



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3906

Introduced 2/6/2026, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

725 ILCS 5/110-6	from Ch. 38, par. 110-6
725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1

Amends the Code of Criminal Procedure of 1963. Provides that, upon the filing of a petition or a motion by the State or the court, the court shall order the revocation of the defendant's pretrial release when a defendant who was previously granted pretrial release is charged with a violation of a felony or Class A misdemeanor committed while on pretrial release. Provides that when a defendant previously granted pretrial release is charged with violation of a Class B or C misdemeanor committed while on pretrial release, the State may seek revocation of the defendant's pretrial release under the Code. Provides that a court shall deny a defendant charged with a Class X felony pretrial release only if: (1) the offense with which the defendant has been charged is not specifically enumerated in the denial of pretrial release provisions of the Code; and (2) prior to denial of pretrial release, the court has determined there is probable cause the defendant has committed a Class X felony, pursuant to the probable cause hearing in the denial of pretrial release provisions of the Code. Makes other changes.

LRB104 19606 RLC 33055 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 110-6 and 110-6.1 as follows:

6 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

7 Sec. 110-6. Revocation of pretrial release, modification
8 of conditions of pretrial release, and sanctions for
9 violations of conditions of pretrial release.

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

22 (a-5) When a defendant previously granted pretrial release
23 under this Section is charged with violation of a Class B or C

1 misdemeanor committed while on pretrial release, the State may
2 seek revocation of the defendant's pretrial release under the
3 provisions of this Section.

4 When a defendant released pretrial is charged with a
5 violation of a protective order or was previously convicted of
6 a violation of a protective order and the subject of the
7 protective order is the same person as the victim in the
8 current underlying matter, the State shall file a verified
9 petition seeking revocation of pretrial release.

10 When a defendant released pretrial is charged with a
11 violation of any criminal offense committed while on pretrial
12 release, the State may seek revocation of the defendant's
13 pretrial release under the provisions of this Section.

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

24 A hearing at which pretrial release may be revoked must be
25 conducted in person (and not by way of two-way audio-visual
26 communication) unless the accused waives the right to be

1 present physically in court, the court determines that the
2 physical health and safety of any person necessary to the
3 proceedings would be endangered by appearing in court, or the
4 chief judge of the circuit orders use of that system due to
5 operational challenges in conducting the hearing in person.
6 Such operational challenges must be documented and approved by
7 the chief judge of the circuit, and a plan to address the
8 challenges through reasonable efforts must be presented and
9 approved by the Administrative Office of the Illinois Courts
10 every 6 months.

11 When a defendant previously granted pretrial release under
12 this Section is charged with violation of a Class B or C
13 misdemeanor committed while on pretrial release, the ~~The~~ court
14 before which the previous ~~felony~~ ~~matter or Class A misdemeanor~~
15 is pending may revoke the defendant's pretrial release after a
16 hearing. During the hearing for revocation, the defendant
17 shall be represented by counsel and have an opportunity to be
18 heard regarding the violation and evidence in mitigation. The
19 court shall consider all relevant circumstances, including,
20 but not limited to, the nature and seriousness of the
21 violation or criminal act alleged and the defendant's criminal
22 history. The State shall bear the burden of proving, by clear
23 and convincing evidence, that no condition or combination of
24 conditions of release would reasonably ensure the appearance
25 of the defendant for later hearings or prevent the defendant
26 from being charged with a subsequent criminal offense ~~felony~~

1 ~~or Class A misdemeanor.~~

2 In lieu of revocation, the court may release the defendant
3 pre-trial, with or without modification of conditions of
4 pretrial release.

5 If the case that caused the revocation is dismissed, the
6 defendant is found not guilty in the case causing the
7 revocation, or the defendant completes a lawfully imposed
8 sentence on the case causing the revocation, the court shall,
9 without unnecessary delay, hold a hearing on conditions of
10 pretrial release pursuant to Section 110-5 and release the
11 defendant with or without modification of conditions of
12 pretrial release only if the defendant was previously granted
13 pretrial release under this Section and was charged with
14 violation of a Class B or C misdemeanor committed while on
15 pretrial release.

16 Both the State and the defendant may appeal an order
17 revoking pretrial release or denying a petition for revocation
18 of release.

