charges that a violation of a condition of that conditional discharge or supervision has occurred, the court may:

(1) conduct a hearing instanter if the offender is present in court;

(2) order the issuance by the court clerk of a notice to the offender to be present for a hearing for violation;

(3) order summons to the offender to be present; or

(4) order a warrant for the offender's arrest.

The oral motion, if the defendant is present, or the issuance of such warrant, summons or notice shall toll the period of conditional discharge or supervision until the final determination of the charge, and the term of conditional discharge or supervision shall not run until the hearing and disposition of the petition for violation.

(b) The Court shall admit the offender to bail ~~pretrial release~~ pending the hearing.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with

the right of confrontation, cross-examination, and representation by counsel.

(d) Conditional discharge or supervision shall not be revoked for failure to comply with the conditions of the discharge or supervision which imposed financial obligations upon the offender unless such failure is due to his wilful refusal to pay.

(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence or supervision with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Article 4.5 of Chapter V of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing.

(f) The conditions of conditional discharge and of supervision may be modified by the court on motion of the probation officer or on its own motion or at the request of the offender after notice to the defendant and a hearing.

(g) A judgment revoking supervision is a final appealable order.

(h) Resentencing after revocation of conditional discharge or of supervision shall be under Article 4. Time served on conditional discharge or supervision shall be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise.

(Source: P.A. 101-652, eff. 1-1-23.)

(730 ILCS 5/5-8A-7)

Sec. 5-8A-7. Domestic violence surveillance program. If the Prisoner Review Board, Department of Corrections, Department of Juvenile Justice, or court (the supervising authority) orders electronic surveillance as a condition of parole, aftercare release, mandatory supervised release, early release, probation, or conditional discharge for a violation of an order of protection or as a condition of bail ~~pretrial release~~ for a person charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders. Best available technology must have real-time and interactive capabilities that facilitate the following objectives: (1) immediate notification to the supervising authority of a breach of a court ordered exclusion zone; (2) notification of the breach to the offender; and (3) communication between the supervising authority, law enforcement, and the victim, regarding the breach. The supervising authority may also require that the electronic surveillance ordered under this Section monitor the consumption of alcohol or drugs.

(Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

(730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

Sec. 8-2-1. Saving clause. The repeal of Acts or parts of Acts enumerated in Section 8-5-1 does not: (1) affect any offense committed, act done, prosecution pending, penalty, punishment or forfeiture incurred, or rights, powers or remedies accrued under any law in effect immediately prior to the effective date of this Code; (2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action then existing under any such repealed Act or amendment thereto; (3) affect or impair the validity of any bail or other bond ~~pretrial release~~ or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code; (4) the validity of any contract; or (5) the validity of any tax levied under any law in effect prior to the effective date of this Code. The repeal of any validating Act or part thereof shall not avoid the effect of the validation. No Act repealed by Section 8-5-1 shall repeal any Act or part thereof which embraces the same or a similar subject matter as the Act repealed.

(Source: P.A. 101-652, eff. 1-1-23.)

Section 295. The Unified Code of Corrections is amended by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1, 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

(730 ILCS 5/3-6-3)

Sec. 3-6-3. Rules and regulations for sentence credit.

(a)(1) The Department of Corrections shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department of Corrections and the Department of Juvenile Justice shall prescribe rules and regulations for awarding and revoking sentence credit for persons committed to the Department of Juvenile Justice under Section 5-8-6 of the Unified Code of Corrections, which shall be subject to review by the Prisoner Review Board.

(1.5) As otherwise provided by law, sentence credit may be awarded for the following:

(A) successful completion of programming while in custody of the Department of Corrections or the Department of Juvenile Justice or while in custody prior to sentencing;

(B) compliance with the rules and regulations of the Department; or

(C) service to the institution, service to a community, or service to the State.

(2) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense

listed in clause (vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or with respect to the offense of unlawful possession of a firearm by a repeat felony offender committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or with respect to the offense of aggravated domestic battery committed on or after July 23, 2010 (the effective date of Public Act 96-1224) or with respect to the offense of attempt to commit terrorism committed on or after January 1, 2013 (the effective date of Public Act 97-990), the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no sentence credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit terrorism, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section

12-3.05, unlawful possession of a firearm by a repeat felony offender, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05, or aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment;

(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking,

methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days sentence credit for each month of his or her sentence of imprisonment;

(vi) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment; and

(vii) that a prisoner serving a sentence for aggravated domestic battery shall receive no more than 4.5 days of sentence credit for each month of his or her

sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after August 13, 2007 (the effective date of Public Act 95-134) or subdivision (a)(2)(vi) committed on or after June 1, 2008 (the effective date of Public Act 95-625) or subdivision (a)(2)(vii) committed on or after July 23, 2010 (the effective date of Public Act 96-1224), and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and other than the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of sentence credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of sentence credit shall reduce by one day the prisoner's

period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment shall receive no sentence credit.

(2.3) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.4) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.5) Except as provided in paragraph (4.7) of this

subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(2.6) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations on sentence credit shall provide that a prisoner who is serving a sentence for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment.

(3) In addition to the sentence credits earned under paragraphs (2.1), (4), (4.1), ~~(4.2),~~ and (4.7) of this subsection (a), the rules ~~and regulations shall also provide that the Director of Corrections or the Director of Juvenile Justice may award up to 180 days of earned sentence credit for prisoners serving a sentence of incarceration of less than 5 years, and up to 365 days of earned sentence credit for prisoners serving a sentence of 5 years or longer. The Director may grant this credit~~ for good conduct in specific

instances as the ~~either~~ Director deems proper ~~for eligible persons in the custody of each Director's respective Department~~. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State.

Eligible inmates for an award of earned sentence credit under this paragraph (3) may be selected to receive the credit at the ~~either~~ Director's or his or her designee's sole discretion. Eligibility for the additional earned sentence credit under this paragraph (3) shall ~~may~~ be based on, but is not limited to, ~~participation in programming offered by the Department as appropriate for the prisoner based on~~ the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, the circumstances of the crime, any ~~demonstrated commitment to rehabilitation by a~~ prisoner with a history of conviction for a forcible felony enumerated in Section 2-8 of the Criminal Code of 2012, the inmate's behavior and ~~improvements in~~ disciplinary history while incarcerated, and the inmate's commitment to rehabilitation, including participation in programming offered by the Department.

The Director of Corrections or the Director of Juvenile Justice shall not award sentence credit under this paragraph (3) to an inmate unless the inmate has served a minimum of 60

days of the sentence, including time served in a county jail; except nothing in this paragraph shall be construed to permit either Director to extend an inmate's sentence beyond that which was imposed by the court. Prior to awarding credit under this paragraph (3), each Director shall make a written determination that the inmate:

(A) is eligible for the earned sentence credit;

(B) has served a minimum of 60 days, or as close to 60 days as the sentence will allow;

(B-1) has received a risk/needs assessment or other relevant evaluation or assessment administered by the Department using a validated instrument; and

(C) has met the eligibility criteria established by rule for earned sentence credit.

The Director of Corrections or the Director of Juvenile Justice shall determine the form and content of the written determination required in this subsection.

(3.5) The Department shall provide annual written reports to the Governor and the General Assembly on the award of earned sentence credit no later than February 1 of each year. The Department must publish both reports on its website within 48 hours of transmitting the reports to the Governor and the General Assembly. The reports must include:

(A) the number of inmates awarded earned sentence credit;

(B) the average amount of earned sentence credit

awarded;

(C) the holding offenses of inmates awarded earned sentence credit; and

(D) the number of earned sentence credit revocations.

(4)(A) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that the sentence credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate ~~any prisoner who~~ is engaged full-time in substance abuse programs, correctional industry assignments, educational programs, work-release programs or activities in accordance with Article 13 of Chapter III of this Code, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall receive be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date ~~one day of sentence credit for each day in which that prisoner is engaged in the activities described in this paragraph~~. The rules and regulations shall also provide that sentence credit , subject to the same offense limits and multiplier provided in this paragraph, may be provided to an inmate who was held in pre-trial detention prior to his or her current commitment to the Department of Corrections and

successfully completed a full-time, 60-day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail. Calculation of this county program credit shall be done at sentencing as provided in Section 5-4.5-100 of this Code and shall be included in the sentencing order. However, no inmate shall be eligible for the additional sentence credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention. ~~The rules and regulations shall also provide that sentence credit may be provided to an inmate who is in compliance with programming requirements in an adult transition center.~~

(B) The Department shall award sentence credit under this paragraph (4) accumulated prior to January 1, 2020 (the effective date of Public Act 101-440) in an amount specified in subparagraph (C) of this paragraph (4) to an inmate serving a sentence for an offense committed prior to June 19, 1998, if the Department determines that the inmate is entitled to this sentence credit, based upon:

(i) documentation provided by the Department that the inmate engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under this paragraph (4) and satisfactorily completed the assigned

program as determined by the standards of the Department during the inmate's current term of incarceration; or

(ii) the inmate's own testimony in the form of an affidavit or documentation, or a third party's documentation or testimony in the form of an affidavit that the inmate likely engaged in any full-time substance abuse programs, correctional industry assignments, educational programs, behavior modification programs, life skills courses, or re-entry planning provided by the Department under paragraph (4) and satisfactorily completed the assigned program as determined by the standards of the Department during the inmate's current term of incarceration.

(C) If the inmate can provide documentation that he or she is entitled to sentence credit under subparagraph (B) in excess of 45 days of participation in those programs, the inmate shall receive 90 days of sentence credit. If the inmate cannot provide documentation of more than 45 days of participation in those programs, the inmate shall receive 45 days of sentence credit. In the event of a disagreement between the Department and the inmate as to the amount of credit accumulated under subparagraph (B), if the Department provides documented proof of a lesser amount of days of participation in those programs, that proof shall control. If the Department provides no documentary proof, the inmate's proof as set forth in clause (ii) of subparagraph (B) shall

control as to the amount of sentence credit provided.

(D) If the inmate has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, sentencing credits under subparagraph (B) of this paragraph (4) shall be awarded by the Department only if the conditions set forth in paragraph (4.6) of subsection (a) are satisfied. No inmate serving a term of natural life imprisonment shall receive sentence credit under subparagraph (B) of this paragraph (4).

(E) The rules and regulations shall provide for the recalculation of program credits awarded pursuant to this paragraph (4) prior to July 1, 2021 (the effective date of Public Act 101-652) at the rate set for such credits on and after July 1, 2021.

Educational, vocational, substance abuse, behavior modification programs, life skills courses, re-entry planning, and correctional industry programs under which sentence credit may be earned under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General

Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. ~~The rules and regulations shall provide that a prisoner who has been placed on a waiting list but is transferred for non disciplinary reasons before beginning a program shall receive priority placement on the waitlist for appropriate programs at the new facility.~~ The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate. ~~The rules and regulations shall provide that a prisoner who begins an educational, vocational, substance abuse, work-release programs or activities in accordance with Article 13 of Chapter III of this Code, behavior modification program, life skills course, re entry planning, or correctional industry programs but is unable to complete the program due to illness, disability, transfer, lockdown, or another reason outside of the prisoner's control shall receive prorated sentence credits for the days in which the prisoner did participate.~~

(4.1) Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall also provide that an additional 90 days of sentence credit shall be awarded to any prisoner who passes high school equivalency testing

while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a State of Illinois High School Diploma. If, after an award of the high school equivalency testing sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 90 days of sentence credit to any committed person who passed high school equivalency testing while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections. ~~Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 120 days of sentence credit shall be awarded to any prisoner who obtains an associate degree while the prisoner is committed to the Department of Corrections, regardless of the date that the associate degree was obtained, including if prior to July 1, 2021 (the effective date of Public Act 101-652). The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this~~

~~Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The sentence credit provided for in this paragraph (4.1) shall be available only to those prisoners who have not previously earned an associate degree prior to the current commitment to the Department of Corrections. If, after an award of the associate degree sentence credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 120 days of sentence credit to any committed person who earned an associate degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.~~

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a bachelor's degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not earned a bachelor's degree prior to the current commitment to the Department of Corrections. If, after an award of the

bachelor's degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a bachelor's degree while he or she was held in pre-trial detention prior to the current commitment to the Department of Corrections.

Except as provided in paragraph (4.7) of this subsection (a), the rules and regulations shall provide that an additional 180 days of sentence credit shall be awarded to any prisoner who obtains a master's or professional degree while the prisoner is committed to the Department of Corrections. The sentence credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of sentence credit under any other paragraph of this Section, but shall also be under the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The sentence credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a master's or professional degree prior to the current commitment to the Department of Corrections. If, after an award of the master's or professional degree sentence credit has been made, the Department determines that the prisoner was not eligible, then the award shall be revoked. The Department may also award 180 days of sentence credit to any committed person who earned a master's or professional degree while he or she was held in

pre-trial detention prior to the current commitment to the Department of Corrections.

~~(4.2)(A) The rules and regulations shall also provide that any prisoner engaged in self-improvement programs, volunteer work, or work assignments that are not otherwise eligible activities under paragraph (4), shall receive up to 0.5 days of sentence credit for each day in which the prisoner is engaged in activities described in this paragraph.~~

~~(B) The rules and regulations shall provide for the award of sentence credit under this paragraph (4.2) for qualifying days of engagement in eligible activities occurring prior to July 1, 2021 (the effective date of Public Act 101-652).~~

(4.5) The rules and regulations on sentence credit shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no sentence credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director of Corrections may waive the requirement to participate in or complete a substance abuse treatment program in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for

these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive sentence credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) The rules and regulations on sentence credit shall also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall receive no sentence credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at either Director's sole discretion, be awarded sentence credit at a rate as the Director shall determine.

(4.7) On or after January 1, 2018 (the effective date of Public Act 100-3), sentence credit under paragraph (3), (4), or (4.1) of this subsection (a) may be awarded to a prisoner

who is serving a sentence for an offense described in paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned on or after January 1, 2018 (the effective date of Public Act 100-3); provided, the award of the credits under this paragraph (4.7) shall not reduce the sentence of the prisoner to less than the following amounts:

(i) 85% of his or her sentence if the prisoner is required to serve 85% of his or her sentence; or

(ii) 60% of his or her sentence if the prisoner is required to serve 75% of his or her sentence, except if the prisoner is serving a sentence for gunrunning his or her sentence shall not be reduced to less than 75%.

(iii) 100% of his or her sentence if the prisoner is required to serve 100% of his or her sentence.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of earned sentence credit under paragraph (3) of subsection (a) of this Section given at any time during the term, the Department shall give reasonable notice of the impending release not less than 14 days prior to the date of the release to the State's Attorney of the county where the prosecution of the inmate took place, and if applicable, the State's Attorney of the county into which the inmate will be released. The Department must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate

Early Release" on the Department's World Wide Web homepage. The identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, commitment offense, and county where conviction was imposed. The identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of sentence credit.

(c) ~~(1)~~ The Department shall prescribe rules and regulations for revoking sentence credit, including revoking sentence credit awarded under paragraph (3) of subsection (a) of this Section. ~~The Department shall prescribe rules and regulations establishing and requiring the use of a sanctions matrix for revoking sentence credit.~~ The Department shall prescribe rules and regulations for suspending or reducing the rate of accumulation of sentence credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of sentence credit for any one infraction.

~~(2)~~ When the Department seeks to revoke, suspend, or reduce the rate of accumulation of any sentence credits for an

alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of sentence credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days~~, whether from one infraction or cumulatively from multiple infractions arising out of a single event,~~ or when, during any 12-month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of sentence credit. The Board may subsequently approve the revocation of additional sentence credit, if the Department seeks to revoke sentence credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of sentence credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

~~(3)~~ The Director of Corrections or ~~the Director of Juvenile Justice~~, in appropriate cases, may restore up to 30 days of sentence credits which have been revoked, suspended, or reduced. Any restoration of sentence credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore sentence credit in excess of the amount requested by the Director. ~~The Department shall prescribe rules and regulations governing the~~

~~restoration of sentence credits. These rules and regulations shall provide for the automatic restoration of sentence credits following a period in which the prisoner maintains a record without a disciplinary violation.~~

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of sentence credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of sentence credit by bringing charges against the prisoner sought to be deprived of the sentence credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of sentence credit at the time of the finding, then the Prisoner Review Board may revoke all sentence credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed

by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act, an action under the federal

Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(f) Whenever the Department is to release any inmate who has been convicted of a violation of an order of protection under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, earlier than it otherwise would because of a grant of sentence credit, the Department, as a condition of release, shall require that the person, upon release, be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.

(Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff. 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605, eff. 7-1-24; 103-822, eff. 1-1-25.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

Sec. 5-4-1. Sentencing hearing.

(a) After a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense

based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court shall make a specific finding about whether the defendant is eligible for participation in a Department impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to why a sentence to impact incarceration is not an appropriate sentence. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

(1) consider the evidence, if any, received upon the trial;

(2) consider any presentence reports;

(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;

(4) consider evidence and information offered by the parties in aggravation and mitigation;

(4.5) consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

(5) hear arguments as to sentencing alternatives;

(6) afford the defendant the opportunity to make a statement in his own behalf;

(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, the opportunity to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and provided in Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral or written statement. An oral or written statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. All statements

offered under this paragraph (7) shall become part of the record of the court. In this paragraph (7), "victim of a violent crime" means a person who is a victim of a violent crime for which the defendant has been convicted after a bench or jury trial or a person who is the victim of a violent crime with which the defendant was charged and the defendant has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of 3 of the Rights of Crime Victims and Witnesses Act;

(7.5) afford a qualified person affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act; or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the qualified person and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation shall first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Sworn testimony offered by the qualified person is subject to the defendant's right to cross-examine. All statements

and evidence offered under this paragraph (7.5) shall become part of the record of the court. In this paragraph (7.5), "qualified person" means any person who: (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; or (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. "Qualified person" includes any peace officer or any member of any duly organized State, county, or municipal peace officer unit assigned to the territorial jurisdiction where the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;

(9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act; and

(10) make a finding of whether a motor vehicle was used in the commission of the offense for which the defendant is being sentenced.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of

guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(b-1) In imposing a sentence of imprisonment or periodic imprisonment for a Class 3 or Class 4 felony for which a sentence of probation or conditional discharge is an available sentence, if the defendant has no prior sentence of probation or conditional discharge and no prior conviction for a violent crime, the defendant shall not be sentenced to imprisonment before review and consideration of a presentence report and determination and explanation of why the particular evidence, information, factor in aggravation, factual finding, or other reasons support a sentencing determination that one or more of the factors under subsection (a) of Section 5-6-1 of this Code apply and that probation or conditional discharge is not an appropriate sentence.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall

specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-1.5) (Blank). ~~Notwithstanding any other provision of law to the contrary, in imposing a sentence for an offense that requires a mandatory minimum sentence of imprisonment, the court may instead sentence the offender to probation, conditional discharge, or a lesser term of imprisonment it deems appropriate if: (1) the offense involves the use or possession of drugs, retail theft, or driving on a revoked license due to unpaid financial obligations; (2) the court finds that the defendant does not pose a risk to public safety; and (3) the interest of justice requires imposing a term of probation, conditional discharge, or a lesser term of imprisonment. The court must state on the record its reasons for imposing probation, conditional discharge, or a lesser~~

~~term of imprisonment.~~

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for sentence credit found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(4) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her sentence credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional earned sentence credit. If the defendant, because of his or her own misconduct or failure to comply with the institutional

regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day sentence credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code committed on or after January 1, 2011 (the effective date of Public Act 96-1230), the judge's statement, to be given after

pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of sentence credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of

Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to sentence credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no earned sentence credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(c-4) Before the sentencing hearing and as part of the presentence investigation under Section 5-3-1, the court shall inquire of the defendant whether the defendant is currently

serving in or is a veteran of the Armed Forces of the United States. If the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may:

(1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

For the purposes of this subsection (c-4), "qualified psychiatrist" means a reputable physician licensed in Illinois to practice medicine in all its branches, who has specialized in the diagnosis and treatment of mental and nervous disorders for a period of not less than 5 years.

(c-6) In imposing a sentence, the trial judge shall specify, on the record, the particular evidence and other reasons which led to his or her determination that a motor

vehicle was used in the commission of the offense.

(c-7) (Blank). ~~In imposing a sentence for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, the court shall determine and indicate in the sentencing order whether the defendant has 4 or more or fewer than 4 months remaining on his or her sentence accounting for time served.~~

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the

defendant is committed, the following:

(1) the sentence imposed;

(2) any statement by the court of the basis for imposing the sentence;

(3) any presentence reports;

(3.3) the person's last known complete street address prior to incarceration or legal residence, the person's race, whether the person is of Hispanic or Latino origin, and whether the person is 18 years of age or older;

(3.5) any sex offender evaluations;

(3.6) any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;

(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);

(5) all statements filed under subsection (d) of this Section;

(6) any medical or mental health records or summaries of the defendant;

(7) the municipality where the arrest of the offender

or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;

(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and

(9) all additional matters which the court directs the clerk to transmit.

(f) In cases in which the court finds that a motor vehicle was used in the commission of the offense for which the defendant is being sentenced, the clerk of the court shall, within 5 days thereafter, forward a report of such conviction to the Secretary of State.

(Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24; 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

(730 ILCS 5/5-4.5-95)

Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

(a) HABITUAL CRIMINALS.

(1) Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now (the date of the offense committed after the 2 prior convictions) classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder, and who is thereafter convicted of a Class X felony, criminal sexual assault, or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal.

(2) The 2 prior convictions need not have been for the same offense.

(3) Any convictions that result from or are connected with the same transaction, or result from offenses committed at the same time, shall be counted for the purposes of this Section as one conviction.

(4) This Section does not apply unless each of the following requirements are satisfied:

(A) The third offense was committed after July 3, 1980.

(B) The third offense was committed within 20 years of the date that judgment was entered on the first conviction; provided, however, that time spent in custody shall not be counted.

(C) The third offense was committed after conviction on the second offense.

(D) The second offense was committed after conviction on the first offense.

(E) (Blank). ~~The first offense was committed when the person was 21 years of age or older.~~

(5) Anyone who, having attained the age of 18 at the time of the third offense, is adjudged an habitual criminal shall be sentenced to a term of natural life imprisonment.

(6) A prior conviction shall not be alleged in the indictment, and no evidence or other disclosure of that

conviction shall be presented to the court or the jury during the trial of an offense set forth in this Section unless otherwise permitted by the issues properly raised in that trial. After a plea or verdict or finding of guilty and before sentence is imposed, the prosecutor may file with the court a verified written statement signed by the State's Attorney concerning any former conviction of an offense set forth in this Section rendered against the defendant. The court shall then cause the defendant to be brought before it; shall inform the defendant of the allegations of the statement so filed, and of his or her right to a hearing before the court on the issue of that former conviction and of his or her right to counsel at that hearing; and unless the defendant admits such conviction, shall hear and determine the issue, and shall make a written finding thereon. If a sentence has previously been imposed, the court may vacate that sentence and impose a new sentence in accordance with this Section.

(7) A duly authenticated copy of the record of any alleged former conviction of an offense set forth in this Section shall be prima facie evidence of that former conviction; and a duly authenticated copy of the record of the defendant's final release or discharge from probation granted, or from sentence and parole supervision (if any) imposed pursuant to that former conviction, shall be prima

facie evidence of that release or discharge.

(8) Any claim that a previous conviction offered by the prosecution is not a former conviction of an offense set forth in this Section because of the existence of any exceptions described in this Section, is waived unless duly raised at the hearing on that conviction, or unless the prosecution's proof shows the existence of the exceptions described in this Section.

(9) If the person so convicted shows to the satisfaction of the court before whom that conviction was had that he or she was released from imprisonment, upon either of the sentences upon a pardon granted for the reason that he or she was innocent, that conviction and sentence shall not be considered under this Section.

(b) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for an offense listed in subsection (c-5) of this Section, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now (the date the Class 1 or Class 2 ~~forcible~~ felony was committed) classified in Illinois as a Class 2 or greater Class ~~forcible~~ felony, except for an offense listed in subsection (c-5) of this Section, and those charges are separately brought and tried and arise out of different series of acts, that defendant shall be sentenced as a Class X offender. This subsection does not apply unless:

(1) the first ~~forcible~~ felony was committed after February 1, 1978 (the effective date of Public Act 80-1099);

(2) the second ~~forcible~~ felony was committed after conviction on the first;

(3) the third ~~forcible~~ felony was committed after conviction on the second; and

(4) (blank). ~~the first offense was committed when the person was 21 years of age or older.~~

(c) (Blank).

(c-5) Subsection (b) of this Section does not apply to Class 1 or Class 2 felony convictions for a violation of Section 16-1 of the Criminal Code of 2012.

A person sentenced as a Class X offender under this subsection (b) is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Substance Use Disorder Act (20 ILCS 301/40-10).

(Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19; 101-652, eff. 7-1-21.)

(730 ILCS 5/5-4.5-100)

Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

(a) COMMENCEMENT. A sentence of imprisonment shall commence on the date on which the offender is received by the Department or the institution at which the sentence is to be served.

(b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set forth in subsection (e), the offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. Except when prohibited by subsection (d-5), the ~~The~~ trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~. ~~Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit.~~ The trial court may give credit to the defendant for the number of days spent confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.

(c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender arrested on one charge and prosecuted on another charge for conduct that occurred prior to his or her arrest shall be given credit on the determinate sentence or maximum term and the minimum term of imprisonment for time spent in custody under the former charge not credited against another sentence.

(c-5) CREDIT; PROGRAMMING. The trial court shall give the defendant credit for successfully completing county programming while in custody prior to imposition of sentence at the rate specified in Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~. For the purposes of this subsection, "custody" includes time spent in home detention.

(d) (Blank).

(d-5) NO CREDIT; SOME HOME DETENTION. An offender sentenced to a term of imprisonment for an offense listed in paragraph (2) of subsection (c) of Section 5-5-3 or in paragraph (3) of subsection (c-1) of Section 11-501 of the Illinois Vehicle Code shall not receive credit for time spent in home detention prior to judgment.

(e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED RELEASE, OR PROBATION. An offender charged with the commission of an offense committed while on parole, mandatory supervised release, or probation shall not be given credit for time spent in custody under subsection (b) for that offense for any time spent in custody as a result of a revocation of parole, mandatory supervised release, or probation where such revocation is based on a sentence imposed for a previous conviction, regardless of the facts upon which the revocation of parole, mandatory supervised release, or probation is based, unless both the State and the defendant agree that the time served for a violation of mandatory supervised release, parole, or probation shall be credited towards the sentence

for the current offense.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.

(a) Except as otherwise provided in the statute defining the offense or in Article 4.5 of Chapter V, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, subject to Section 5-4.5-115 of this Code, according to the following limitations:

(1) for first degree murder,

(a) (blank),

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subparagraph (b-5) are present, the court may sentence the defendant, subject to Section 5-4.5-105, to a term of natural life imprisonment, or

(b-5) <u>a</u> ~~A~~ defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to a term of natural life imprisonment if:

(1) the murdered individual was an inmate at an institution or facility of the Department of Corrections, or any similar local correctional agency and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof;

(2) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus, or other public conveyance;

(3) the defendant committed the murder pursuant to a contract, agreement, or understanding by which he or she was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value;

(4) the murdered individual was killed in the course of another felony if:

(A) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more

persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and (B) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of clause (A) of this clause (4), the defendant acted with the intent to kill the murdered individual or with the knowledge that his or her acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(B) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of clause (A) of this clause (4), the defendant acted with the intent to

kill the murdered individual or with the knowledge that his or her acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(C) the other felony was an inherently violent crime or the attempt to commit an inherently violent crime. In this clause (C), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion;

(5) the defendant committed the murder with intent to prevent the murdered individual from testifying or participating in any criminal investigation or prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; for purposes of

this clause (5), "participating in any criminal investigation or prosecution" is intended to include those appearing in the proceedings in any capacity such as trial judges, prosecutors, defense attorneys, investigators, witnesses, or jurors;

(6) the defendant, while committing an offense punishable under Section 401, 401.1, 401.2, 405, 405.2, 407, or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of the murdered individual;

(7) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of the murdered individual;

(8) the murder was committed in a cold, calculated and premeditated manner pursuant to a

preconceived plan, scheme, or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom;

(9) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person;

(10) the murder was intentional and involved the infliction of torture. For the purpose of this clause (10), torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the victim;

(11) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle;

(12) the murdered individual was a person with a disability and the defendant knew or should have known that the murdered individual was a person

with a disability. For purposes of this clause (12), "person with a disability" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care;

(13) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986;

(14) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(15) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-14.9 of this Code;

(16) the murdered individual was a member of a congregation engaged in prayer or other religious activities at a church, synagogue, mosque, or

other building, structure, or place used for religious worship; or

(17)(i) the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse;

(ii) the defendant knew or should have known that the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse; and

(iii) the murdered individual was killed in the course of acting in his or her capacity as a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse, or to prevent him or her from acting in that capacity, or in retaliation for his or her acting in that capacity.

(c) the court shall sentence the defendant to a term of natural life imprisonment if the defendant, at the time of the commission of the murder, had attained the age of 18, and:

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer, fireman, or emergency management worker

when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the

person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) (blank), or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", and "emergency medical technician - paramedic"~~,~~ have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d)(i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the

person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(2) (blank);

(2.5) for a person who has attained the age of 18 years at the time of the commission of the offense and who is convicted under the circumstances described in subdivision (b)(1)(B) of Section 11-1.20 or paragraph (3) of subsection (b) of Section 12-13, subdivision (d)(2) of Section 11-1.30 or paragraph (2) of subsection (d) of Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or paragraph (1.2) of subsection (b) of Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012, the sentence shall be a term of natural life imprisonment.

(b) (Blank).

(c) (Blank).

(d) Subject to earlier termination under Section 3-3-8,

the parole or mandatory supervised release term shall be written as part of the sentencing order and shall be as follows:

(1) for first degree murder or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault and except for the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 3 years;

(2) for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault and except for the offenses of manufacture and dissemination of child pornography under clauses (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year;

(4) for defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after December 13, 2005 (the effective date of Public Act 94-715), or who commit the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012,

manufacture of child pornography, or dissemination of child pornography after January 1, 2009, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic monitoring or home detention program under Article 8A of Chapter V of this Code;

(6) for a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection, 4 years.

~~Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be written as part of the sentencing order and shall be as follows:~~

~~(1) for first degree murder or for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or before December 12, 2005, 3 years;~~

~~(1.5) except as provided in paragraph (7) of this subsection (d), for a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the~~

~~offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, and except for the offense of obscene depiction of a purported child with sentencing under subsection (d) of Section 11 20.4 of the Criminal Code of 2012, 18 months;~~

~~(2) except as provided in paragraph (7) of this subsection (d), for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offenses of manufacture and dissemination of child pornography under clauses (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, and except for the offense of obscene depiction of a purported child under paragraph (2) of subsection (b) of Section 11 20.4 of the Criminal Code of 2012, 12 months;~~

~~(3) except as provided in paragraph (4), (6), or (7) of this subsection (d), for a Class 3 felony or a Class 4 felony, 6 months; no later than 45 days after the onset of the term of mandatory supervised release, the Prisoner Review Board shall conduct a discretionary discharge review pursuant to the provisions of Section 3 3 8, which~~

~~shall include the results of a standardized risk and needs assessment tool administered by the Department of Corrections; the changes to this paragraph (3) made by~~ Public Act 102-1104 ~~this amendatory Act of the 102nd General Assembly apply to all individuals released on mandatory supervised release on or after~~ December 6, 2022 (~~the effective date of~~ Public Act 102-1104) ~~this amendatory Act of the 102nd General Assembly, including those individuals whose sentences were imposed prior to~~ December 6, 2022 (~~the effective date of~~ Public Act 102-1104) ~~this amendatory Act of the 102nd General Assembly;~~

~~(4) for defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after December 13, 2005 (the effective date of Public Act 94-715), or who commit the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, manufacture of child pornography, or dissemination of child pornography after January 1, 2009, or who commit the offense of obscene depiction of a purported child under paragraph (2) of subsection (b) of Section 11-20.4 of the Criminal Code of 2012 or who commit the offense of obscene depiction of a purported child with sentencing under~~

~~subsection (d) of Section 11-20.4 of the Criminal Code of 2012, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;~~

~~(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic monitoring or home detention program under Article 8A of Chapter V of this Code;~~

~~(6) for a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection, 4 years;~~

~~(7) for any felony described in paragraph (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section 3-6-3 of the Unified Code of Corrections requiring an inmate to serve a minimum of 85% of their court imposed sentence, except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012,~~

~~if committed on or after January 1, 2009, and except for the offense of obscene depiction of a purported child with sentencing under subsection (d) of Section 11-20.4 of the Criminal Code of 2012, and except as provided in paragraph (4) or paragraph (6) of this subsection (d), the term of mandatory supervised release shall be as follows:~~

~~(A) Class X felony, 3 years;~~

~~(B) Class 1 or Class 2 felonies, 2 years;~~

~~(C) Class 3 or Class 4 felonies, 1 year.~~

(e) (Blank).

(f) (Blank).

(g) Notwithstanding any other provisions of this Act and of Public Act 101-652: (i) the provisions of paragraph (3) of subsection (d) are effective on July 1, 2022 and shall apply to all individuals convicted on or after the effective date of paragraph (3) of subsection (d); and (ii) the provisions of paragraphs (1.5) and (2) of subsection (d) are effective on July 1, 2021 and shall apply to all individuals convicted on or after the effective date of paragraphs (1.5) and (2) of subsection (d).

(Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff. 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

(730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

Sec. 5-8-4. Concurrent and consecutive terms of

imprisonment.

(a) Concurrent terms; multiple or additional sentences. When an Illinois court (i) imposes multiple sentences of imprisonment on a defendant at the same time or (ii) imposes a sentence of imprisonment on a defendant who is already subject to a sentence of imprisonment imposed by an Illinois court, a court of another state, or a federal court, then the sentences shall run concurrently unless otherwise determined by the Illinois court under this Section.

(b) Concurrent terms; misdemeanor and felony. A defendant serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(c) Consecutive terms; permissive. The court may impose consecutive sentences in any of the following circumstances:

(1) If, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is the opinion of the court that consecutive sentences are required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record.

(2) If one of the offenses for which a defendant was convicted was a violation of Section 32-5.2 (aggravated false personation of a peace officer) of the Criminal Code

of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision (b)(5) or (b)(6) of Section 17-2 of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the offense was committed in attempting or committing a forcible felony.

~~(3) If a person charged with a felony commits a separate felony while on pretrial release or in pretrial detention in a county jail facility or county detention facility, then the sentences imposed upon conviction of these felonies may be served consecutively regardless of the order in which the judgments of conviction are entered.~~

~~(4) If a person commits a battery against a county correctional officer or sheriff's employee while serving a sentence or in pretrial detention in a county jail facility, then the sentence imposed upon conviction of the battery may be served consecutively with the sentence imposed upon conviction of the earlier misdemeanor or felony, regardless of the order in which the judgments of conviction are entered.~~

~~(5) If a person admitted to pretrial release following conviction of a felony commits a separate felony while released pretrial or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, then any sentence following conviction of the separate~~

~~felony may be consecutive to that of the original sentence for which the defendant was released pretrial or detained.~~

~~(6) If a person is found to be in possession of an item of contraband, as defined in Section 31A-0.1 of the Criminal Code of 2012, while serving a sentence in a county jail or while in pretrial detention in a county jail, the sentence imposed upon conviction for the offense of possessing contraband in a penal institution may be served consecutively to the sentence imposed for the offense for which the person is serving a sentence in the county jail or while in pretrial detention, regardless of the order in which the judgments of conviction are entered.~~

~~(7) If a person is sentenced for a violation of a condition of pretrial release under Section 32-10 of the Criminal Code of 1961 or the Criminal Code of 2012, any sentence imposed for that violation may be served consecutive to the sentence imposed for the charge for which pretrial release had been granted and with respect to which the defendant has been convicted.~~

(d) Consecutive terms; mandatory. The court shall impose consecutive sentences in each of the following circumstances:

(1) One of the offenses for which the defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury.

(2) The defendant was convicted of a violation of

Section 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or 12-14 (aggravated criminal sexual assault), or 11-1.40 or 12-14.1 (predatory criminal sexual assault of a child) of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

(2.5) The defendant was convicted of a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 (child pornography) or of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or 11-20.3 (aggravated child pornography) of the Criminal Code of 1961 or the Criminal Code of 2012; or the defendant was convicted of a violation of paragraph (6) of subsection (a) of Section 11-20.1 (child pornography) or of paragraph (6) of subsection (a) of Section 11-20.1B or 11-20.3 (aggravated child pornography) of the Criminal Code of 1961 or the Criminal Code of 2012, when the child depicted is under the age of 13.

(2.6) The defendant was convicted of:

(A) a violation of paragraph (2) of subsection (b) of Section 11-20.4 of the Criminal Code of 2012; or

(B) a violation of paragraph (1) of Section 11-20.4 of the Criminal Code of 2012 when the purported child depicted is under the age of 13.

(3) The defendant was convicted of armed violence

based upon the predicate offense of any of the following: solicitation of murder, solicitation of murder for hire, heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act (720 ILCS 550/5), cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act (720 ILCS 570/401), controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act (720 ILCS 570/401), a violation of the Methamphetamine Control and Community Protection Act (720 ILCS 646/), calculated criminal drug conspiracy, or streetgang criminal drug conspiracy.

(4) The defendant was convicted of the offense of leaving the scene of a motor vehicle crash involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless homicide under Section 9-3 of the Criminal Code of 1961 or

the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an offense described in item (A) and an offense described in item (B).

(5) The defendant was convicted of a violation of Section 9-3.1 or Section 9-3.4 (concealment of homicidal death) or Section 12-20.5 (dismembering a human body) of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-3.1 or 5/12-20.5).

(5.5) The defendant was convicted of a violation of Section 24-3.7 (use of a stolen firearm in the commission of an offense) of the Criminal Code of 1961 or the Criminal Code of 2012.

(6) If the defendant was in the custody of the Department of Corrections at the time of the commission of the offense, the sentence shall be served consecutive to the sentence under which the defendant is held by the Department of Corrections. <u>If, however, the defendant is sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which the defendant may be held by the Department.</u>

(7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4) for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(8) (Blank).

(8.1) If a person charged with a felony commits a separate felony while on bond or in pretrial detention in a county jail facility or county detention facility, then the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(8.5) (Blank).

(8.6) If a person commits a battery against a county correctional officer or sheriff's employee while serving a sentence or in pretrial detention in a county jail facility, then the sentence imposed upon conviction of the battery shall be served consecutively with the sentence imposed upon conviction of the earlier misdemeanor or felony, regardless of the order in which the judgments of conviction are entered.

(9) (Blank).

(9.1) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, then any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(10) (Blank).

(10.1) If a person is found to be in possession of an

item of contraband, as defined in Section 31A-0.1 of the Criminal Code of 2012, while serving a sentence in a county jail or while in pre-trial detention in a county jail, the sentence imposed upon conviction for the offense of possessing contraband in a penal institution shall be served consecutively to the sentence imposed for the offense in which the person is serving sentence in the county jail or serving pretrial detention, regardless of the order in which the judgments of conviction are entered.

(11) (Blank).

(11.1) If a person is sentenced for a violation of bail bond under Section 32-10 of the Criminal Code of 1961 or the Criminal Code of 2012, any sentence imposed for that violation shall be served consecutive to the sentence imposed for the charge for which bail had been granted and with respect to which the defendant has been convicted.

(e) Consecutive terms; subsequent non-Illinois term. If an Illinois court has imposed a sentence of imprisonment on a defendant and the defendant is subsequently sentenced to a term of imprisonment by a court of another state or a federal court, then the Illinois sentence shall run consecutively to the sentence imposed by the court of the other state or the federal court. That same Illinois court, however, may order that the Illinois sentence run concurrently with the sentence imposed by the court of the other state or the federal court,

but only if the defendant applies to that same Illinois court within 30 days after the sentence imposed by the court of the other state or the federal court is finalized.

(f) Consecutive terms; aggregate maximums and minimums. The aggregate maximum and aggregate minimum of consecutive sentences shall be determined as follows:

(1) For sentences imposed under law in effect prior to February 1, 1978, the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Article 4.5 of Chapter V for the 2 most serious felonies involved, but no such limitation shall apply for

offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(g) Consecutive terms; manner served. In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the defendant as though he or she had been committed for a single term subject to each of the following:

(1) The maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies, plus the aggregate of the imposed determinate sentences for misdemeanors, subject to subsection (f) of this Section.

(2) The parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-4.5-50 (730 ILCS 5/5-4.5-50) for the most serious of the offenses involved.

(3) The minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to subsection (f) of this Section.

(4) The defendant shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3).

(h) Notwithstanding any other provisions of this Section, all sentences imposed by an Illinois court under this Code shall run concurrent to any and all sentences imposed under the Juvenile Court Act of 1987.

(Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23; 102-1104, eff. 12-6-22; 103-825, eff. 1-1-25.)

(730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

Sec. 5-8-6. Place of confinement.

(a) Offenders ~~Except as otherwise provided in this subsection (a), offenders~~ sentenced to a term of imprisonment for a felony shall be committed to the penitentiary system of the Department of Corrections. However, such sentence shall not limit the powers of the Department of Children and Family Services in relation to any child under the age of one year in the sole custody of a person so sentenced, nor in relation to any child delivered by a female so sentenced while she is so confined as a consequence of such sentence. A ~~Except as otherwise provided in this subsection (a), a~~ person sentenced for a felony may be assigned by the Department of Corrections

to any of its institutions, facilities or programs. ~~An offender sentenced to a term of imprisonment for a Class 3 or 4 felony, other than a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, in which the sentencing order indicates that the offender has less than 4 months remaining on his or her sentence accounting for time served may not be confined in the penitentiary system of the Department of Corrections but may be assigned to electronic home detention under Article 8A of this Chapter V, an adult transition center, or another facility or program within the Department of Corrections.~~

(b) Offenders sentenced to a term of imprisonment for less than one year shall be committed to the custody of the sheriff. A person committed to the Department of Corrections, prior to July 14, 1983, for less than one year may be assigned by the Department to any of its institutions, facilities or programs.

(c) All offenders under 18 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice and the court in its order of commitment shall set a definite term. The provisions of Section 3-3-3 shall be a part of such commitment as fully as though written in the order of commitment. The place of confinement for sentences imposed before the effective date of this amendatory Act of the 99th General Assembly are not affected or abated by this amendatory Act of the 99th General Assembly.

(d) No defendant shall be committed to the Department of

Corrections for the recovery of a fine or costs.

(e) When a court sentences a defendant to a term of imprisonment concurrent with a previous and unexpired sentence of imprisonment imposed by any district court of the United States, it may commit the offender to the custody of the Attorney General of the United States. The Attorney General of the United States, or the authorized representative of the Attorney General of the United States, shall be furnished with the warrant of commitment from the court imposing sentence, which warrant of commitment shall provide that, when the offender is released from federal confinement, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Department of Corrections. The court shall cause the Department to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

Sec. 5-8A-2. Definitions. As used in this Article:

(A) "Approved electronic monitoring device" means a device approved by the supervising authority which is primarily intended to record or transmit information as to the defendant's presence or nonpresence in the home, consumption of alcohol, consumption of drugs, location as determined

through GPS, cellular triangulation, Wi-Fi, or other electronic means.

An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 5-8A-5 of this Article.

An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(A-10) "Department" means the Department of Corrections or the Department of Juvenile Justice.

(A-20) "Electronic monitoring" means the monitoring of an inmate, person, or offender with an electronic device both within and outside of their home under the terms and conditions established by the supervising authority.

(B) "Excluded offenses" means first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, bringing or possessing a firearm, ammunition or

explosive in a penal institution, any "Super-X" drug offense or calculated criminal drug conspiracy or streetgang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses.

(B-10) "GPS" means a device or system which utilizes the Global Positioning Satellite system for determining the location of a person, inmate or offender.

(C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. ~~Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.~~

(D) "Participant" means an inmate or offender placed into an electronic monitoring program.

(E) "Supervising authority" means the Department of Corrections, the Department of Juvenile Justice, probation department, ~~a Chief Judge's office, pretrial services division or department,~~ sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention.

(F) "Super-X drug offense" means a violation of Section 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D); Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B), (C), or (D) of the Illinois Controlled Substances Act.

(G) "Wi-Fi" or "WiFi" means a device or system which utilizes a wireless local area network for determining the location of a person, inmate or offender.

(Source: P.A. 101-652, eff. 7-1-21.)

(730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

Sec. 5-8A-4. Program description. The supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate. When using electronic monitoring for home detention these rules shall ~~may~~ include, but not be limited to, the following:

(A) The participant shall ~~may be instructed to~~ remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the supervising authority. Such instances of approved absences from the home may ~~shall~~ include, but are not limited to, the following:

(1) working or employment approved by the court or traveling to or from approved employment;

(2) unemployed and seeking employment approved for the participant by the court;

(3) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court;

(4) attending an educational institution or a program approved for the participant by the court;

(5) attending a regularly scheduled religious service at a place of worship;

(6) participating in community work release or community service programs approved for the participant by the supervising authority;

(7) for another compelling reason consistent with the public interest, as approved by the supervising authority; or

~~(8) purchasing groceries, food, or other basic necessities.~~

~~(A-1) At a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with movement spread out over no fewer than two days per week, to participate in basic activities such as those listed in paragraph (A). In this subdivision (A-1), "days" means a reasonable time period during a calendar day, as outlined by the court in the order placing the person on home confinement.~~

(B) The participant shall admit any person or agent designated by the supervising authority into his or her residence at any time for purposes of verifying the

participant's compliance with the conditions of his or her detention.

(C) The participant shall make the necessary arrangements to allow for any person or agent designated by the supervising authority to visit the participant's place of education or employment at any time, based upon the approval of the educational institution employer or both, for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(D) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the supervising authority at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(E) The participant shall maintain the following:

(1) ~~access to~~ a working telephone in the participant's home;

(2) a monitoring device in the participant's home, or on the participant's person, or both; and

(3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(F) The participant shall obtain approval from the supervising authority before the participant changes residence or the schedule described in subsection (A) of this Section. ~~Such approval shall not be unreasonably~~

~~withheld.~~

(G) The participant shall not commit another crime during the period of home detention ordered by the Court.

(H) Notice to the participant that violation of the order for home detention may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1.

(I) The participant shall abide by other conditions as set by the supervising authority.

The supervising authority shall adopt rules to immediately remove all approved electronic monitoring devices of a pregnant participant during labor and delivery.

This Section takes effect January 1, 2022.

(Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22; 103-745, eff. 1-1-25.)

(730 ILCS 5/5-8A-4.1)

Sec. 5-8A-4.1. Escape<u>; failure to comply with a condition of the electronic monitoring or home detention program</u>.

(a) A person charged with <u>or convicted of</u> a felony, or charged with <u>or adjudicated delinquent for</u> an act which, if committed by an adult, would constitute a felony, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly ~~escapes or leaves from the geographic boundaries of an electronic monitoring or home detention program with the~~

~~intent to evade prosecution~~ violates a condition of the electronic monitoring or home detention program is guilty of a Class 3 felony.

(b) A person charged with or convicted of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, conditionally released from the supervising authority through an electronic monitoring or home detention program, who knowingly ~~escapes or leaves from the geographic boundaries of an electronic monitoring or home detention program with the intent to evade prosecution~~ violates a condition of the electronic monitoring or home detention program is guilty of a Class B misdemeanor.

(c) A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony.

(Source: P.A. 101-652, eff. 7-1-21; 102-1104, eff. 12-6-22.)

(730 ILCS 5/5-6-3.8 rep.)

(730 ILCS 5/5-8A-4.15 rep.)

Section 300. The Unified Code of Corrections is amended by repealing Sections 5-6-3.8 and 5-8A-4.15.

Section 305. The Probation and Probation Officers Act is amended by changing Section 18 as follows:

(730 ILCS 110/18)

Sec. 18. Probation and court services departments considered pretrial services agencies. For the purposes of administering the provisions of Public Act 95-773, known as the Cindy Bischof Law, all probation and court services departments are to be considered pretrial services agencies under the Pretrial Services Act and under the bail bond ~~pretrial release~~ provisions of the Code of Criminal Procedure of 1963.

(Source: P.A. 101-652, eff. 1-1-23.)

Section 310. The County Jail Act is amended by changing Section 5 as follows:

(730 ILCS 125/5) (from Ch. 75, par. 105)

Sec. 5. Costs of maintaining committed persons.

(a) Except as provided in subsections (b) and (c), all costs of maintaining persons committed for violations of Illinois law, shall be the responsibility of the county. Except as provided in subsection (b), all costs of maintaining persons committed under any ordinance or resolution of a unit of local government, including medical costs, is the responsibility of the unit of local government enacting the ordinance or resolution, and arresting the person.

(b) If a person who is serving a term of mandatory supervised release for a felony is incarcerated in a county jail, the Illinois Department of Corrections shall pay the

county in which that jail is located one-half of the cost of incarceration, as calculated by the Governor's Office of Management and Budget and the county's chief financial officer, for each day that the person remains in the county jail after notice of the incarceration is given to the Illinois Department of Corrections by the county, provided that (i) the Illinois Department of Corrections has issued a warrant for an alleged violation of mandatory supervised release by the person; (ii) if the person is incarcerated on a new charge, unrelated to the offense for which he or she is on mandatory supervised release, there has been a court hearing at which bail has ~~the conditions of pretrial release have~~ been set on the new charge; (iii) the county has notified the Illinois Department of Corrections that the person is incarcerated in the county jail, which notice shall not be given until the bail hearing has concluded, if the person is incarcerated on a new charge; and (iv) the person remains incarcerated in the county jail for more than 48 hours after the notice has been given to the Department of Corrections by the county. Calculation of the per diem cost shall be agreed upon prior to the passage of the annual State budget.

(c) If a person who is serving a term of mandatory supervised release is incarcerated in a county jail, following an arrest on a warrant issued by the Illinois Department of Corrections, solely for violation of a condition of mandatory supervised release and not on any new charges for a new

offense, then the Illinois Department of Corrections shall pay the medical costs incurred by the county in securing treatment for that person, for any injury or condition other than one arising out of or in conjunction with the arrest of the person or resulting from the conduct of county personnel, while he or she remains in the county jail on the warrant issued by the Illinois Department of Corrections.

(Source: P.A. 103-745, eff. 1-1-25.)

Section 315. The County Jail Good Behavior Allowance Act is amended by changing Section 3 as follows:

(730 ILCS 130/3) (from Ch. 75, par. 32)

Sec. 3. The good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment after January 1, 1987 shall entitle such person to a good behavior allowance, except that: (1) a person who inflicted physical harm upon another person in committing the offense for which he is confined shall receive no good behavior allowance; and (2) a person sentenced for an offense for which the law provides a mandatory minimum sentence shall not receive any portion of a good behavior allowance that would reduce the sentence below the mandatory minimum; and (3) a person sentenced to a county impact incarceration program; and (4) a person who is convicted of criminal sexual assault under subdivision (a)(3) of Section 11-1.20 or paragraph

(a)(3) of Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012, criminal sexual abuse, or aggravated criminal sexual abuse shall receive no good behavior allowance. The good behavior allowance provided for in this Section shall not apply to individuals sentenced for a felony to probation or conditional discharge where a condition of such probation or conditional discharge is that the individual serve a sentence of periodic imprisonment or to individuals sentenced under an order of court for civil contempt.

Such good behavior allowance shall be cumulative and awarded as provided in this Section.

The good behavior allowance rate shall be cumulative and awarded on the following basis:

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to post bail ~~comply with the conditions of pretrial release~~ before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge. Each day of good behavior allowance shall reduce by one day the prisoner's period of incarceration set by the court. For the purpose of calculating a prisoner's good behavior allowance, a

fractional part of a day shall not be calculated as a day of service of sentence in the county jail unless the fractional part of the day is over 12 hours in which case a whole day shall be credited on the good behavior allowance.

If consecutive sentences are served and the time served amounts to a total of one year or more, the good behavior allowance shall be calculated on a continuous basis throughout the entire time served beginning on the first date of sentence or incarceration, as the case may be.

(Source: P.A. 101-652, eff. 1-1-23.)

Section 320. The Veterans and Servicemembers Court Treatment Act is amended by changing Section 20 as follows:

(730 ILCS 167/20)

Sec. 20. Eligibility. Veterans and servicemembers are eligible for veterans and servicemembers courts, provided the following:

(a) A defendant may be admitted into a veterans and servicemembers court program only upon the consent of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding of its contents.

(a-5) Each veterans and servicemembers court shall have a target population defined in its written policies

and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from a veterans and servicemembers court program if any of one of the following applies:

(1) The crime is a crime of violence as set forth in paragraph (3) of this subsection (b).

(2) The defendant does not demonstrate a willingness to participate in a treatment program.

(3) The defendant has been convicted of a crime of violence within the past 5 years excluding incarceration time, parole, and periods of mandatory supervised release. As used in this paragraph, "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(4) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.

(4.1) The crime for which the defendant has been convicted is non-probationable.

(5) (Blank).

(6) (Blank).

(c) Notwithstanding subsection (a), the defendant may be admitted into a veterans and servicemembers court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community

Protection Act.

(Source: P.A. 102-1041, eff. 6-2-22; 103-154, eff. 6-30-23.)

Section 325. The Mental Health Court Treatment Act is amended by changing Section 20 as follows:

(730 ILCS 168/20)

Sec. 20. Eligibility.

(a) A defendant may be admitted into a mental health court program only upon the consent of the defendant and with the approval of the court. A defendant agrees to be admitted when a written consent to participate is provided to the court in open court and the defendant acknowledges understanding its contents.

(a-5) Each mental health court shall have a target population defined in its written policies and procedures. The policies and procedures shall define that court's eligibility and exclusionary criteria.

(b) A defendant shall be excluded from a mental health court program if any one of the following applies:

(1) The crime is a crime of violence as set forth in paragraph (3) of this subsection (b).

(2) The defendant does not demonstrate a willingness to participate in a treatment program.

(3) The defendant has been convicted of a crime of violence within the past 5 years excluding incarceration

time, parole, and periods of mandatory supervised release. As used in this paragraph (3), "crime of violence" means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.

(4) The defendant is charged with a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.

(5) ~~(Blank).~~

(5.1) The crime for which the defendant has been convicted is non-probationable.

(6) (Blank).

(c) Notwithstanding subsection (a), the defendant may be admitted into a mental health court program only upon the agreement of the prosecutor if the defendant is charged with a Class 2 or greater felony violation of:

(1) Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;

(2) Section 5, 5.1, or 5.2 of the Cannabis Control Act; or

(3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or 65 of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

Section 330. The Code of Civil Procedure is amended by changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and 21-103 as follows:

(735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

Sec. 10-106. Grant of relief - Penalty. Unless it shall appear from the complaint itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to bail ~~pretrial release~~ nor otherwise relieved, the court shall forthwith award relief by habeas corpus. Any judge empowered to grant relief by habeas corpus who shall corruptly refuse to grant the relief when legally applied for in a case

where it may lawfully be granted, or who shall for the purpose of oppression unreasonably delay the granting of such relief shall, for every such offense, forfeit to the prisoner or party affected a sum not exceeding $1,000.

(Source: P.A. 101-652, eff. 1-1-23.)

(735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

Sec. 10-125. New commitment. In all cases where the imprisonment is for a criminal, or supposed criminal matter, if it appears to the court that there is sufficient legal cause for the commitment of the prisoner, although such commitment may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court shall make a new commitment in proper form, and direct it to the proper officer, or admit the party to bail ~~pretrial release~~ if the case is bailable ~~eligible for pretrial release~~. The court shall also, when necessary, take the recognizance of all material witnesses against the prisoner, as in other cases. The recognizances shall be in the form provided by law, and returned as other recognizances. If any judge shall neglect or refuse to bind any such prisoner or witness by recognizance, or to return a recognizance when taken as hereinabove stated, he or she shall be guilty of a Class A misdemeanor in office, and be proceeded against accordingly.

(Source: P.A. 101-652, eff. 1-1-23.)

(735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

Sec. 10-127. Grant of habeas corpus. It is not lawful for any court, on a second order of habeas corpus obtained by such prisoner, to discharge the prisoner, if he or she is clearly and specifically charged in the warrant of commitment with a criminal offense; but the court shall, on the return of such second order, have power only to admit such prisoner to bail ~~pretrial release~~ where the offense is bailable ~~eligible for pretrial release~~ by law, or remand him or her to prison where the offense is not bailable ~~eligible for pretrial release~~, or being bailable ~~eligible for pretrial release~~, where such prisoner fails to give the bail required ~~comply with the terms of pretrial release~~.

(Source: P.A. 101-652, eff. 1-1-23.)

(735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

Sec. 10-135. Habeas corpus to testify. The several courts having authority to grant relief by habeas corpus, may enter orders, when necessary, to bring before them any prisoner to testify, or to be surrendered in discharge of bail ~~pretrial release~~, or for trial upon any criminal charge lawfully pending in the same court or to testify in a criminal proceeding in another state as provided for by Section 2 of the "Uniform Act to secure the attendance of witnesses from within or without a state in criminal proceedings", approved July 23,

1959, as heretofore or hereafter amended; and the order may be directed to any county in the State, and there be served and returned by any officer to whom it is directed.

(Source: P.A. 101-652, eff. 1-1-23.)

(735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

Sec. 10-136. Prisoner remanded or punished. After a prisoner has given his or her testimony, or been surrendered, or his or her bail ~~pretrial release~~ discharged, or he or she has been tried for the crime with which he or she is charged, he or she shall be returned to the jail or other place of confinement from which he or she was taken for that purpose. If such prisoner is convicted of a crime punishable with death or imprisonment in the penitentiary, he or she may be punished accordingly; but in any case where the prisoner has been taken from the penitentiary, and his or her punishment is by imprisonment, the time of such imprisonment shall not commence to run until the expiration of the time of service under any former sentence.

(Source: P.A. 101-652, eff. 1-1-23.)

(735 ILCS 5/21-103)

Sec. 21-103. Notice by publication.

(a) Previous notice shall be given of the intended application by publishing a notice thereof in some newspaper published in the municipality in which the person resides if

the municipality is in a county with a population under 2,000,000, or if the person does not reside in a municipality in a county with a population under 2,000,000, or if no newspaper is published in the municipality or if the person resides in a county with a population of 2,000,000 or more, then in some newspaper published in the county where the person resides, or if no newspaper is published in that county, then in some convenient newspaper published in this State. The notice shall be inserted for 3 consecutive weeks after filing, the first insertion to be at least 6 weeks before the return day upon which the petition is to be heard, and shall be signed by the petitioner or, in case of a minor, the minor's parent or guardian, and shall set forth the return day of court on which the petition is to be heard and the name sought to be assumed.

(b) The publication requirement of subsection (a) shall not be required in any application for a change of name involving a minor if, before making judgment under this Article, reasonable notice and opportunity to be heard is given to any parent whose parental rights have not been previously terminated and to any person who has physical custody of the child. If any of these persons are outside this State, notice and opportunity to be heard shall be given under Section 21-104.

(b-3) The publication requirement of subsection (a) shall not be required in any application for a change of name

involving a person who has received a judgment of dissolution of marriage or declaration of invalidity of marriage and wishes to change his or her name to resume the use of his or her former or maiden name.

(b-5) The court may issue an order directing that the notice and publication requirement be waived for a change of name involving a person who files with the court a statement, verified under oath as provided under Section 1-109 of this Code, that the person believes that publishing notice of the name change would be a hardship, including, but not limited to, a negative impact on the person's health or safety.

(b-6) In a case where waiver of the notice and publication requirement is sought, the petition for waiver is presumed granted and heard at the same hearing as the petition for name change. The court retains discretion to determine whether a hardship is shown and may order the petitioner to publish thereafter.

(c) The Director of the Illinois State Police or his or her designee may apply to the circuit court for an order directing that the notice and publication requirements of this Section be waived if the Director or his or her designee certifies that the name change being sought is intended to protect a witness during and following a criminal investigation or proceeding.

(c-1) The court may also enter a written order waiving the publication requirement of subsection (a) if:

(i) the petitioner is 18 years of age or older; and

(ii) concurrent with the petition, the petitioner files with the court a statement, verified under oath as provided under Section 1-109 of this Code, attesting that the petitioner is or has been a person protected under the Illinois Domestic Violence Act of 1986, the Stalking No Contact Order Act, the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, a condition of bail ~~pretrial release~~ under subsections (b) through (d) of Section 110-10 of the Code of Criminal Procedure of 1963, or a similar provision of a law in another state or jurisdiction.

The petitioner may attach to the statement any supporting documents, including relevant court orders.

(c-2) If the petitioner files a statement attesting that disclosure of the petitioner's address would put the petitioner or any member of the petitioner's family or household at risk or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court, and the petitioner may designate an alternative address for service.

(c-3) Court administrators may allow domestic abuse advocates, rape crisis advocates, and victim advocates to assist petitioners in the preparation of name changes under subsection (c-1).

(c-4) If the publication requirements of subsection (a) have been waived, the circuit court shall enter an order

impounding the case.

(d) The maximum rate charged for publication of a notice under this Section may not exceed the lowest classified rate paid by commercial users for comparable space in the newspaper in which the notice appears and shall include all cash discounts, multiple insertion discounts, and similar benefits extended to the newspaper's regular customers.

(Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1133, eff. 1-1-24; 103-605, eff. 7-1-24.)

Section 335. The Civil No Contact Order Act is amended by changing Section 220 as follows:

(740 ILCS 22/220)

Sec. 220. Enforcement of a civil no contact order.

(a) Nothing in this Act shall preclude any Illinois court from enforcing a valid protective order issued in another state or by a military judge.

(b) Illinois courts may enforce civil no contact orders through both criminal proceedings and civil contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or

non-public school has been allowed to intervene.

(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.

(c) Criminal prosecution. A violation of any civil no contact order, whether issued in a civil or criminal proceeding or by a military judge, shall be enforced by a criminal court when the respondent commits the crime of violation of a civil no contact order pursuant to Section 219 by having knowingly violated:

(1) remedies described in Section 213 and included in a civil no contact order; or

(2) a provision of an order, which is substantially similar to provisions of Section 213, in a valid civil no contact order which is authorized under the laws of another state, tribe, or United States territory.

Prosecution for a violation of a civil no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(d) Contempt of court. A violation of any valid Illinois civil no contact order, whether issued in a civil or criminal

proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless of where the act or acts which violated the civil no contact order were committed, to the extent consistent with the venue provisions of this Act.

(1) In a contempt proceeding where the petition for a rule to show cause or petition for adjudication of criminal contempt sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction or inflict physical abuse on the petitioner or minor children or on dependent adults in the petitioner's care, the court may order the attachment of the respondent without prior service of the petition for a rule to show cause, the rule to show cause, the petition for adjudication of criminal contempt or the adjudication of criminal contempt. Bond ~~Conditions of release~~ shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause or a petition for adjudication of criminal contempt for violation of a civil no contact order shall be treated as an expedited proceeding.

(e) Actual knowledge. A civil no contact order may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) by service, delivery, or notice under Section 208;

(2) by notice under Section 218;

(3) by service of a civil no contact order under Section 218; or

(4) by other means demonstrating actual knowledge of the contents of the order.

(f) The enforcement of a civil no contact order in civil or criminal court shall not be affected by either of the following:

(1) the existence of a separate, correlative order, entered under Section 202; or

(2) any finding or order entered in a conjoined criminal proceeding.

(g) Circumstances. The court, when determining whether or not a violation of a civil no contact order has occurred, shall not require physical manifestations of abuse on the person of the victim.

(h) Penalties.

(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsection (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account

evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any civil no contact order over any penalty previously imposed by any court for respondent's violation of any civil no contact order or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any civil no contact order; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a civil no contact order unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of a civil no contact order, a criminal court may consider evidence of any previous violations of a civil no contact order:

(i) to increase, revoke or modify the bail bond ~~conditions of pretrial release~~ on an underlying criminal charge pursuant to Section 110-6 of the Code

of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections; or

(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(Source: P.A. 103-407, eff. 7-28-23.)

Section 340. The Crime Victims Compensation Act is amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as follows:

(740 ILCS 45/2)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any of the following claiming compensation under this Act:

(1) A victim.

(2) If the victim was a guardian or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated.

(3) A guardian of a minor or of a person under legal disability.

(4) A person who, at the time the crime occurred, resided in the same dwelling as the victim, solely for the purpose of compensating for any of the following:

(A) Pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.

(B) Loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim.

(C) Relocation expenses.

(5) A person who assumes a legal obligation or voluntarily pays for a victim's medical or funeral or burial expenses.

(6) Any other person the Court of Claims or the Attorney General finds is entitled to compensation.

~~The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.~~

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-20.1, 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-20.5, 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act,

Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, or parent~~, or child~~ of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, ~~or anyone living in the dwelling of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child,~~ (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or

attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) any person who is the grandparent, grandchild, brother, sister, half brother, ~~or~~ half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, applying solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim, or relocation if the crime occurred within the dwelling of the applicant, (5.2) any person who was in a dating relationship with a person killed in this State as a result of a crime of violence, solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except,

if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) the parent, spouse, or child of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, (8) (blank), or (9) an individual who is injured or killed in an incident in which a law enforcement officer's use of force caused bodily harm or death to that individual.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, or aunt~~, or anyone living in the dwelling of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child~~.

(g) "Child" means an unmarried ~~a~~ son or daughter who is under 18 years of age and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means:

(1) in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto;

(2) transportation expenses to and from medical and counseling treatment facilities;

(3) prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime;

(4) expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000;

(5) costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; for victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim shall submit a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense;

(6) replacement costs for clothing and bedding used as

evidence;

(7) costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime;

(8) locks, doors, or windows necessary or damaged as a result of the crime;

(9) the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; "real and personal property" includes, but is not limited to, vehicles, houses, apartments, townhouses, or condominiums;

(10) the costs of appropriate crime scene clean-up;

(11) replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(12) dependents replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(13) loss of tuition paid to attend grammar school or

high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her;

(14) loss of earnings, loss of future earnings because of disability resulting from the injury. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1,250 ~~$2,400~~ per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month;

(14.5) loss of earnings for applicants or loss of future earnings for applicants. The applicant must demonstrate that the loss of earnings is a direct result of circumstances attributed to the crime including, but not limited to, court appearances, funeral preparation and

bereavement, receipt of medical or psychological care; loss of earnings and loss of future earnings shall be determined on the basis of the applicant's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month;

(15) loss of support of the dependents of the victim. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1,250 ~~$2,400~~ per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $1,250 ~~$2,400~~ per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the

injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation;

(16) in the case of death, expenses for reasonable funeral, burial, headstone, cremation, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation;

(17) in the case of dismemberment or desecration of a body, expenses for reasonable funeral, burial, headstone, and cremation, all of which may not exceed ~~be awarded up to~~ a maximum of $7,500 ~~$10,000~~ for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of $7,500 ~~$10,000~~, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; and

(19) legal fees resulting from proceedings that became

necessary solely because of the crime, including, but not limited to, establishing a legal guardian for the minor victim or the minor child of a victim, or obtaining a restraining order, no contact order, or order of protection, awarded up to a maximum of $3,500.

"Pecuniary loss" does not include pain and suffering or property loss or damage.

~~The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.~~

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a

victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(n) "Dwelling" means a person's primary home. A person may be required to provide verification or proof of residence including, but not limited to, a lease agreement, utility bill, license registration, document showing the mailing address, pay stub, tax form, or notarized statement.

(o) "Dating relationship" means a current, continuous, romantic, courtship, or engagement relationship, often characterized by actions of an intimate or sexual nature or an expectation of affection. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

(p) "Medical facility" means a facility for the delivery of health services. "Medical facility" includes, but is not limited to, a hospital, public health center, outpatient medical facility, federally qualified health center, migrant health center, community health center, or State correctional institution.

(q) "Mental health provider" means a licensed clinical psychologist, a licensed clinical social worker, a licensed professional counselor, or a licensed clinical professional counselor as defined in the Mental Health and Developmental Disabilities Code.

(r) "Independent medical evaluation" means an assessment by a mental health provider who is not currently providing

treatment to the applicant and will not seek reimbursement from the program for continuing treatment after the assessment. A provider may seek reimbursement for the assessment.

(Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff. 11-17-23; 103-1037, eff. 1-1-25.)

(740 ILCS 45/2.5)

Sec. 2.5. Felony status. Notwithstanding paragraph (d) of Section 2, "victim" does not include a person who is convicted of a felony until that person is discharged from probation or is released from a correctional institution and has been discharged from parole or mandatory supervised release, if any. ~~A victim's criminal history or felony status shall not prevent compensation to that victim or the victim's family. No compensation may be granted to an applicant under this Act while the applicant is held in a correctional institution.~~ An applicant who is held in a correctional institution may apply for assistance under this Act at any time, but no award of compensation may be considered until the applicant meets the requirements of this Section.

(Source: P.A. 103-1037, eff. 1-1-25.)

(740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

Sec. 4.1. In addition to other powers and duties set forth

in this Act and other powers exercised by the Attorney General, the Attorney General shall~~:~~

~~(1)~~ investigate all claims and prepare and present a report of each applicant's claim ~~an investigatory report and a draft award determination~~ to the Court of Claims prior to the issuance of an order by the Court of Claims, ~~for a review period of 28 business days;~~

~~(2) upon conclusion of the review by the Court of Claims, provide the applicant with a compensation determination letter;~~

~~(3)~~ prescribe and furnish all applications and other forms required to be filed in the office of the Attorney General by the terms of this Act, and~~;~~

~~(4)~~ represent the interests of the State of Illinois in any hearing before the Court of Claims; and

~~(5)~~ upon failure to comply with Section 4.2, the Attorney General's office shall have the power to issue subpoenas to compel the production of law enforcement reports maintained by law enforcement agencies.

~~The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.~~

(Source: P.A. 102-27, eff. 6-25-21; 103-1037, eff. 8-9-24.)

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to

compensation under this Act if:

(a) Timing. Within 2 ~~5~~ years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, he or she files ~~the applicant presents~~ an application, under oath, ~~to the Attorney General that is filed~~ with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he or she may file ~~present~~ the application required by this subsection within 2 ~~3~~ years after he or she attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

~~(a-1) The Attorney General and the Court of Claims may accept an application presented after the period provided in subsection (a) if the Attorney General determines that the applicant had good cause for a delay.~~

(b) Notification. The appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim. If the notification was made more than 72 hours after the perpetration of the crime and the

applicant establishes that the notice was timely under the circumstances, the Attorney General and the Court of Claims may extend the time for reporting to law enforcement.

For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, if the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances.

(b-1) If, in lieu of a law enforcement report, the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented to a medical facility for medical care or sexual assault evidence collection, has presented to a mental health provider for an independent medical evaluation, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking or law enforcement use of force, such action shall constitute appropriate notification under this Section.

(b-2) For purposes of notification under this Act, a victim who presents to a medical facility shall provide

information sufficient to fulfill the requirements of this Section, except that the victim shall not be required to identify the offender to the medical provider.

(b-3) An applicant who is filing a claim that a law enforcement officer's use of force caused injury or death, may fulfill the notification requirement by complying with subsection (b), filing a complaint with the Illinois Law Enforcement Training Standards Board, filing a lawsuit against a law enforcement officer or department, or presenting evidence that the victim has obtained a settlement or a verdict in a civil suit. An application filed by an individual presenting evidence of a verdict in a civil suit must be filed within one year after the resolution of the civil suit.

(b-4) An applicant may provide notification to a mental health provider regarding physical injuries of the victim or for victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the Criminal Code of 2012, psychological injuries resulting from the commission of the crime for which the applicant is filing an application. The provider shall perform an independent medical evaluation and provide the provider's professional opinion as to whether the injuries claimed are consistent with having resulted from the commission of the crime for which the applicant is filing an

application.

Upon completion of the independent medical evaluation, the mental health provider shall complete a certification form, signed under oath. The form shall be provided by the Office of the Attorney General and contain the following:

(1) The provider's name, title, license number and place of employment.

(2) Contact information for the provider.

(3) The provider's relationship with the applicant.

(4) The date the crime was reported to the provider.

(5) The reported crime.

(6) The date and location of the crime.

(7) If there are physical injuries, what injuries that the mental health provider can attest to being present on the day of the reporting if they are consistent with the crime reported to the provider.

(8) If there are psychological injuries, whether the provider in his or her professional opinion believes that the injuries presented on the day of the reporting are consistent with the crime reported to the provider.

(9) A detailed summary of the incident, as reported.

(10) Any documentation or photos that relate to

the crime of violence for which the applicant is seeking reimbursement.

(c) Cooperation. The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented to a medical facility for medical care or sexual assault evidence collection, obtained an independent medical examination from a mental health provider as described in subsection (b-4), has taken any of the actions described in subsection (b-3), or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c). If the victim is under 18 years of age at the time of the commission of the offense, the following shall constitute cooperation under this subsection (c):

(1) the applicant or the victim files a police report with a law enforcement agency;

(2) a mandated reporter reports the crime to law enforcement; or

(3) a person with firsthand knowledge of the crime reports the crime to law enforcement.

In evaluating cooperation, the Attorney General and Court of Claims may consider the victim's age, physical

condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.

(d) If the applicant is not barred from receiving compensation under Section 10.1.

(d-1) The injury to or death of the victim was not substantially attributed to his or her own wrongful act and was not substantially provoked by the victim.

(e) (Blank).

(f) (Blank).

(g) (Blank).

~~The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.~~

(Source: P.A. 102-27, eff. 6-25-21; 103-1037, eff. 1-1-25.)

(740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

Sec. 7.1. (a) The application shall set out:

(1) the name and address of the victim;

(2) if the victim is deceased, the name and address of

the applicant and his or her relationship to the victim, the names and addresses of other persons dependent on the victim for their support and the extent to which each is so dependent, and other persons who may be entitled to compensation for a pecuniary loss;

(3) the date and nature of the crime on which the application for compensation is based;

(4) the date and place where notification under Section 6.1 was given and to whom, or the date and place of issuance of an order of protection, no contact order, evidence of a legal proceeding involving human trafficking, or in cases of a law enforcement officer's use of force, another form of documentation allowable under Section 6.1;

(4.5) if the victim is providing supplemental forms of documentation, that documentation, the date the victim obtained that other form of documentation and the type of documentation;

(5) the nature and extent of the injuries sustained by the victim, and the names and addresses of those giving medical and hospitalization treatment to the victim;

(6) the pecuniary loss to the applicant and to such other persons as are specified under item (2) resulting from the injury or death;

(7) the amount of benefits, payments, or awards, if any, payable under:

(a) the Workers' Compensation Act,

(b) the Dram Shop Act,

(c) any claim, demand, or cause of action based upon the crime-related injury or death,

(d) the Federal Medicare program,

(e) the State Public Aid program,

(f) Social Security Administration burial benefits,

(g) Veterans administration burial benefits,

(h) life, health, accident, vehicle, towing, or liability insurance,

(i) the Criminal Victims' Escrow Account Act,

(j) the Sexual Assault Survivors Emergency Treatment Act,

(k) restitution, or

(l) any other source;

(8) releases authorizing the surrender to the Court of Claims or Attorney General of reports, documents and other information relating to the matters specified under this Act and rules promulgated in accordance with the Act;

(9) such other information as the Court of Claims or the Attorney General reasonably requires.

(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.

(b-5) The victim or applicant may provide to the Attorney

General a sworn statement by the victim or applicant that attests to the victim's or applicant's experience of a crime or crimes of violence, in addition to documentation required under this Act. If the victim or applicant has additional corroborating evidence beyond those described in this Act, the victim or applicant may provide the following documents: law enforcement report; medical records; confirmation of sexual assault evidence collection; order of protection; civil no contact order, stalking no contact order; photographs; letter from a service provider who serves victims of crime; affidavit from a witness of the crime of violence; court record; military record; or any other corroborating evidence. Such documentation or statement may be used to supplement required documentation to verify the incident but is not required. If an applicant is seeking an exception under subsection (b) or (c-1) of Section 6.1, the applicant shall provide any additional documentation, information, or statement that substantiates the facts stated in the application.

(c) An applicant, on his or her own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims ~~or the Attorney General~~. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application.

~~For claims submitted on or after January 1, 2022, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.~~

~~(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.~~

~~(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.~~

(Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 103-1037, eff. 1-1-25.)

Section 345. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 223 and 301 as follows:

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of

an order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory; or

(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

Prosecution for a violation of an order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to

the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.

(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding or by a military judge, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to

show cause or the petition for a rule to show cause. Bond ~~Conditions of release~~ shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.

(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.

(b-2) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.

(c) Violation of custody or support orders or temporary or final judgments allocating parental responsibilities. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution

of Marriage Act.

(d) Actual knowledge. An order of protection may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) By service, delivery, or notice under Section 210.

(2) By notice under Section 210.1 or 211.

(3) By service of an order of protection under Section 222.

(4) By other means demonstrating actual knowledge of the contents of the order.

(e) The enforcement of an order of protection in civil or criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order, entered under Section 215.

(2) Any finding or order entered in a conjoined criminal proceeding.

(f) Circumstances. The court, when determining whether or not a violation of an order of protection has occurred, shall not require physical manifestations of abuse on the person of the victim.

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of

this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection

unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a

violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

(i) to increase, revoke or modify the bail bond ~~conditions of pretrial release~~ on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(5) In addition to any other penalties, the court shall impose an additional fine of $20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.

(Source: P.A. 102-890, eff. 5-19-22; 103-407, eff. 7-28-23.)

(750 ILCS 60/301) (from Ch. 40, par. 2313-1)

Sec. 301. Arrest without warrant.

(a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but

not limited to violation of an order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, even if the crime was not committed in the presence of the officer.

(b) The law enforcement officer may verify the existence of an order of protection by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order, or order of protection described on a Hope Card under Section 219.5, provided by the petitioner or respondent.

(c) Any law enforcement officer may make an arrest without warrant if the officer has reasonable grounds to believe a defendant at liberty under the provisions of subdivision (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal Procedure of 1963 has violated a condition of his or her bail bond ~~pretrial release~~ or recognizance.

(Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22; 102-813, eff. 5-13-22.)

Section 350. The Industrial and Linen Supplies Marking Law is amended by changing Section 11 as follows:

(765 ILCS 1045/11) (from Ch. 140, par. 111)

Sec. 11. Search warrant. Whenever the registrant, or officer, or authorized agent of any firm, partnership or corporation which is a registrant under this Act, takes an

oath before any circuit court, that he has reason to believe that any supplies are being unlawfully used, sold, or secreted in any place, the court shall issue a search warrant to any police officer authorizing such officer to search the premises wherein it is alleged such articles may be found and take into custody any person in whose possession the articles are found. Any person so seized shall be taken without unnecessary delay before the court issuing the search warrant. The court is empowered to impose bail ~~conditions of pretrial release~~ on any such person to compel his attendance at any continued hearing. (Source: P.A. 101-652, eff. 1-1-23.)

Section 355. The Illinois Torture Inquiry and Relief Commission Act is amended by changing Section 50 as follows:

(775 ILCS 40/50)

Sec. 50. Post-commission judicial review.

(a) If the Commission concludes there is sufficient evidence of torture to merit judicial review, the Chair of the Commission shall request the Chief Judge of the Circuit Court of Cook County for assignment to a trial judge for consideration. The court may receive proof by affidavits, depositions, oral testimony, or other evidence. In its discretion the court may order the petitioner brought before the court for the hearing. Notwithstanding the status of any other postconviction proceedings relating to the petitioner,

if the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, bail, ~~pretrial release~~ or discharge, or for such relief as may be granted under a petition for a certificate of innocence, as may be necessary and proper.

(b) The State's Attorney, or the State's Attorney's designee, shall represent the State at the hearing before the assigned judge.

(Source: P.A. 101-652, eff. 1-1-23.)

Section 360. The Unemployment Insurance Act is amended by changing Section 602 as follows:

(820 ILCS 405/602) (from Ch. 48, par. 432)

Sec. 602. Discharge for misconduct - Felony.

A. An individual shall be ineligible for benefits for the week in which he has been discharged for misconduct connected with his work and, thereafter, until he has become reemployed and has had earnings equal to or in excess of his current weekly benefit amount in each of four calendar weeks which are either for services in employment, or have been or will be reported pursuant to the provisions of the Federal Insurance Contributions Act by each employing unit for which such services are performed and which submits a statement

certifying to that fact. The requalification requirements of the preceding sentence shall be deemed to have been satisfied, as of the date of reinstatement, if, subsequent to his discharge by an employing unit for misconduct connected with his work, such individual is reinstated by such employing unit. For purposes of this subsection, the term "misconduct" means the deliberate and willful violation of a reasonable rule or policy of the employing unit, governing the individual's behavior in performance of his work, provided such violation has harmed the employing unit or other employees or has been repeated by the individual despite a warning or other explicit instruction from the employing unit. The previous definition notwithstanding, "misconduct" shall include any of the following work-related circumstances:

1. Falsification of an employment application, or any other documentation provided to the employer, to obtain employment through subterfuge.

2. Failure to maintain licenses, registrations, and certifications reasonably required by the employer, or those that the individual is required to possess by law, to perform his or her regular job duties, unless the failure is not within the control of the individual.

3. Knowing, repeated violation of the attendance policies of the employer that are in compliance with State and federal law following a written warning for an attendance violation, unless the individual can

demonstrate that he or she has made a reasonable effort to remedy the reason or reasons for the violations or that the reason or reasons for the violations were out of the individual's control. Attendance policies of the employer shall be reasonable and provided to the individual in writing, electronically, or via posting in the workplace.

4. Damaging the employer's property through conduct that is grossly negligent.

5. Refusal to obey an employer's reasonable and lawful instruction, unless the refusal is due to the lack of ability, skills, or training for the individual required to obey the instruction or the instruction would result in an unsafe act.

6. Consuming alcohol or illegal or non-prescribed prescription drugs, or using an impairing substance in an off-label manner, on the employer's premises during working hours in violation of the employer's policies.

7. Reporting to work under the influence of alcohol, illegal or non-prescribed prescription drugs, or an impairing substance used in an off-label manner in violation of the employer's policies, unless the individual is compelled to report to work by the employer outside of scheduled and on-call working hours and informs the employer that he or she is under the influence of alcohol, illegal or non-prescribed prescription drugs, or an impairing substance used in an off-label manner in

violation of the employer's policies.

8. Grossly negligent conduct endangering the safety of the individual or co-workers.

For purposes of paragraphs 4 and 8, conduct is "grossly negligent" when the individual is, or reasonably should be, aware of a substantial risk that the conduct will result in the harm sought to be prevented and the conduct constitutes a substantial deviation from the standard of care a reasonable person would exercise in the situation.

Nothing in paragraph 6 or 7 prohibits the lawful use of over-the-counter drug products as defined in Section 206 of the Illinois Controlled Substances Act, provided that the medication does not affect the safe performance of the employee's work duties.

B. Notwithstanding any other provision of this Act, no benefit rights shall accrue to any individual based upon wages from any employer for service rendered prior to the day upon which such individual was discharged because of the commission of a felony in connection with his work, or because of theft in connection with his work, for which the employer was in no way responsible; provided, that the employer notified the Director of such possible ineligibility within the time limits specified by regulations of the Director, and that the individual has admitted his commission of the felony or theft to a representative of the Director, or has signed a written admission of such act and such written admission has been

presented to a representative of the Director, or such act has resulted in a conviction or order of supervision by a court of competent jurisdiction; and provided further, that if by reason of such act, he is in legal custody, held on bail ~~pretrial release~~ or is a fugitive from justice, the determination of his benefit rights shall be held in abeyance pending the result of any legal proceedings arising therefrom.
(Source: P.A. 101-652, eff. 1-1-23.)

(730 ILCS 5/3-6-7.1 rep.)
(730 ILCS 5/3-6-7.2 rep.)
(730 ILCS 5/3-6-7.3 rep.)
(730 ILCS 5/3-6-7.4 rep.)

Section 365. The Unified Code of Corrections is amended by repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

(730 ILCS 125/17.6 rep.)
(730 ILCS 125/17.7 rep.)
(730 ILCS 125/17.8 rep.)
(730 ILCS 125/17.9 rep.)

Section 370. The County Jail Act is amended by repealing Sections 17.6, 17.7, 17.8, and 17.9.

Section 371. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in

compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(4.5) Evidence or testimony presented to a school board regarding denial of admission to school events or property pursuant to Section 24-24 of the School Code, provided that the school board prepares and makes available for public inspection a written decision setting

forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed

meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of

a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State

Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews

conducted in accordance with generally accepted auditing standards of the United States of America.

(30) (Blank).

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal,

commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(37) (Blank). ~~Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.~~

(38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.

(39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.

(40) Meetings of the Firearm Owner's Identification Card Review Board under Section 10 of the Firearm Owners Identification Card Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is

charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff. 7-28-23; 103-626, eff. 1-1-25.)

Section 375. The Freedom of Information Act is amended by changing Sections 7 and 7.5 as follows:

(5 ILCS 140/7)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a

reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or

penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record

management system.

(d-6) (Blank). ~~Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.~~

(d-7) Information gathered or records created from the use of automatic license plate readers in connection with Section 2-130 of the Illinois Vehicle Code.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the

Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and

crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private

equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in

this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys, and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds,

including, but not limited to, power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer

program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents, and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents, and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records

related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice, or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies,

or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Section 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted

under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section

1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

(ll) Records concerning the work of the threat

assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.

(mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.

(nn) Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.

(oo) Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.

(pp) Any and all information regarding burials, interments, or entombments of human remains as required to be reported to the Department of Natural Resources pursuant either to the Archaeological and Paleontological Resources Protection Act or the Human Remains Protection Act.

(qq) Reports described in subsection (e) of Section 16-15 of the Abortion Care Clinical Training Program Act.

(rr) Information obtained by a certified local health department under the Access to Public Health Data Act.

(ss) For a request directed to a public body that is also a HIPAA-covered entity, all information that is protected health information, including demographic information, that may be contained within or extracted

from any record held by the public body in compliance with State and federal medical privacy laws and regulations, including, but not limited to, the Health Insurance Portability and Accountability Act and its regulations, 45 CFR Parts 160 and 164. As used in this paragraph, "HIPAA-covered entity" has the meaning given to the term "covered entity" in 45 CFR 160.103 and "protected health information" has the meaning given to that term in 45 CFR 160.103.

(tt) Proposals or bids submitted by engineering consultants in response to requests for proposal or other competitive bidding requests by the Department of Transportation or the Illinois Toll Highway Authority.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided

in this Act.

(Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23; 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff. 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25.)

(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of

Public Health and its authorized representatives relating to known or suspected cases of sexually transmitted infection or any information the disclosure of which is restricted under the Illinois Sexually Transmitted Infection Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and

2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement

Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public

Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) (Blank). ~~Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.~~

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic

Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2025.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) Data exempt from disclosure under Section 2-3.196 of the School Code.

(mmm) Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Materials received by the Department of Commerce

and Economic Opportunity that are confidential under the Music and Musicians Tax Credit and Jobs Act.

(ooo) ~~(nnn)~~ Data or information provided pursuant to Section 20 of the Statewide Recycling Needs and Assessment Act.

(ppp) ~~(nnn)~~ Information that is exempt from disclosure under Section 28-11 of the Lawful Health Care Activity Act.

(qqq) ~~(nnn)~~ Information that is exempt from disclosure under Section 7-101 of the Illinois Human Rights Act.

(rrr) ~~(mmm)~~ Information prohibited from being disclosed under Section 4-2 of the Uniform Money Transmission Modernization Act.

(sss) ~~(nnn)~~ Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff. 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786, eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24; revised 11-26-24.)

Section 380. The State Employee Indemnification Act is amended by changing Section 1 as follows:

(5 ILCS 350/1) (from Ch. 127, par. 1301)

Sec. 1. Definitions. For the purpose of this Act:

(a) The term "State" means the State of Illinois, the General Assembly, the court, or any State office, department, division, bureau, board, commission, or committee, the governing boards of the public institutions of higher education created by the State, the Illinois National Guard, the Illinois State Guard, the Comprehensive Health Insurance Board, any poison control center designated under the Poison Control System Act that receives State funding, or any other agency or instrumentality of the State. It does not mean any local public entity as that term is defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act or a pension fund.

(b) The term "employee" means: any present or former elected or appointed officer, trustee or employee of the State, or of a pension fund; any present or former commissioner or employee of the Executive Ethics Commission or of the Legislative Ethics Commission; any present or former Executive, Legislative, or Auditor General's Inspector General; any present or former employee of an Office of an Executive, Legislative, or Auditor General's Inspector General; any present or former member of the Illinois National

Guard while on active duty; any present or former member of the Illinois State Guard while on State active duty; individuals or organizations who contract with the Department of Corrections, the Department of Juvenile Justice, the Comprehensive Health Insurance Board, or the Department of Veterans' Affairs to provide services; individuals or organizations who contract with the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services including but not limited to treatment and other services for sexually violent persons; individuals or organizations who contract with the Department of Military Affairs for youth programs; individuals or organizations who contract to perform carnival and amusement ride safety inspections for the Department of Labor; individuals who contract with the Office of the State's Attorneys Appellate Prosecutor to provide legal services, but only when performing duties within the scope of the Office's prosecutorial activities; individual representatives of or designated organizations authorized to represent the Office of State Long-Term Ombudsman for the Department on Aging; individual representatives of or organizations designated by the Department on Aging in the performance of their duties as adult protective services agencies or regional administrative agencies under the Adult Protective Services Act; individuals or organizations appointed as members of a review team or the Advisory Council under the Adult Protective Services Act;

individuals or organizations who perform volunteer services for the State where such volunteer relationship is reduced to writing; individuals who serve on any public entity (whether created by law or administrative action) described in paragraph (a) of this Section; individuals or not for profit organizations who, either as volunteers, where such volunteer relationship is reduced to writing, or pursuant to contract, furnish professional advice or consultation to any agency or instrumentality of the State; individuals who serve as foster parents for the Department of Children and Family Services when caring for youth in care as defined in Section 4d of the Children and Family Services Act; individuals who serve as members of an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law); and individuals who serve as arbitrators pursuant to Part 10A of Article II of the Code of Civil Procedure and the rules of the Supreme Court implementing Part 10A, each as now or hereafter amended; ~~the members of the Certification Review Panel under the Illinois Police Training Act;~~ the term "employee" does not mean an independent contractor except as provided in this Section. The term includes an individual appointed as an inspector by the Director of the Illinois State Police when performing duties within the scope of the activities of a Metropolitan Enforcement Group or a law enforcement organization established under the Intergovernmental Cooperation Act. An

individual who renders professional advice and consultation to the State through an organization which qualifies as an "employee" under the Act is also an employee. The term includes the estate or personal representative of an employee.

(c) The term "pension fund" means a retirement system or pension fund created under the Illinois Pension Code.

(Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

Section 385. The Personnel Code is amended by changing Section 4c as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(1) All officers elected by the people.

(2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, Attorney General, and State Board of Elections.

(3) Judges, and officers and employees of the courts, and notaries public.

(4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all

officers and employees of the Illinois Legislative Reference Bureau and the Legislative Printing Unit.

(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.

(6) All employees of the Governor at the executive mansion and on his immediate personal staff.

(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.

(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.

(9) All other employees except the presidents, other

principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.

(10) The Illinois State Police so long as they are subject to the merit provisions of the Illinois State Police Act. ~~Employees of the Illinois State Police Merit Board are subject to the provisions of this Code.~~

(11) (Blank).

(12) The technical and engineering staffs of the Department of Transportation, the Division of Nuclear Safety at the Illinois Emergency Management Agency, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.

(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Illinois Workers' Compensation Commission.

(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.

(16) All employees of the St. Louis Metropolitan Area Airport Authority.

(17) All investment officers employed by the Illinois State Board of Investment.

(18) Employees of the Illinois Young Adult Conservation Corps program, administered by the Illinois Department of Natural Resources, authorized grantee under Title VIII of the Comprehensive Employment and Training Act of 1973, 29 U.S.C. 993.

(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or

less.

(21) All hearing officers of the Human Rights Commission.

(22) All employees of the Illinois Mathematics and Science Academy.

(23) All employees of the Kankakee River Valley Area Airport Authority.

(24) The commissioners and employees of the Executive Ethics Commission.

(25) The Executive Inspectors General, including special Executive Inspectors General, and employees of each Office of an Executive Inspector General.

(26) The commissioners and employees of the Legislative Ethics Commission.

(27) The Legislative Inspector General, including special Legislative Inspectors General, and employees of the Office of the Legislative Inspector General.

(28) The Auditor General's Inspector General and employees of the Office of the Auditor General's Inspector General.

(29) All employees of the Illinois Power Agency.

(30) Employees having demonstrable, defined advanced skills in accounting, financial reporting, or technical expertise who are employed within executive branch agencies and whose duties are directly related to the submission to the Office of the Comptroller of financial

information for the publication of the annual comprehensive financial report.

(31) All employees of the Illinois Sentencing Policy Advisory Council.

(Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21; 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff. 6-27-23.)

Section 390. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-50 as follows:

(20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

Sec. 2605-50. Division of Internal Investigation. The Division of Internal Investigation shall have jurisdiction and initiate internal Illinois State Police investigations and, at the direction of the Governor, investigate complaints and initiate investigations of official misconduct by State officers and all State employees. ~~Notwithstanding any other provisions of law, the Division shall serve as the investigative body for the Illinois State Police for purposes of compliance with the provisions of Sections 12.6 and 12.7 of the Illinois State Police Act.~~

(Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

Section 395. The State Police Act is amended by changing Sections 3, 6, 8, and 9 as follows:

(20 ILCS 2610/3) (from Ch. 121, par. 307.3)

Sec. 3. The Governor shall appoint, by and with the advice and consent of the Senate, an Illinois State Police Merit Board, hereinafter called the Board, consisting of 5 ~~7~~ members to hold office from the third Monday in March of the year of their respective appointments for a term of 6 years and until their successors are appointed and qualified for a like term. ~~The Governor shall appoint new board members within 30 days for the vacancies created under Public Act 101-652. Board members shall be appointed to four-year terms. No member shall be appointed to more than 2 terms. In making the appointments, the Governor shall make a good faith effort to appoint members reflecting the geographic, ethnic, and cultural diversity of this State. In making the appointments, the Governor should also consider appointing: persons with professional backgrounds, possessing legal, management, personnel, or labor experience; at least one member with at least 10 years of experience as a licensed physician or clinical psychologist with expertise in mental health; and at least one member affiliated with an organization committed to social and economic rights and to eliminating discrimination.~~ No more than 3 ~~4~~ members of the Board shall be affiliated with the same political party. If the Senate is not in session at the time

initial appointments are made pursuant to this Section, the Governor shall make temporary appointments as in the case of a vacancy. ~~In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no board member shall be a retired or former employee of the Illinois State Police. When a Board member may have an actual, perceived, or potential conflict of interest that could prevent the Board member from making a fair and impartial decision on a complaint or formal complaint against an Illinois State Police officer, the Board member shall recuse himself or herself; or, if the Board member fails to recuse himself or herself, then the Board may, by a simple majority, vote to recuse the Board member.~~

(Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(20 ILCS 2610/6) (from Ch. 121, par. 307.6)

Sec. 6. The Board is authorized to employ such clerical and technical staff assistants, not to exceed fifteen, as may be necessary to enable the Board to transact its business and, if the rate of compensation is not otherwise fixed by law, to fix their compensation. ~~In order to avoid actual conflicts of interest, or the appearance of conflicts of interest, no employee, contractor, clerical or technical staff shall be a retired or former employee of the Illinois State Police. All employees shall be subject to the Personnel Code.~~

(Source: P.A. 101-652, eff. 1-1-22.)

(20 ILCS 2610/8) (from Ch. 121, par. 307.8)

Sec. 8. Board jurisdiction.

~~(a)~~ The Board shall exercise jurisdiction over the certification for appointment and promotion, and over the discipline, removal, demotion, and suspension of Illinois State Police officers. ~~The Board and the Illinois State Police should also ensure Illinois State Police cadets and officers represent the utmost integrity and professionalism and represent the geographic, ethnic, and cultural diversity of this State. The Board shall also exercise jurisdiction to certify and terminate Illinois State Police officers in compliance with certification standards consistent with Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized merit principles of public employment, the Board shall formulate, adopt, and put into effect rules, regulations, and procedures for its operation and the transaction of its business. The Board shall establish a classification of ranks of persons subject to its jurisdiction and shall set standards and qualifications for each rank. Each Illinois State Police officer appointed by the Director shall be classified as a State Police officer as follows: trooper, sergeant, master sergeant, lieutenant, captain, major, or Special Agent.

~~(b) The Board shall publish all standards and qualifications for each rank, including Cadet, on its website.~~

~~This shall include, but not be limited to, all physical fitness, medical, visual, and hearing standards. The Illinois State Police shall cooperate with the Board by providing any necessary information to complete this requirement.~~

(Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(20 ILCS 2610/9) (from Ch. 121, par. 307.9)

Sec. 9. Appointment; qualifications.

(a) Except as otherwise provided in this Section, the appointment of Illinois State Police officers shall be made from those applicants who have been certified by the Board as being qualified for appointment. All persons so appointed shall, at the time of their appointment, be not less than 21 years of age, or 20 years of age and have successfully completed an associate's degree or 60 credit hours at an accredited college or university. Any person appointed subsequent to successful completion of an associate's degree or 60 credit hours at an accredited college or university shall not have power of arrest, nor shall he or she be permitted to carry firearms, until he or she reaches 21 years of age. In addition, all persons so certified for appointment shall be of sound mind and body, be of good moral character, be citizens of the United States, have no criminal records, possess such prerequisites of training, education, and experience as the Board may from time to time prescribe so long

as persons who have an associate's degree or 60 credit hours at an accredited college or university are not disqualified, and shall be required to pass successfully such mental and physical tests and examinations as may be prescribed by the Board. A person who meets one of the following requirements is deemed to have met the collegiate educational requirements:

(i) has been honorably discharged and who has been awarded a Southwest Asia Service Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, or Inherent Resolve Campaign Medal by the United States Armed Forces;

(ii) is an active member of the Illinois National Guard or a reserve component of the United States Armed Forces and who has been awarded a Southwest Asia Service Medal, Kuwait Liberation Medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait), Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, or Inherent Resolve Campaign Medal as a result of honorable service during deployment on active duty;

(iii) has been honorably discharged who served in a combat mission by proof of hostile fire pay or imminent

danger pay during deployment on active duty;

(iv) has at least 3 years of full active and continuous United States Armed Forces duty, which shall also include a period of active duty with the State of Illinois under Title 10 or Title 32 of the United States Code pursuant to an order of the President or the Governor of the State of Illinois, and received an honorable discharge before hiring; or

(v) has successfully completed basic law enforcement training, has at least 3 years of continuous, full-time service as a peace officer with the same police department, and is currently serving as a peace officer when applying.

Preference shall be given in such appointments to persons who have honorably served in the United States Armed Forces. All appointees shall serve a probationary period of 12 months from the date of appointment and during that period may be discharged at the will of the Director. However, the Director may in his or her sole discretion extend the probationary period of an officer up to an additional 6 months when to do so is deemed in the best interest of the Illinois State Police. Nothing in this subsection (a) limits the Board's ability to prescribe education prerequisites or requirements to certify Illinois State Police officers for promotion as provided in Section 10 of this Act.

(b) Notwithstanding the other provisions of this Act,

after July 1, 1977 and before July 1, 1980, the Director of State Police may appoint and promote not more than 20 persons having special qualifications as special agents as he or she deems necessary to carry out the Department's objectives. Any such appointment or promotion shall be ratified by the Board.

(c) During the 90 days following March 31, 1995 (the effective date of Public Act 89-9), the Director of State Police may appoint up to 25 persons as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (c) and any additional criteria that may be established by the Director, but are not subject to any other requirements of this Act. The Director may specify the initial rank for each person appointed under this subsection.

All appointments under this subsection (c) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by the Illinois Commerce Commission on November 30, 1994 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code.

Persons appointed under this subsection (c) shall thereafter be subject to the same requirements and procedures as other State police officers. A person appointed under this

subsection must serve a probationary period of 12 months from the date of appointment, during which he or she may be discharged at the will of the Director.

This subsection (c) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.

~~(d) During the 180 days following January 1, 2022 (the effective date of Public Act 101-652), the Director of the Illinois State Police may appoint current Illinois State Police employees serving in law enforcement officer positions previously within Central Management Services as State Police officers. These appointments shall be made in accordance with the requirements of this subsection (d) and any institutional criteria that may be established by the Director, but are not subject to any other requirements of this Act. All appointments under this subsection (d) shall be made from personnel certified by the Board. A person certified by the Board and appointed by the Director under this subsection must have been employed by a State agency, board, or commission on January 1, 2021 in a job title subject to the Personnel Code and in a position for which the person was eligible to earn "eligible creditable service" as a "noncovered employee", as those terms are defined in Article 14 of the Illinois Pension Code. Persons appointed under this subsection (d) shall thereafter be subject to the same requirements, and subject to the same contractual benefits and obligations, as other State~~

~~police officers. This subsection (d) does not affect or limit the Director's authority to appoint other State Police officers under subsection (a) of this Section.~~

~~(e) The Merit Board shall review Illinois State Police Cadet applicants. The Illinois State Police may provide background check and investigation material to the Board for its review pursuant to this Section. The Board shall approve and ensure that no cadet applicant is certified unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Officer Professional Conduct Database, provided for in Section 9.2 of the Illinois Police Training Act, shall be searched as part of this process. For purposes of this Section, "convicted of, or~~

~~entered a plea of guilty" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.~~

~~(f) The Board shall by rule establish an application fee waiver program for any person who meets one or more of the following criteria:~~

~~(1) his or her available personal income is 200% or less of the current poverty level; or~~

~~(2) he or she is, in the discretion of the Board, unable to proceed in an action with payment of application fee and payment of that fee would result in substantial hardship to the person or the person's family.~~

(Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-312, eff. 1-1-24.)

(20 ILCS 2610/6.5 rep.)

(20 ILCS 2610/11.5 rep.)

(20 ILCS 2610/11.6 rep.)

(20 ILCS 2610/12.6 rep.)

(20 ILCS 2610/12.7 rep.)

(20 ILCS 2610/40.1 rep.)

(20 ILCS 2610/46 rep.)

Section 400. The State Police Act is amended by repealing

Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

Section 405. The Illinois Police Training Act is amended by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10, 10.1, 10.2, 10.3, 10.11, 10.18, 10.19, and 10.20 and by adding Section 10.5-1 as follows:

(50 ILCS 705/2) (from Ch. 85, par. 502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Board" means the Illinois Law Enforcement Training Standards Board.

"Local governmental agency" means any local governmental unit or municipal corporation in this State. It does not include the State of Illinois or any office, officer, department, division, bureau, board, commission, or agency of the State, except that it does include a State-controlled university, college or public community college.

"Police training school" means any school located within the State of Illinois whether privately or publicly owned which offers a course in police or county corrections training and has been approved by the Board.

"Probationary police officer" means a recruit law enforcement officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for permanent full-time employment as a

local law enforcement officer.

"Probationary part-time police officer" means a recruit part-time law enforcement officer required to successfully complete initial minimum part-time training requirements to be eligible for employment on a part-time basis as a local law enforcement officer.

"Permanent police officer" means a law enforcement officer who has completed his or her probationary period and is permanently employed on a full-time basis as a local law enforcement officer by a participating local governmental unit or as a security officer or campus policeman permanently employed by a participating State-controlled university, college, or public community college.

"Part-time police officer" means a law enforcement officer who has completed his or her probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government or as a campus policeman by a participating State-controlled university, college, or public community college.

"Law enforcement officer" means (i) any police officer of a local governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State or (ii) any member of a police force appointed and maintained as provided in Section 2 of the Railroad Police Act.

"Recruit" means any full-time or part-time law enforcement officer or full-time county corrections officer who is enrolled in an approved training course.

"Probationary county corrections officer" means a recruit county corrections officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for permanent employment on a full-time basis as a county corrections officer.

"Permanent county corrections officer" means a county corrections officer who has completed his probationary period and is permanently employed on a full-time basis as a county corrections officer by a participating local governmental unit.

"County corrections officer" means any sworn officer of the sheriff who is primarily responsible for the control and custody of offenders, detainees or inmates.

"Probationary court security officer" means a recruit court security officer required to successfully complete initial minimum basic training requirements at a designated training school to be eligible for employment as a court security officer.

"Permanent court security officer" means a court security officer who has completed his or her probationary period and is employed as a court security officer by a participating local governmental unit.

"Court security officer" has the meaning ascribed to it in

Section 3-6012.1 of the Counties Code.

~~"Board" means the Illinois Law Enforcement Training Standards Board.~~

~~"Full-time law enforcement officer" means a law enforcement officer who has completed the officer's probationary period and is employed on a full time basis as a law enforcement officer by a local government agency, State government agency, or as a campus police officer by a university, college, or community college.~~

~~"Law Enforcement agency" means any entity with statutory police powers and the ability to employ individuals authorized to make arrests. It does not include the Illinois State Police as defined in the State Police Act. A law enforcement agency may include any university, college, or community college.~~

~~"Local law enforcement agency" means any law enforcement unit of government or municipal corporation in this State. It does not include the State of Illinois or any office, officer, department, division, bureau, board, commission, or agency of the State, except that it does include a State controlled university, college or public community college.~~

~~"State law enforcement agency" means any law enforcement agency of this State. This includes any office, officer, department, division, bureau, board, commission, or agency of the State. It does not include the Illinois State Police as defined in the State Police Act.~~

~~"Panel" means the Certification Review Panel.~~

"Basic training school" means any school located within the State of Illinois whether privately or publicly owned which offers a course in basic law enforcement or county corrections training and has been approved by the Board.

"Probationary police officer" means a recruit law enforcement officer required to successfully complete initial minimum basic training requirements at a basic training school to be eligible for permanent full time employment as a local law enforcement officer.

"Probationary part time police officer" means a recruit part-time law enforcement officer required to successfully complete initial minimum part-time training requirements to be eligible for employment on a part-time basis as a local law enforcement officer.

"Permanent law enforcement officer" means a law enforcement officer who has completed the officer's probationary period and is permanently employed on a full time basis as a local law enforcement officer, as a security officer, or campus police officer permanently employed by a law enforcement agency.

"Part-time law enforcement officer" means a law enforcement officer who has completed the officer's probationary period and is employed on a part-time basis as a law enforcement officer or as a campus police officer by a law enforcement agency.

"Law enforcement officer" means (i) any police officer of

~~a law enforcement agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State or (ii) any member of a police force appointed and maintained as provided in Section 2 of the Railroad Police Act.~~

~~"Recruit" means any full time or part time law enforcement officer or full time county corrections officer who is enrolled in an approved training course.~~

~~"Review Committee" means the committee at the Board for certification disciplinary cases in which the Panel, a law enforcement officer, or a law enforcement agency may file for reconsideration of a decertification decision made by the Board.~~

~~"Probationary county corrections officer" means a recruit county corrections officer required to successfully complete initial minimum basic training requirements at a basic training school to be eligible for permanent employment on a full time basis as a county corrections officer.~~

~~"Permanent county corrections officer" means a county corrections officer who has completed the officer's probationary period and is permanently employed on a full-time basis as a county corrections officer by a participating law enforcement agency.~~

~~"County corrections officer" means any sworn officer of the sheriff who is primarily responsible for the control and~~

~~custody of offenders, detainees or inmates.~~

~~"Probationary court security officer" means a recruit court security officer required to successfully complete initial minimum basic training requirements at a designated training school to be eligible for employment as a court security officer.~~

~~"Permanent court security officer" means a court security officer who has completed the officer's probationary period and is employed as a court security officer by a participating law enforcement agency.~~

~~"Court security officer" has the meaning ascribed to it in Section 3-6012.1 of the Counties Code.~~

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

(50 ILCS 705/3) (from Ch. 85, par. 503)

Sec. 3. Board; composition; appointments; tenure; vacancies.

(a) The Board shall be composed of 18 members selected as follows: The Attorney General of the State of Illinois, the Director of the Illinois State Police, the Director of Corrections, the Superintendent of the Chicago Police Department, the Sheriff of Cook County, the Clerk of the Circuit Court of Cook County, ~~who shall serve as ex officio members,~~ and the following to be appointed by the Governor: 2 mayors or village presidents of Illinois municipalities, 2 Illinois county sheriffs from counties other than Cook County,

2 managers of Illinois municipalities, 2 chiefs of municipal police departments in Illinois having no Superintendent of the Police Department on the Board, 2 citizens of Illinois who shall be members of an organized enforcement officers' association, one active member of a statewide association representing sheriffs, and one active member of a statewide association representing municipal police chiefs. The appointments of the Governor shall be made on the first Monday of August in 1965 with 3 of the appointments to be for a period of one year, 3 for 2 years, and 3 for 3 years. Their successors shall be appointed in like manner for terms to expire the first Monday of August each 3 years thereafter. All members shall serve until their respective successors are appointed and qualify. Vacancies shall be filled by the Governor for the unexpired terms. ~~Any ex officio member may appoint a designee to the Board who shall have the same powers and immunities otherwise conferred to the member of the Board, including the power to vote and be counted toward quorum, so long as the member is not in attendance.~~

(a-5) Within the Board is created a Review Committee. The Review Committee shall review disciplinary cases in which the Panel, the law enforcement officer, or the law enforcement agency file for reconsideration of a decertification decision made by the Board. The Review Committee shall be composed of 9 annually rotating members from the Board appointed by the Board Chairman. One member of the Review Committee shall be

designated by the Board Chairman as the Chair. The Review Committee shall sit in 3 member panels composed of one member representing law enforcement management, one member representing members of law enforcement, and one member who is not a current or former member of law enforcement.

~~(b) When a Board member may have an actual, perceived, or potential conflict of interest or appearance of bias that could prevent the Board member from making a fair and impartial decision regarding decertification:~~

~~(1) The Board member shall recuse himself or herself.~~

~~(2) If the Board member fails to recuse himself or herself, then the Board may, by a simple majority of the remaining members, vote to recuse the Board member. Board members who are found to have voted on a matter in which they should have recused themselves may be removed from the Board by the Governor.~~

~~A conflict of interest or appearance of bias may include, but is not limited to, matters where one of the following is a party to a decision on a decertification or formal complaint: someone with whom the member has an employment relationship; any of the following relatives: spouse, parents, children, adopted children, legal wards, stepchildren, step parents, step siblings, half siblings, siblings, parents-in-law, siblings-in-law, children-in-law, aunts, uncles, nieces, and nephews; a friend; or a member of a professional organization, association, or a union in which the member now actively~~

~~serves.~~

~~(c) A vacancy in members does not prevent a quorum of the remaining sitting members from exercising all rights and performing all duties of the Board.~~

~~(d) An individual serving on the Board shall not also serve on the Panel.~~

(Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

(50 ILCS 705/6) (from Ch. 85, par. 506)

Sec. 6. Powers and duties of the Board; selection and certification of schools. The Board shall select and certify schools within the State of Illinois for the purpose of providing basic training for probationary police officers, probationary county corrections officers, and court security officers and of providing advanced or in-service training for permanent police officers or permanent county corrections officers, which schools may be either publicly or privately owned and operated. In addition, the Board has the following power and duties:

a. To require local governmental units to furnish such reports and information as the Board deems necessary to fully implement this Act.

b. To establish appropriate mandatory minimum standards relating to the training of probationary local police officers or probationary county corrections

officers, and in-service training of permanent law enforcement officers.

c. To provide appropriate certification to those probationary officers who successfully complete the prescribed minimum standard basic training course.

d. To review and approve annual training curriculum for county sheriffs.

e. To review and approve applicants to ensure that no applicant is admitted to a certified academy unless the applicant is a person of good character and has not been convicted of, or entered a plea of guilty to, a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.

For purposes of this paragraph e, a person is

considered to have been convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.

~~The Board shall select and certify schools within the State of Illinois for the purpose of providing basic training for probationary law enforcement officers, probationary county corrections officers, and court security officers and of providing advanced or in-service training for permanent law enforcement officers or permanent county corrections officers, which schools may be either publicly or privately owned and operated. In addition, the Board has the following power and duties:~~

~~a. To require law enforcement agencies to furnish such reports and information as the Board deems necessary to fully implement this Act.~~

~~b. To establish appropriate mandatory minimum standards relating to the training of probationary local law enforcement officers or probationary county corrections officers, and in-service training of permanent law enforcement officers.~~

~~c. To provide appropriate certification to those probationary officers who successfully complete the~~

~~prescribed minimum standard basic training course.~~

~~d. To review and approve annual training curriculum for county sheriffs.~~

~~e. To review and approve applicants to ensure that no applicant is admitted to a certified academy unless the applicant is a person of good character and has not been convicted of, found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to a felony offense, any of the misdemeanors in Sections 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of the Cannabis Control Act, or a crime involving moral turpitude under the laws of this State or any other state which if committed in this State would be punishable as a felony or a crime of moral turpitude, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Board may appoint investigators who shall enforce the duties conferred upon the Board by this Act.~~

~~For purposes of this paragraph e, a person is~~

~~considered to have been convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.~~

~~f. To establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.~~

~~g. To review and ensure all law enforcement officers remain in compliance with this Act, and any administrative rules adopted under this Act.~~

~~h. To suspend any certificate for a definite period, limit or restrict any certificate, or revoke any certificate.~~

~~i. The Board and the Panel shall have power to secure by its subpoena and bring before it any person or entity in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Board and the Panel shall also have the power to subpoena the production of documents, papers, files, books, documents, and records, whether in physical or

~~electronic form, in support of the charges and for defense, and in connection with a hearing or investigation.~~

~~j. The Executive Director, the administrative law judge designated by the Executive Director, and each member of the Board and the Panel shall have the power to administer oaths to witnesses at any hearing that the Board is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Board under this Act.~~

~~k. In case of the neglect or refusal of any person to obey a subpoena issued by the Board and the Panel, any circuit court, upon application of the Board and the Panel, through the Illinois Attorney General, may order such person to appear before the Board and the Panel give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof. This order may be served by personal delivery, by email, or by mail to the address of record or email address of record.~~

~~l. The Board shall have the power to administer state certification examinations. Any and all records related to these examinations, including, but not limited to, test questions, test formats, digital files, answer responses, answer keys, and scoring information shall be exempt from disclosure.~~

~~m. To make grants, subject to appropriation, to units of local government and public institutions of higher education for the purposes of hiring and retaining law enforcement officers.~~

~~n. To make grants, subject to appropriation, to local law enforcement agencies for costs associated with the expansion and support of National Integrated Ballistic Information Network (NIBIN) and other ballistic technology equipment for ballistic testing.~~

(Source: P.A. 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1115, eff. 1-9-23; 103-8, eff. 6-7-23.)

(50 ILCS 705/6.1)

Sec. 6.1. Decertification ~~Automatic decertification~~ of full-time and part-time police ~~law enforcement~~ officers.

(a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted of, or entered a plea of guilty to, a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no or officer is certified or provided a valid waiver if that police officer has been convicted of, or entered a plea of guilty to, any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-9.1,

11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012, to subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of the Cannabis Control Act. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest, conviction, or plea of guilty of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest, conviction, or plea of guilty for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests, convictions, or pleas of guilty in

this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of, or entered a plea of guilty to, any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriffs, and these investigators may exercise those powers anywhere in the State. An investigator shall not have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Board or the Board waives the training requirement by reason of the investigator's prior law enforcement experience, training, or both. The Board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, State, or federal law enforcement agency.

(g) The Board must request and receive information and

assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Illinois State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Illinois State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Illinois State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

A police officer who has been certified or granted a valid waiver shall also be decertified or have his or her waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. If an appeal is filed, the determination shall be stayed.

(1) In the case of an acquittal on a charge of murder,

a verified complaint may be filed:

(A) by the defendant; or

(B) by a police officer with personal knowledge of perjured testimony.

The complaint must allege that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. The verified complaint must be filed with the Executive Director of the Illinois Law Enforcement Training Standards Board within 2 years of the judgment of acquittal.

(2) Within 30 days, the Executive Director of the Illinois Law Enforcement Training Standards Board shall review the verified complaint and determine whether the verified complaint is frivolous and without merit, or whether further investigation is warranted. The Illinois Law Enforcement Training Standards Board shall notify the officer and the Executive Director of the Illinois Labor Relations Board State Panel of the filing of the complaint and any action taken thereon. If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint is frivolous and without merit, it shall be dismissed. The Executive Director of the Illinois Law Enforcement Training Standards Board has sole discretion to make this determination and this decision is not subject to appeal.

If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint warrants further investigation, he or she shall refer the matter to a task force of investigators created for this purpose. This task force shall consist of 8 sworn police officers: 2 from the Illinois State Police, 2 from the City of Chicago Police Department, 2 from county police departments, and 2 from municipal police departments. These investigators shall have a minimum of 5 years of experience in conducting criminal investigations. The investigators shall be appointed by the Executive Director of the Illinois Law Enforcement Training Standards Board. Any officer or officers acting in this capacity pursuant to this statutory provision will have statewide police authority while acting in this investigative capacity. Their salaries and expenses for the time spent conducting investigations under this paragraph shall be reimbursed by the Illinois Law Enforcement Training Standards Board.

Once the Executive Director of the Illinois Law Enforcement Training Standards Board has determined that an investigation is warranted, the verified complaint shall be assigned to an investigator or investigators. The investigator or investigators shall conduct an investigation of the verified complaint and shall write a report of his or her findings. This report shall be submitted to the Executive Director of the Illinois Labor Relations Board State Panel.

Within 30 days, the Executive Director of the Illinois Labor Relations Board State Panel shall review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint. If the Executive Director of the Illinois Labor Relations Board State Panel determines upon his or her review of the investigatory report that a hearing should not be conducted, the complaint shall be dismissed. This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.

If the Executive Director of the Illinois Labor Relations Board State Panel determines that there is sufficient evidence to warrant a hearing, a hearing shall be ordered on the verified complaint, to be conducted by an administrative law judge employed by the Illinois Labor Relations Board State Panel. The Executive Director of the Illinois Labor Relations Board State Panel shall inform the Executive Director of the Illinois Law Enforcement Training Standards Board and the person who filed the complaint of either the dismissal of the complaint or the issuance of the complaint for hearing. The Executive Director shall assign the complaint to the administrative law judge within 30 days of the decision granting a hearing.

In the case of a finding of guilt on the offense of murder, if a new trial is granted on direct appeal, or a state post-conviction evidentiary hearing is ordered, based on a

claim that a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the Illinois Labor Relations Board State Panel shall hold a hearing to determine whether the officer should be decertified if an interested party requests such a hearing within 2 years of the court's decision. The complaint shall be assigned to an administrative law judge within 30 days so that a hearing can be scheduled.

At the hearing, the accused officer shall be afforded the opportunity to:

(1) Be represented by counsel of his or her own choosing;

(2) Be heard in his or her own defense;

(3) Produce evidence in his or her defense;

(4) Request that the Illinois Labor Relations Board State Panel compel the attendance of witnesses and production of related documents including but not limited to court documents and records.

Once a case has been set for hearing, the verified complaint shall be referred to the Department of Professional Regulation. That office shall prosecute the verified complaint at the hearing before the administrative law judge. The Department of Professional Regulation shall have the opportunity to produce evidence to support the verified complaint and to request the Illinois Labor Relations Board State Panel to compel the attendance of witnesses and the

production of related documents, including, but not limited to, court documents and records. The Illinois Labor Relations Board State Panel shall have the power to issue subpoenas requiring the attendance of and testimony of witnesses and the production of related documents including, but not limited to, court documents and records and shall have the power to administer oaths.

The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint and, at the close of the case, hear arguments. If the administrative law judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the administrative law judge shall make a written recommendation of dismissal to the Illinois Labor Relations Board State Panel. If the administrative law judge finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact that goes to an element of the offense of murder, the administrative law judge shall make a written recommendation so concluding to the Illinois Labor Relations Board State Panel. The hearings shall be transcribed. The Executive

Director of the Illinois Law Enforcement Training Standards Board shall be informed of the administrative law judge's recommended findings and decision and the Illinois Labor Relations Board State Panel's subsequent review of the recommendation.

An officer named in any complaint filed pursuant to this Act shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees or costs.

The accused officer shall not be placed on unpaid status because of the filing or processing of the verified complaint until there is a final non-appealable order sustaining his or her guilt and his or her certification is revoked. Nothing in this Act, however, restricts the public employer from pursuing discipline against the officer in the normal course and under procedures then in place.

The Illinois Labor Relations Board State Panel shall review the administrative law judge's recommended decision and order and determine by a majority vote whether or not there was clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as

to a material fact going to the offense of murder. Within 30 days of service of the administrative law judge's recommended decision and order, the parties may file exceptions to the recommended decision and order and briefs in support of their exceptions with the Illinois Labor Relations Board State Panel. The parties may file responses to the exceptions and briefs in support of the responses no later than 15 days after the service of the exceptions. If exceptions are filed by any of the parties, the Illinois Labor Relations Board State Panel shall review the matter and make a finding to uphold, vacate, or modify the recommended decision and order. If the Illinois Labor Relations Board State Panel concludes that there is clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense murder, the Illinois Labor Relations Board State Panel shall inform the Illinois Law Enforcement Training Standards Board and the Illinois Law Enforcement Training Standards Board shall revoke the accused officer's certification. If the accused officer appeals that determination to the Appellate Court, as provided by this Act, he or she may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter.

None of the Illinois Labor Relations Board State Panel's findings or determinations shall set any precedent in any of its decisions decided pursuant to the Illinois Public Labor

Relations Act by the Illinois Labor Relations Board State Panel or the courts.

A party aggrieved by the final order of the Illinois Labor Relations Board State Panel may apply for and obtain judicial review of an order of the Illinois Labor Relations Board State Panel, in accordance with the provisions of the Administrative Review Law, except that such judicial review shall be afforded directly in the Appellate Court for the district in which the accused officer resides. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" shall be limited to the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

Semi-annual reports. The Executive Director of the Illinois Labor Relations Board shall submit semi-annual reports to the Governor, President, and Minority Leader of the

Senate, and to the Speaker and Minority Leader of the House of Representatives beginning on June 30, 2004, indicating:

(1) the number of verified complaints received since the date of the last report;

(2) the number of investigations initiated since the date of the last report;

(3) the number of investigations concluded since the date of the last report;

(4) the number of investigations pending as of the reporting date;

(5) the number of hearings held since the date of the last report; and

(6) the number of officers decertified since the date of the last report.

~~(a) The Board must review law enforcement officer conduct and records to ensure that no law enforcement officer is certified or provided a valid waiver if that law enforcement officer has been convicted of, found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to, a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no law enforcement officer is certified or provided a valid waiver if that law enforcement officer has been convicted of, found guilty of, or entered a plea of guilty to, on or after January 1, 2022 (the effective date of Public Act 101-652) of any misdemeanor specified in~~

~~this Section or if committed in any other state would be an offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in violation of any Section of Part E of Title III of the Criminal Code of 1961 or the Criminal Code of 2012, or subsection (a) of Section 17-32 of the Criminal Code of 1961 or the Criminal Code of 2012, or to Section 5 or 5.2 of the Cannabis Control Act, or any felony or misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified therein. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.~~

~~(a-1) For purposes of this Section, a person is "convicted of, or entered a plea of guilty to, plea of nolo contendere to, found guilty of" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. This includes sentences of supervision, conditional discharge, or first offender probation, or any similar disposition provided for by law.~~

~~(b) It is the responsibility of the sheriff or the chief executive officer of every law enforcement agency or department within this State to report to the Board any arrest, conviction, finding of guilt, plea of guilty, or plea of nolo contendere to, of any officer for an offense identified in this Section, regardless of whether the~~

~~adjudication of guilt or sentence is withheld or not entered thereon, this includes sentences of supervision, conditional discharge, or first offender probation.~~

~~(c) It is the duty and responsibility of every full-time and part time law enforcement officer in this State to report to the Board within 14 days, and the officer's sheriff or chief executive officer, of the officer's arrest, conviction, found guilty of, or plea of guilty for an offense identified in this Section. Any full time or part time law enforcement officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have the officer's certificate or waiver immediately decertified or revoked.~~

~~(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests, convictions, or pleas of guilty in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.~~

~~(e) Any full-time or part-time law enforcement officer with a certificate or waiver issued by the Board who is convicted of, found guilty of, or entered a plea of guilty to, or entered a plea of nolo contendere to any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of~~

~~waivers occurs as a matter of law. Failure of a convicted person to report to the Board the officer's conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.~~

~~For purposes of this Section, a person is considered to have been "convicted of, found guilty of, or entered a plea of guilty to, plea of nolo contendere to" regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon, including sentences of supervision, conditional discharge, first offender probation, or any similar disposition as provided for by law.~~

~~(f) The Board's investigators shall be law enforcement officers as defined in Section 2 of this Act. The Board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, State, or federal law enforcement agency. An investigator shall not have been terminated for good cause, decertified, had his or her law enforcement license or certificate revoked in this or any other jurisdiction, or been convicted of any of the conduct listed in subsection (a). Any complaint filed against the Board's investigators shall be investigated by the Illinois State Police.~~

~~(g) The Board must request and receive information and assistance from any federal, state, local, or private enforcement agency as part of the authorized criminal background investigation. The Illinois State Police must~~

~~process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Illinois State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Illinois State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.~~

~~(g-5) Notwithstanding any provision of law to the contrary, the changes to this Section made by this amendatory Act of the 102nd General Assembly and Public Act 101-652 shall apply prospectively only from July 1, 2022.~~

(Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

(50 ILCS 705/7)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

a. The curriculum for probationary police ~~law enforcement~~ officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, crisis intervention training, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and crash investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act, handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in

need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective recognition of and responses to stress, trauma, and post-traumatic stress experienced by police ~~law enforcement~~ officers that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting, including recognizing signs and symptoms of work-related cumulative stress, issues that may lead to

suicide, and solutions for intervention with peer support resources. The curriculum shall include a block of instruction addressing the mandatory reporting requirements under the Abused and Neglected Child Reporting Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum shall include training in the detection and investigation of all forms of human trafficking. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force when reasonably necessary; and (3) inquiring whether a child will require supervision and care. ~~The curriculum for probationary law enforcement officers shall include: (1) at least 12 hours of hands on, scenario based role playing; (2) at least 6~~

~~hours of instruction on use of force techniques, including the use of de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; (3) specific training on officer safety techniques, including cover, concealment, and time; and (4) at least 6 hours of training focused on high risk traffic stops.~~ The curriculum for permanent police ~~law enforcement~~ officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police ~~law enforcement~~ officers, including University police officers. The curriculum shall also include training on the use of a firearms restraining order by providing instruction on the process used to file a firearms restraining order and how to identify situations in which a firearms restraining order is appropriate.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police ~~law enforcement~~ officer must

satisfactorily complete before being eligible for permanent employment as a local police ~~law enforcement~~ officer for a participating local governmental or ~~State governmental~~ agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to the officer's successful completion of the training course; (ii) attesting to the officer's satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting

to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a

police ~~law enforcement~~ officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority; procedural justice; civil rights; human rights; mental health awareness and response, officer wellness, reporting child abuse and neglect; autism-informed law enforcement responses, techniques, and procedures; and cultural competency~~, including implicit bias and racial and ethnic sensitivity~~. These trainings shall consist of at least 30 hours of training every 3 years.

h. Minimum in-service training requirements, which a police ~~law enforcement~~ officer must satisfactorily complete at least annually. Those requirements shall include law updates, and use of force training which shall include scenario based training, or similar training approved by the Board ~~emergency medical response training and certification, crisis intervention training, and officer wellness and mental health~~.

~~i. Minimum in service training requirements as set forth in Section 10.6.~~

Notwithstanding any provision of law to the contrary, the changes made to this Section by Public Act 101-652, Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.

(Source: P.A. 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-949, eff. 1-1-25.)

(50 ILCS 705/7.5)

Sec. 7.5. Police ~~Law enforcement~~ pursuit guidelines. The Board shall annually review police pursuit procedures and make available suggested police ~~law enforcement~~ pursuit guidelines for law enforcement agencies. This Section does not alter the effect of previously existing law, including the immunities established under the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 101-652, eff. 1-1-22.)

(50 ILCS 705/8) (from Ch. 85, par. 508)

Sec. 8. Participation required. All home rule local governmental units shall comply with Sections ~~6.3,~~ 8.1~~,~~ and 8.2 and any other mandatory provisions of this Act. This Act is a limitation on home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 101-652, eff. 1-1-22.)

(50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

Sec. 8.1. Full-time police ~~law enforcement~~ and county corrections officers.

(a) After January 1, 1976, no person shall receive a permanent appointment as a law enforcement officer as defined in this Act nor shall any person receive, after July 1, 1985 (the effective date of Public Act 83-1389), a permanent

appointment as a county corrections officer unless that person has been awarded, within 6 months of his or her initial full-time employment, a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement and County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to his or her satisfactory completion of a training program of similar content and number of hours and which course has been found acceptable by the Board under the provisions of this Act; or by reason of extensive prior law enforcement or county corrections experience the basic training requirement is determined by the Board to be illogical and unreasonable.

If such training is required and not completed within the applicable 6 months, then the officer must forfeit his or her position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 6 months. Any hiring agency that fails to train a law enforcement officer within this period shall be prohibited from employing this individual in a law enforcement capacity for one year from the date training was to be completed. If an agency again fails to train the individual a second time, the agency shall be permanently barred from employing this individual in a law enforcement capacity.

(b) No provision of this Section shall be construed to mean that a law enforcement officer employed by a local governmental agency at the time of the effective date of Public Act 83-1389, either as a probationary police officer or as a permanent police officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to mean that a county corrections officer employed by a local governmental agency at the time of the effective date of Public Act 83-1389, either as a probationary county corrections or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.

(c) This Section does not apply to part-time police officers or probationary part-time police officers.

~~(a) No person shall receive a permanent appointment as a law enforcement officer or a permanent appointment as a county corrections officer unless that person has been awarded, within 6 months of the officer's initial full-time employment, a certificate attesting to the officer's successful completion of the Minimum Standards Basic Law Enforcement or County Correctional Training Course as prescribed by the Board; or has been awarded a certificate attesting to the officer's satisfactory completion of a training program of similar content and number of hours and which course has been found~~

~~acceptable by the Board under the provisions of this Act; or a training waiver by reason of prior law enforcement or county corrections experience, obtained in Illinois, in any other state, or with an agency of the federal government, the basic training requirement is determined by the Board to be illogical and unreasonable. Agencies seeking a reciprocity waiver for training completed outside of Illinois must conduct a thorough background check and provide verification of the officer's prior training. After review and satisfaction of all requested conditions, the officer shall be awarded an equivalency certificate satisfying the requirements of this Section. Within 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the Board shall adopt uniform rules providing for a waiver process for a person previously employed and qualified as a law enforcement or county corrections officer under federal law or the laws of any other state, or who has completed a basic law enforcement officer or correctional officer academy who would be qualified to be employed as a law enforcement officer or correctional officer by the federal government or any other state. These rules shall address the process for evaluating prior training credit, a description and list of the courses typically required for reciprocity candidates to complete prior to taking the exam, and a procedure for employers seeking a pre-activation determination for a reciprocity training waiver. The rules shall provide that any eligible person~~

~~previously trained as a law enforcement or county corrections officer under federal law or the laws of any other state shall successfully complete the following prior to the approval of a waiver:~~

~~(1) a training program or set of coursework approved by the Board on the laws of this State relevant to the duties and training requirements of law enforcement and county correctional officers;~~

~~(2) firearms training; and~~

~~(3) successful passage of the equivalency certification examination.~~

~~If such training is required and not completed within the applicable 6 months, then the officer must forfeit the officer's position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial 6 months. Any hiring agency that fails to train a law enforcement officer within this period shall be prohibited from employing this individual in a law enforcement capacity for one year from the date training was to be completed. If an agency again fails to train the individual a second time, the agency shall be permanently barred from employing this individual in a law enforcement capacity.~~

~~An individual who is not certified by the Board or whose certified status is inactive shall not function as a law~~

~~enforcement officer, be assigned the duties of a law enforcement officer by an employing agency, or be authorized to carry firearms under the authority of the employer, except as otherwise authorized to carry a firearm under State or federal law. Sheriffs who are elected as of January 1, 2022 (the effective date of Public Act 101-652) are exempt from the requirement of certified status. Failure to be certified in accordance with this Act shall cause the officer to forfeit the officer's position.~~

~~An employing agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.~~

~~(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority.~~

~~(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing law enforcement agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's law enforcement agency that shows the law enforcement officer: (i) has accepted a full-time law enforcement position with that law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board. The Board may also establish~~

~~special training requirements to be completed as a condition for re-activation.~~

~~The Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. The Board may extend this review. A law enforcement officer shall be allowed to be employed as a full time law enforcement officer while the law enforcement officer reactivation waiver is under review.~~

~~A law enforcement officer who is refused reactivation or an employing agency of a law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.~~

~~The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by an employing agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a law enforcement agency's investigation.~~

~~(2) A law enforcement agency may place an officer who is currently certified on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for~~

~~inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board with a copy to the chief administrator of the law enforcement officer's current or new employing agency.~~

~~(3) Certification that has become inactive under paragraph (2) of this subsection (b) shall be reactivated by written notice from the law enforcement officer's agency upon a showing that the law enforcement officer: (i) is employed in a full time law enforcement position with the same law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re-activation required by the Board.~~

~~(4) Notwithstanding paragraph (3) of this subsection (b), a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's employing agency submit a request for a waiver of training requirements to the Board in writing and accompanied by any verifying documentation. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this Section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's employing agency, whether the request has been granted, denied, or if the Board will take additional time for information. A~~

~~law enforcement agency whose request for a waiver under this subsection is denied is entitled to request a review of the denial by the Board. The law enforcement agency must request a review within 20 days of the waiver being denied. The burden of proof shall be on the law enforcement agency to show why the law enforcement officer is entitled to a waiver of the legislatively required training and eligibility requirements.~~

~~(c) No provision of this Section shall be construed to mean that a county corrections officer employed by a governmental agency at the time of the effective date of this amendatory Act, either as a probationary county corrections officer or as a permanent county corrections officer, shall require certification under the provisions of this Section. No provision of this Section shall be construed to apply to certification of elected county sheriffs.~~

~~(d) Within 14 days, a law enforcement officer shall report to the Board: (1) any name change; (2) any change in employment; or (3) the filing of any criminal indictment or charges against the officer alleging that the officer committed any offense as enumerated in Section 6.1 of this Act.~~

~~(e) All law enforcement officers must report the completion of the training requirements required in this Act in compliance with Section 8.4 of this Act.~~

~~(e-1) Each employing law enforcement agency shall allow~~

~~and provide an opportunity for a law enforcement officer to complete the mandated requirements in this Act. All mandated training shall be provided at no cost to the employees. Employees shall be paid for all time spent attending mandated training.~~

~~(e-2) Each agency, academy, or training provider shall maintain proof of a law enforcement officer's completion of legislatively required training in a format designated by the Board. The report of training shall be submitted to the Board within 30 days following completion of the training. A copy of the report shall be submitted to the law enforcement officer. Upon receipt of a properly completed report of training, the Board will make the appropriate entry into the training records of the law enforcement officer.~~

(f) This Section does not apply to part-time law enforcement officers or probationary part-time law enforcement officers.

~~(g) Notwithstanding any provision of law to the contrary, the changes made to this Section by Public Act 101-652, Public Act 102-28, and Public Act 102-694 take effect July 1, 2022.~~

(Source: P.A. 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; 103-154, eff. 6-30-23; 103-389, eff. 1-1-24.)

(50 ILCS 705/8.2)

Sec. 8.2. Part-time law enforcement officers.

(a) A person hired to serve as a part-time police officer

must obtain from the Board a certificate (i) attesting to his or her successful completion of the part-time police training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the part-time police training course is unnecessary because of the person's extensive prior law enforcement experience. A person hired on or after March 14, 2002 (the effective date of Public Act 92-533) must obtain this certificate within 18 months after the initial date of hire as a probationary part-time police officer in the State of Illinois. The probationary part-time police officer must be enrolled and accepted into a Board-approved course within 6 months after active employment by any department in the State. A person hired on or after January 1, 1996 and before March 14, 2002 (the effective date of Public Act 92-533) must obtain this certificate within 18 months after the date of hire. A person hired before January 1, 1996 must obtain this certificate within 24 months after January 1, 1996 (the effective date of Public Act 89-170).

The employing agency may seek a waiver from the Board extending the period for compliance. A waiver shall be issued only for good and justifiable reasons, and the probationary part-time police officer may not practice as a part-time police officer during the waiver period. If training is

required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit his or her position.

(b) The part-time police training course referred to in this Section shall be of similar content and the same number of hours as the courses for full-time officers and shall be provided by Mobile Team In-Service Training Units under the Intergovernmental Law Enforcement Officer's In-Service Training Act or by another approved program or facility in a manner prescribed by the Board.

(c) For the purposes of this Section, the Board shall adopt rules defining what constitutes employment on a part-time basis.

~~(a) A person hired to serve as a part-time law enforcement officer must obtain from the Board a certificate (i) attesting to the officer's successful completion of the part-time police training course; (ii) attesting to the officer's satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) a training waiver attesting to the Board's determination that the part-time police training course is unnecessary because of the person's prior law enforcement experience obtained in Illinois, in any other state, or with an agency of the federal government. A person hired on or after the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within~~

~~18 months after the initial date of hire as a probationary part-time law enforcement officer in the State of Illinois. The probationary part-time law enforcement officer must be enrolled and accepted into a Board-approved course within 6 months after active employment by any department in the State. A person hired on or after January 1, 1996 and before the effective date of this amendatory Act of the 92nd General Assembly must obtain this certificate within 18 months after the date of hire. A person hired before January 1, 1996 must obtain this certificate within 24 months after the effective date of this amendatory Act of 1995. Agencies seeking a reciprocity waiver for training completed outside of Illinois must conduct a thorough background check and provide verification of the officer's prior training. After review and satisfaction of all requested conditions, the officer shall be awarded an equivalency certificate satisfying the requirements of this Section. Within 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the Board shall adopt uniform rules providing for a waiver process for a person previously employed and qualified as a law enforcement or county corrections officer under federal law or the laws of any other state, or who has completed a basic law enforcement officer or correctional officer academy who would be qualified to be employed as a law enforcement officer or correctional officer by the federal government or any other state. These rules shall address the process for evaluating prior training~~

~~credit, a description and list of the courses typically required for reciprocity candidates to complete prior to taking the exam, and a procedure for employers seeking a pre-activation determination for a reciprocity training waiver. The rules shall provide that any eligible person previously trained as a law enforcement or county corrections officer under federal law or the laws of any other state shall successfully complete the following prior to the approval of a waiver:~~

~~(1) a training program or set of coursework approved by the Board on the laws of this State relevant to the duties and training requirements of law enforcement and county correctional officers;~~

~~(2) firearms training; and~~

~~(3) successful passage of the equivalency certification examination.~~

~~The employing agency may seek an extension waiver from the Board extending the period for compliance. An extension waiver shall be issued only for good and justifiable reasons, and the probationary part-time law enforcement officer may not practice as a part-time law enforcement officer during the extension waiver period. If training is required and not completed within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position.~~

~~An individual who is not certified by the Board or whose~~

~~certified status is inactive shall not function as a law enforcement officer, be assigned the duties of a law enforcement officer by an agency, or be authorized to carry firearms under the authority of the employer, except that sheriffs who are elected are exempt from the requirement of certified status. Failure to be in accordance with this Act shall cause the officer to forfeit the officer's position.~~

~~(a-5) A part time probationary law enforcement officer shall be allowed to complete six months of a part time police training course and function as a law enforcement officer as permitted by this subsection with a waiver from the Board, provided the part-time law enforcement officer is still enrolled in the training course. If the part-time probationary law enforcement officer withdraws from the course for any reason or does not complete the course within the applicable time period, as extended by any waiver that may be granted, then the officer must forfeit the officer's position. A probationary law enforcement officer must function under the following rules:~~

~~(1) A law enforcement agency may not grant a person status as a law enforcement officer unless the person has been granted an active law enforcement officer certification by the Board.~~

~~(2) A part-time probationary law enforcement officer shall not be used as a permanent replacement for a full time law enforcement.~~

~~(3) A part-time probationary law enforcement officer shall be directly supervised at all times by a Board certified law enforcement officer. Direct supervision requires oversight and control with the supervisor having final decision making authority as to the actions of the recruit during duty hours.~~

~~(b) Inactive status. A person who has an inactive law enforcement officer certification has no law enforcement authority.~~

~~(1) A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the employing agency for any reason. The Board shall re-activate a certification upon written application from the law enforcement officer's employing agency that shows the law enforcement officer: (i) has accepted a part time law enforcement position with that a law enforcement agency, (ii) is not the subject of a decertification proceeding, and (iii) meets all other criteria for re activation required by the Board.~~

~~The Board may refuse to re-activate the certification of a law enforcement officer who was involuntarily terminated for good cause by the officer's employing agency for conduct subject to decertification under this Act or resigned or retired after receiving notice of a law enforcement agency's investigation.~~

~~(2) A law enforcement agency may place an officer who~~

~~is currently certified on inactive status by sending a written request to the Board. A law enforcement officer whose certificate has been placed on inactive status shall not function as a law enforcement officer until the officer has completed any requirements for reactivating the certificate as required by the Board. A request for inactive status in this subsection shall be in writing, accompanied by verifying documentation, and shall be submitted to the Board by the law enforcement officer's employing agency.~~

~~(3) Certification that has become inactive under paragraph (2) of this subsection (b), shall be reactivated by written notice from the law enforcement officer's law enforcement agency upon a showing that the law enforcement officer is: (i) employed in a part-time law enforcement position with the same law enforcement agency, (ii) not the subject of a decertification proceeding, and (iii) meets all other criteria for re activation required by the Board. The Board may also establish special training requirements to be completed as a condition for re-activation.~~

~~The Board shall review a notice for reactivation from a law enforcement agency and provide a response within 30 days. The Board may extend this review. A law enforcement officer shall be allowed to be employed as a part-time law enforcement officer while the law enforcement officer~~

~~reactivation waiver is under review.~~

~~A law enforcement officer who is refused reactivation or an employing agency of a law enforcement officer who is refused reactivation under this Section may request a hearing in accordance with the hearing procedures as outlined in subsection (h) of Section 6.3 of this Act.~~

~~(4) Notwithstanding paragraph (3) of this Section, a law enforcement officer whose certification has become inactive under paragraph (2) may have the officer's employing agency submit a request for a waiver of training requirements to the Board in writing and accompanied by any verifying documentation. A grant of a waiver is within the discretion of the Board. Within 7 days of receiving a request for a waiver under this section, the Board shall notify the law enforcement officer and the chief administrator of the law enforcement officer's employing agency, whether the request has been granted, denied, or if the Board will take additional time for information. A law enforcement agency or law enforcement officer, whose request for a waiver under this subsection is denied, is entitled to request a review of the denial by the Board. The law enforcement agency must request a review within 20 days after the waiver being denied. The burden of proof shall be on the law enforcement agency to show why the law enforcement officer is entitled to a waiver of the legislatively required training and eligibility~~

~~requirements.~~

~~(c) The part-time police training course referred to in this Section shall be of similar content and the same number of hours as the courses for full-time officers and shall be provided by Mobile Team In Service Training Units under the Intergovernmental Law Enforcement Officer's In Service Training Act or by another approved program or facility in a manner prescribed by the Board.~~

~~(d) Within 14 days, a law enforcement officer shall report to the Board: (1) any name change; (2) any change in employment; or (3) the filing of any criminal indictment or charges against the officer alleging that the officer committed any offense as enumerated in Section 6.1 of this Act.~~

~~(e) All law enforcement officers must report the completion of the training requirements required in this Act in compliance with Section 8.4 of this Act.~~

~~(e-1) Each employing agency shall allow and provide an opportunity for a law enforcement officer to complete the requirements in this Act. All mandated training shall be provided for at no cost to the employees. Employees shall be paid for all time spent attending mandated training.~~

~~(e-2) Each agency, academy, or training provider shall maintain proof of a law enforcement officer's completion of legislatively required training in a format designated by the Board. The report of training shall be submitted to the Board~~

~~within 30 days following completion of the training. A copy of the report shall be submitted to the law enforcement officer. Upon receipt of a properly completed report of training, the Board will make the appropriate entry into the training records of the law enforcement officer.~~

~~(f) For the purposes of this Section, the Board shall adopt rules defining what constitutes employment on a part time basis.~~

~~(g) Notwithstanding any provision of law to the contrary, the changes made to this Section by this amendatory Act of the 102nd General Assembly and Public Act 101-652 take effect July 1, 2022.~~

(Source: P.A. 102-694, eff. 1-7-22; 103-389, eff. 1-1-24; revised 7-29-24.)

(50 ILCS 705/9) (from Ch. 85, par. 509)

Sec. 9. A special fund is hereby established in the State Treasury to be known as the Traffic and Criminal Conviction Surcharge Fund. Moneys in this Fund shall be expended as follows:

(1) a portion of the total amount deposited in the Fund may be used, as appropriated by the General Assembly, for the ordinary and contingent expenses of the Illinois Law Enforcement Training Standards Board;

(2) a portion of the total amount deposited in the Fund shall be appropriated for the reimbursement of local

governmental agencies participating in training programs certified by the Board, in an amount equaling 1/2 of the total sum paid by such agencies during the State's previous fiscal year for mandated training for probationary police ~~law enforcement~~ officers or probationary county corrections officers and for optional advanced and specialized law enforcement or county corrections training; these reimbursements may include the costs for tuition at training schools, the salaries of trainees while in schools, and the necessary travel and room and board expenses for each trainee; if the appropriations under this paragraph (2) are not sufficient to fully reimburse the participating local governmental agencies, the available funds shall be apportioned among such agencies, with priority first given to repayment of the costs of mandatory training given to law enforcement officer or county corrections officer recruits, then to repayment of costs of advanced or specialized training for permanent police ~~law enforcement~~ officers or permanent county corrections officers;

(3) a portion of the total amount deposited in the Fund may be used to fund the Intergovernmental Law Enforcement Officer's In-Service Training Act, veto overridden October 29, 1981, as now or hereafter amended, at a rate and method to be determined by the board;

(4) a portion of the Fund also may be used by the

Illinois State Police for expenses incurred in the training of employees from any State, county, or municipal agency whose function includes enforcement of criminal or traffic law;

(5) a portion of the Fund may be used by the Board to fund grant-in-aid programs and services for the training of employees from any county or municipal agency whose functions include corrections or the enforcement of criminal or traffic law;

(6) for fiscal years 2013 through 2017 only, a portion of the Fund also may be used by the Department of State Police to finance any of its lawful purposes or functions;

(7) a portion of the Fund may be used by the Board, subject to appropriation, to administer grants to local law enforcement agencies for the purpose of purchasing bulletproof vests under the Law Enforcement Officer Bulletproof Vest Act; and

(8) a portion of the Fund may be used by the Board to create a law enforcement grant program available for units of local government to fund crime prevention programs, training, and interdiction efforts, including enforcement and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis.

All payments from the Traffic and Criminal Conviction Surcharge Fund shall be made each year from moneys appropriated for the purposes specified in this Section. No

more than 50% of any appropriation under this Act shall be spent in any city having a population of more than 500,000. The State Comptroller and the State Treasurer shall from time to time, at the direction of the Governor, transfer from the Traffic and Criminal Conviction Surcharge Fund to the General Revenue Fund in the State Treasury such amounts as the Governor determines are in excess of the amounts required to meet the obligations of the Traffic and Criminal Conviction Surcharge Fund.

(Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(50 ILCS 705/10) (from Ch. 85, par. 510)

Sec. 10. The Board may make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon. A copy of all rules and regulations and amendments or rescissions thereof shall be filed with the Secretary of State within a reasonable time after their adoption. The schools certified by the Board and participating in the training program may dismiss from the school any trainee prior to the officer's completion of the course, if in the opinion of the person in charge of the training school, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training.

~~The Board shall adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of the Illinois Administrative Procedure Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary to the public interest, safety, and welfare.~~

(Source: P.A. 101-652, eff. 1-1-22.)

(50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

Sec. 10.1. Additional training programs. The Board shall initiate, administer, and conduct training programs for permanent police ~~law enforcement~~ officers and permanent county corrections officers in addition to the basic recruit training program. The Board may initiate, administer, and conduct training programs for part-time police ~~law enforcement~~ officers in addition to the basic part-time police ~~law enforcement~~ training course. The training for permanent and part-time police ~~law enforcement~~ officers and permanent county corrections officers may be given in any schools selected by the Board. Such training may include all or any part of the subjects enumerated in Sections 7 and 7.4 of this Act.

The corporate authorities of all participating local governmental agencies may elect to participate in the advanced training for permanent and part-time police ~~law enforcement~~ officers and permanent county corrections officers but

nonparticipation in this program shall not in any way affect the mandatory responsibility of governmental units to participate in the basic recruit training programs for probationary full-time and part-time police ~~law enforcement~~ and permanent county corrections officers. The failure of any permanent or part-time police ~~law enforcement~~ officer or permanent county corrections officer to successfully complete any course authorized under this Section shall not affect the officer's status as a member of the police department or county sheriff's office of any local governmental agency.

The Board may initiate, administer, and conduct training programs for clerks of circuit courts. Those training programs, at the Board's discretion, may be the same or variations of training programs for law enforcement officers.

The Board shall initiate, administer, and conduct a training program regarding the set up and operation of portable scales for all municipal and county police officers, technicians, and employees who set up and operate portable scales. This training program must include classroom and field training.

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

(50 ILCS 705/10.2)

Sec. 10.2. Criminal background investigations.

(a) On and after March 14, 2002 (the effective date of Public Act 92-533), an applicant for employment as a peace

officer, or for annual certification as a retired law enforcement officer qualified under federal law to carry a concealed weapon, shall authorize an investigation to determine if the applicant has been convicted of, or entered a plea of guilty to, any criminal offense that disqualifies the person as a peace officer.

(b) No law enforcement agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon, unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection (a) of Section 6.1 of this Act.

(Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

(50 ILCS 705/10.3)

Sec. 10.3. Training of police ~~law enforcement~~ officers to conduct electronic interrogations.

(a) From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police ~~law enforcement~~ officers, part-time police ~~law enforcement~~ officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

(b) Subject to appropriation, the Board shall develop

technical guidelines for the mandated recording of custodial interrogations in all homicide investigations by law enforcement agencies. These guidelines shall be developed in conjunction with law enforcement agencies and technology accreditation groups to provide guidance for law enforcement agencies in implementing the mandated recording of custodial interrogations in all homicide investigations.

(Source: P.A. 101-652, eff. 1-1-22.)

(50 ILCS 705/10.5-1 new)

Sec. 10.5-1. Conservators of the Peace training course. The Board shall initiate, administer, and conduct a training course for conservators of the peace. The training course may include all or any part of the subjects enumerated in Section 7. The Board shall issue a certificate to those persons successfully completing the course. For the purposes of this Section, "conservators of the peace" means those persons designated under Section 3.1-15-25 of the Illinois Municipal Code and Section 4-7 of the Park District Code.

(50 ILCS 705/10.11)

Sec. 10.11. Training; death and homicide investigation. The Illinois Law Enforcement Training Standards Board shall conduct or approve a training program in death and homicide investigation for the training of law enforcement officers of local law enforcement agencies. Only law enforcement officers

who successfully complete the training program may be assigned as lead investigators in death and homicide investigations. Satisfactory completion of the training program shall be evidenced by a certificate issued to the law enforcement officer by the Illinois Law Enforcement Training Standards Board.

The Illinois Law Enforcement Training Standards Board shall develop a process for waiver applications sent by a local law enforcement ~~governmental~~ agency administrator for those officers whose prior training and experience as homicide investigators may qualify them for a waiver. The Board may issue a waiver at its discretion, based solely on the prior training and experience of an officer as a homicide investigator. This Section does not affect or impede the powers of the office of the coroner to investigate all deaths as provided in Division 3-3 of the Counties Code and the Coroner Training Board Act.

(Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

(50 ILCS 705/10.18)

Sec. 10.18. Training; administration of opioid antagonists. The Board shall conduct or approve an in-service training program for police ~~law enforcement~~ officers in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use

Disorder Act that is in accordance with that Section. As used in this Section, the term "police ~~law enforcement~~ officers" includes full-time or part-time probationary police ~~law enforcement~~ officers, permanent or part-time police ~~law enforcement~~ officers, recruits, permanent or probationary county corrections officers, permanent or probationary county security officers, and court security officers. The term does not include auxiliary police officers as defined in Section 3.1-30-20 of the Illinois Municipal Code.

(Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

(50 ILCS 705/10.19)

Sec. 10.19. Training; administration of epinephrine.

(a) This Section, along with Section 40 of the Illinois State Police Act, may be referred to as the Annie LeGere Law.

(b) For purposes of this Section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body prescribed in the name of a local law enforcement agency.

(c) The Board shall conduct or approve an optional advanced training program for police ~~law enforcement~~ officers to recognize and respond to anaphylaxis, including the administration of an epinephrine auto-injector. The training must include, but is not limited to:

(1) how to recognize symptoms of an allergic reaction;

(2) how to respond to an emergency involving an allergic reaction;

(3) how to administer an epinephrine auto-injector;

(4) how to respond to an individual with a known allergy as well as an individual with a previously unknown allergy;

(5) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine auto-injector; and

(6) other criteria as determined in rules adopted by the Board.

(d) A local law enforcement agency may authorize a police ~~law enforcement~~ officer who has completed an optional advanced training program under subsection (c) to carry, administer, or assist with the administration of epinephrine auto-injectors provided by the local law enforcement agency whenever the officer is performing official duties.

(e) A local law enforcement agency that authorizes its officers to carry and administer epinephrine auto-injectors under subsection (d) must establish a policy to control the acquisition, storage, transportation, administration, and disposal of epinephrine auto-injectors and to provide continued training in the administration of epinephrine auto-injectors.

(f) A physician, physician assistant with prescriptive authority, or advanced practice registered nurse with

prescriptive authority may provide a standing protocol or prescription for epinephrine auto-injectors in the name of a local law enforcement agency to be maintained for use when necessary.

(g) When a police ~~law enforcement~~ officer administers an epinephrine auto-injector in good faith, the police ~~law enforcement~~ officer and local law enforcement agency, and its employees and agents, including a physician, physician assistant with prescriptive authority, or advanced practice registered nurse with prescriptive authority who provides a standing order or prescription for an epinephrine auto-injector, incur no civil or professional liability, except for willful and wanton conduct, or as a result of any injury or death arising from the use of an epinephrine auto-injector.

(Source: P.A. 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 103-154, eff. 6-30-23.)

(50 ILCS 705/10.20)

Sec. 10.20. Disposal of medications. The Board shall develop rules and minimum standards for local law enforcement agencies that authorize police ~~law enforcement~~ officers to dispose of unused medications under Section 18 of the Safe Pharmaceutical Disposal Act.

(Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

(50 ILCS 705/3.1 rep.)

(50 ILCS 705/6.3 rep.)

(50 ILCS 705/6.6 rep.)

(50 ILCS 705/6.7 rep.)

(50 ILCS 705/8.3 rep.)

(50 ILCS 705/8.4 rep.)

(50 ILCS 705/9.2 rep.)

(50 ILCS 705/13 rep.)

Section 410. The Illinois Police Training Act is amended by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and 13.

Section 415. The Counties Code is amended by changing Section 3-6001.5 as follows:

(55 ILCS 5/3-6001.5)

Sec. 3-6001.5. Sheriff qualifications. A person is not eligible to be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:

(1) Is a United States citizen.

(2) Has been a resident of the county for at least one year.

(3) Is not a convicted felon.

~~(4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the~~

~~Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government. This paragraph does not apply to a sheriff currently serving on the effective date of this amendatory Act of the 101st General Assembly.~~

(Source: P.A. 101-652, eff. 1-1-22.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect upon becoming law.

INDEX

Statutes amended in order of appearance

5 ILCS 845/Act rep.		
730 ILCS 205/Act rep.		
730 ILCS 210/Act rep.		
5 ILCS 70/1.43 rep.		
5 ILCS 100/5-45.35 rep.		
5 ILCS 140/2.15		
5 ILCS 160/4a		
5 ILCS 315/14	from Ch. 48, par. 1614	
15 ILCS 205/10 rep.		
20 ILCS 2605/2605-302	was 20 ILCS 2605/55a in part	
20 ILCS 2610/14	from Ch. 121, par. 307.14	
20 ILCS 2610/17c rep.		
20 ILCS 3930/7.7 rep.		
20 ILCS 3930/7.8 rep.		
30 ILCS 105/5.990 rep.		
50 ILCS 71/1	was 5 ILCS 820/1	
50 ILCS 71/5	was 5 ILCS 820/5	
50 ILCS 71/10	was 5 ILCS 820/10	
50 ILCS 71/15	was 5 ILCS 820/15	
50 ILCS 71/20	was 5 ILCS 820/20	
50 ILCS 71/30	was 5 ILCS 820/30	
50 ILCS 71/35	was 5 ILCS 820/35	
50 ILCS 71/21 rep.		

50 ILCS 105/4.1 rep.

50 ILCS 205/3b

50 ILCS 205/25 rep.

50 ILCS 705/6.2

50 ILCS 705/10.17

50 ILCS 705/10.6 rep.

50 ILCS 706/10-10

50 ILCS 706/10-15

50 ILCS 706/10-20

50 ILCS 706/10-25

50 ILCS 707/10

50 ILCS 709/5-10

50 ILCS 709/5-12

50 ILCS 709/5-20

50 ILCS 709/5-11 rep.

50 ILCS 725/3.2 from Ch. 85, par. 2555

50 ILCS 725/3.4 from Ch. 85, par. 2557

50 ILCS 725/3.8 from Ch. 85, par. 2561

50 ILCS 725/6.1 new

50 ILCS 727/1-35 rep.

55 ILCS 5/4-5001 from Ch. 34, par. 4-5001

55 ILCS 5/4-12001 from Ch. 34, par. 4-12001

55 ILCS 5/4-12001.1 from Ch. 34, par. 4-12001.1

55 ILCS 5/3-4014 rep.

55 ILCS 5/3-6041 rep.

65 ILCS 5/11-5.1-2 rep.

65 ILCS 5/1-2-12.2 new
110 ILCS 12/15
215 ILCS 5/143.19 from Ch. 73, par. 755.19
215 ILCS 5/143.19.1 from Ch. 73, par. 755.19.1
215 ILCS 5/205 from Ch. 73, par. 817
230 ILCS 10/5.1 from Ch. 120, par. 2405.1
410 ILCS 70/7.5
625 ILCS 5/6-204 from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-308
625 ILCS 5/6-500 from Ch. 95 1/2, par. 6-500
625 ILCS 5/6-601 from Ch. 95 1/2, par. 6-601
625 ILCS 5/16-103 from Ch. 95 1/2, par. 16-103
625 ILCS 5/6-209.1
625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6
625 ILCS 5/11-208.8
625 ILCS 5/11-208.9
625 ILCS 5/11-1201.1
625 ILCS 5/4-214.2 new
625 ILCS 5/6-303 from Ch. 95 1/2, par. 6-303
625 ILCS 5/6-306.5-1 new
625 ILCS 5/6-306.9 new
625 ILCS 40/5-7
705 ILCS 105/27.3b from Ch. 25, par. 27.3b
705 ILCS 205/9 from Ch. 13, par. 9
705 ILCS 405/1-7

705 ILCS 405/1-8	
705 ILCS 405/5-150	
720 ILCS 5/26.5-5	
720 ILCS 5/31-1	from Ch. 38, par. 31-1
720 ILCS 5/31A-0.1	
720 ILCS 5/32-10	from Ch. 38, par. 32-10
720 ILCS 5/7-5	from Ch. 38, par. 7-5
720 ILCS 5/7-5.5	
720 ILCS 5/7-9	from Ch. 38, par. 7-9
720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/33-3	from Ch. 38, par. 33-3
720 ILCS 5/32-15.1 new	
720 ILCS 5/7-15 rep.	
720 ILCS 5/7-16 rep.	
720 ILCS 5/33-9 rep.	
725 ILCS 5/102-6	from Ch. 38, par. 102-6
725 ILCS 5/102-7	from Ch. 38, par. 102-7
725 ILCS 5/103-5	from Ch. 38, par. 103-5
725 ILCS 5/103-7	from Ch. 38, par. 103-7
725 ILCS 5/103-9	from Ch. 38, par. 103-9
725 ILCS 5/104-13	from Ch. 38, par. 104-13
725 ILCS 5/104-17	from Ch. 38, par. 104-17
725 ILCS 5/106D-1	
725 ILCS 5/107-4	from Ch. 38, par. 107-4
725 ILCS 5/107-9	from Ch. 38, par. 107-9
725 ILCS 5/107-11	from Ch. 38, par. 107-11

725 ILCS 5/109-1	from Ch. 38, par. 109-1
725 ILCS 5/109-2	from Ch. 38, par. 109-2
725 ILCS 5/109-3	from Ch. 38, par. 109-3
725 ILCS 5/109-3.1	from Ch. 38, par. 109-3.1
725 ILCS 5/Art. 110	
heading	
725 ILCS 5/110-1	from Ch. 38, par. 110-1
725 ILCS 5/110-2	from Ch. 38, par. 110-2
725 ILCS 5/110-3.1 new	
725 ILCS 5/110-5	from Ch. 38, par. 110-5
725 ILCS 5/110-5.2	
725 ILCS 5/110-6	
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
725 ILCS 5/110-6.2	from Ch. 38, par. 110-6.2
725 ILCS 5/110-6.4	
725 ILCS 5/110-10	from Ch. 38, par. 110-10
725 ILCS 5/110-11	from Ch. 38, par. 110-11
725 ILCS 5/110-12	from Ch. 38, par. 110-12
725 ILCS 5/111-2	from Ch. 38, par. 111-2
725 ILCS 5/112A-23	from Ch. 38, par. 112A-23
725 ILCS 5/113-3.1	from Ch. 38, par. 113-3.1
725 ILCS 5/114-1	from Ch. 38, par. 114-1
725 ILCS 5/115-4.1	from Ch. 38, par. 115-4.1
725 ILCS 5/122-6	from Ch. 38, par. 122-6
725 ILCS 5/102-10.5 rep.	
725 ILCS 5/102-14.5 rep.	

725 ILCS 5/110-6.6 rep.

725 ILCS 5/110-7.5 rep.

725 ILCS 5/110-1.5 rep.

725 ILCS 5/103-2 from Ch. 38, par. 103-2

725 ILCS 5/108-8 from Ch. 38, par. 108-8

725 ILCS 5/103-3.1 new

725 ILCS 5/110-4.1 new

725 ILCS 5/110-6.3-1 new

725 ILCS 5/110-6.5-1 new

725 ILCS 5/110-7.1 new

725 ILCS 5/110-8.1 new

725 ILCS 5/110-9.1 new

725 ILCS 5/110-13.1 new

725 ILCS 5/110-14.1 new

725 ILCS 5/110-15.1 new

725 ILCS 5/110-16.1 new

725 ILCS 5/110-17.1 new

725 ILCS 5/110-18.1 new

725 ILCS 5/Art. 110B

heading new

725 ILCS 5/110B-5 new

725 ILCS 5/110B-10 new

725 ILCS 5/110B-15 new

725 ILCS 5/110B-20 new

725 ILCS 5/110B-25 new

725 ILCS 5/110B-30 new

725 ILCS 5/110B-35 new	
725 ILCS 5/110B-40 new	
725 ILCS 5/110B-45 new	
725 ILCS 5/110B-50 new	
725 ILCS 5/110B-55 new	
725 ILCS 5/110B-60 new	
725 ILCS 5/110B-65 new	
725 ILCS 5/110B-70 new	
725 ILCS 5/110B-75 new	
725 ILCS 5/110B-80 new	
725 ILCS 165/4	from Ch. 38, par. 161-4
725 ILCS 120/3	from Ch. 38, par. 1403
725 ILCS 120/4	from Ch. 38, par. 1404
725 ILCS 120/4.5	
725 ILCS 185/7	from Ch. 38, par. 307
725 ILCS 185/11	from Ch. 38, par. 311
725 ILCS 185/19	from Ch. 38, par. 319
725 ILCS 185/20	from Ch. 38, par. 320
725 ILCS 185/22	from Ch. 38, par. 322
725 ILCS 185/34	
725 ILCS 195/Act title	
725 ILCS 195/0.01	from Ch. 16, par. 80
725 ILCS 195/1	from Ch. 16, par. 81
725 ILCS 195/2	from Ch. 16, par. 82
725 ILCS 195/3	from Ch. 16, par. 83
725 ILCS 195/5	from Ch. 16, par. 85

730 ILCS 5/5-3-2 from Ch. 38, par. 1005-3-2
730 ILCS 5/5-5-3.2
730 ILCS 5/5-6-4 from Ch. 38, par. 1005-6-4
730 ILCS 5/5-6-4.1 from Ch. 38, par. 1005-6-4.1
730 ILCS 5/5-8A-7
730 ILCS 5/8-2-1 from Ch. 38, par. 1008-2-1
730 ILCS 5/3-6-3
730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1
730 ILCS 5/5-4.5-95
730 ILCS 5/5-4.5-100
730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1
730 ILCS 5/5-8-4 from Ch. 38, par. 1005-8-4
730 ILCS 5/5-8-6 from Ch. 38, par. 1005-8-6
730 ILCS 5/5-8A-2 from Ch. 38, par. 1005-8A-2
730 ILCS 5/5-8A-4 from Ch. 38, par. 1005-8A-4
730 ILCS 5/5-8A-4.1
730 ILCS 5/5-6-3.8 rep.
730 ILCS 5/5-8A-4.15 rep.
730 ILCS 110/18
730 ILCS 125/5 from Ch. 75, par. 105
730 ILCS 130/3 from Ch. 75, par. 32
730 ILCS 167/20
730 ILCS 168/20
735 ILCS 5/10-106 from Ch. 110, par. 10-106
735 ILCS 5/10-125 from Ch. 110, par. 10-125
735 ILCS 5/10-127 from Ch. 110, par. 10-127

735 ILCS 5/10-135	from Ch. 110, par. 10-135
735 ILCS 5/10-136	from Ch. 110, par. 10-136
735 ILCS 5/21-103	
740 ILCS 22/220	
740 ILCS 45/2	
740 ILCS 45/2.5	
740 ILCS 45/4.1	from Ch. 70, par. 74.1
740 ILCS 45/6.1	from Ch. 70, par. 76.1
740 ILCS 45/7.1	from Ch. 70, par. 77.1
750 ILCS 60/223	from Ch. 40, par. 2312-23
750 ILCS 60/301	from Ch. 40, par. 2313-1
765 ILCS 1045/11	from Ch. 140, par. 111
775 ILCS 40/50	
820 ILCS 405/602	from Ch. 48, par. 432
730 ILCS 5/3-6-7.1 rep.	
730 ILCS 5/3-6-7.2 rep.	
730 ILCS 5/3-6-7.3 rep.	
730 ILCS 5/3-6-7.4 rep.	
730 ILCS 125/17.6 rep.	
730 ILCS 125/17.7 rep.	
730 ILCS 125/17.8 rep.	
730 ILCS 125/17.9 rep.	
5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7	
5 ILCS 140/7.5	
5 ILCS 350/1	from Ch. 127, par. 1301

20 ILCS 415/4c	from Ch. 127, par. 63b104c
20 ILCS 2605/2605-50	was 20 ILCS 2605/55a-6
20 ILCS 2610/3	from Ch. 121, par. 307.3
20 ILCS 2610/6	from Ch. 121, par. 307.6
20 ILCS 2610/8	from Ch. 121, par. 307.8
20 ILCS 2610/9	from Ch. 121, par. 307.9
20 ILCS 2610/6.5 rep.	
20 ILCS 2610/11.5 rep.	
20 ILCS 2610/11.6 rep.	
20 ILCS 2610/12.6 rep.	
20 ILCS 2610/12.7 rep.	
20 ILCS 2610/40.1 rep.	
20 ILCS 2610/46 rep.	
50 ILCS 705/2	from Ch. 85, par. 502
50 ILCS 705/3	from Ch. 85, par. 503
50 ILCS 705/6	from Ch. 85, par. 506
50 ILCS 705/6.1	
50 ILCS 705/7	
50 ILCS 705/7.5	
50 ILCS 705/8	from Ch. 85, par. 508
50 ILCS 705/8.1	from Ch. 85, par. 508.1
50 ILCS 705/8.2	
50 ILCS 705/9	from Ch. 85, par. 509
50 ILCS 705/10	from Ch. 85, par. 510
50 ILCS 705/10.1	from Ch. 85, par. 510.1
50 ILCS 705/10.2	

50 ILCS 705/10.3

50 ILCS 705/10.5-1 new

50 ILCS 705/10.11

50 ILCS 705/10.18

50 ILCS 705/10.19

50 ILCS 705/10.20

50 ILCS 705/3.1 rep.

50 ILCS 705/6.3 rep.

50 ILCS 705/6.6 rep.

50 ILCS 705/6.7 rep.

50 ILCS 705/8.3 rep.

50 ILCS 705/8.4 rep.

50 ILCS 705/9.2 rep.

50 ILCS 705/13 rep.

55 ILCS 5/3-6001.5