19 (b) (Blank). ~~If a defendant previously has been granted~~
20 ~~pretrial release under this Section for a Class B or Class C~~
21 ~~misdemeanor offense, a petty or business offense, or an~~
22 ~~ordinance violation and if the defendant is subsequently~~
23 ~~charged with a felony that is alleged to have occurred during~~
24 ~~the defendant's pretrial release or a Class A misdemeanor~~
25 ~~offense that is alleged to have occurred during the~~
26 ~~defendant's pretrial release, such pretrial release may not be~~

1 ~~revoked, but the court may impose sanctions under subsection~~
2 ~~(e).~~

3 (c) When a defendant previously granted pretrial release
4 under this Section is charged with violation of a Class B or C
5 misdemeanor committed while on pretrial release, the ~~The~~ court
6 shall follow the procedures set forth in Section 110-3 to
7 ensure the defendant's appearance in court if the defendant:

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

10 (2) is charged with a criminal felony ~~or Class A~~
11 ~~misdemeanor~~ offense that is alleged to have occurred
12 during the defendant's pretrial release after having been
13 previously granted pretrial release ~~for a Class B or Class~~
14 ~~C misdemeanor, a petty or business offense, or an~~
15 ~~ordinance violation that is alleged to have occurred~~
16 ~~during the defendant's pretrial release;~~

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) (Blank); or

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

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

6 The court shall not remove a previously set condition of
7 pretrial release regulating contact with a victim or witness
8 in the case, unless the subject of the condition has been given
9 notice of the hearing as required in paragraph (1) of
10 subsection (b) of Section 4.5 of the Rights of Crime Victims
11 and Witnesses Act. If the subject of the condition of release
12 is not present, the court shall follow the procedures of
13 paragraph (10) of subsection (c-1) of the Rights of Crime
14 Victims and Witnesses Act.

15 (h) Crime victims shall be given notice by the State's
16 Attorney's office of all hearings under this Section as
17 required in paragraph (1) of subsection (b) of Section 4.5 of
18 the Rights of Crime Victims and Witnesses Act and shall be
19 informed of their opportunity at these hearings to obtain a
20 protective order.

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

25 (j) At each subsequent appearance of the defendant before
26 the court, the judge must find that continued detention under

1 this Section is necessary to reasonably ensure the appearance
2 of the defendant for later hearings or to prevent the
3 defendant from being charged with a subsequent criminal
4 offense ~~felony or Class A misdemeanor~~.

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

6 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

7 Sec. 110-6.1. Denial of pretrial release.

8 (a) Upon verified petition by the State, the court shall
9 hold a hearing and may deny a defendant pretrial release only
10 if:

11 (1) the defendant is charged with a felony offense
12 other than a forcible felony for which, based on the
13 charge or the defendant's criminal history, a sentence of
14 imprisonment, without probation, periodic imprisonment, or
15 conditional discharge, is required by law upon conviction,
16 and it is alleged that the defendant's pretrial release
17 poses a real and present threat to the safety of any person
18 or persons or the community, based on the specific
19 articulable facts of the case;

20 (1.5) the defendant's pretrial release poses a real
21 and present threat to the safety of any person or persons
22 or the community, based on the specific articulable facts
23 of the case, and the defendant is charged with a forcible
24 felony, which as used in this Section, means ~~treason,~~
25 ~~first degree murder,~~ second degree murder, ~~predatory~~

1 ~~criminal sexual assault of a child, aggravated criminal~~
2 ~~sexual assault,~~ criminal sexual assault, ~~armed robbery,~~
3 aggravated robbery, robbery, burglary where there is use
4 of force against another person, residential burglary,
5 ~~home invasion,~~ vehicular invasion, ~~aggravated arson,~~
6 arson, kidnapping ~~aggravated kidnaping,~~ ~~kidnaping,~~
7 aggravated battery resulting in great bodily harm or
8 permanent disability or disfigurement, or any other felony
9 which involves the threat of or infliction of great bodily
10 harm or permanent disability or disfigurement;

11 (2) the defendant is charged with stalking or
12 aggravated stalking, and it is alleged that the
13 defendant's pre-trial release poses a real and present
14 threat to the safety of a victim of the alleged offense,
15 and denial of release is necessary to prevent fulfillment
16 of the threat upon which the charge is based;

17 (3) the defendant is charged with a violation of an
18 order of protection issued under Section 112A-14 of this
19 Code or Section 214 of the Illinois Domestic Violence Act
20 of 1986, a stalking no contact order under Section 80 of
21 the Stalking No Contact Order Act, or a civil no contact
22 order under Section 213 of the Civil No Contact Order Act,
23 and it is alleged that the defendant's pretrial release
24 poses a real and present threat to the safety of any person
25 or persons or the community, based on the specific
26 articulable facts of the case;

1 (4) the defendant is charged with domestic battery or
2 aggravated domestic battery under Section 12-3.2 or 12-3.3
3 of the Criminal Code of 2012 and it is alleged that the
4 defendant's pretrial release poses a real and present
5 threat to the safety of any person or persons or the
6 community, based on the specific articulable facts of the
7 case;

8 (5) the defendant is charged with any offense under
9 Article 11 of the Criminal Code of 2012, except for
10 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
11 11-40, and 11-45 of the Criminal Code of 2012, or similar
12 provisions of the Criminal Code of 1961 and it is alleged
13 that the defendant's pretrial release poses a real and
14 present threat to the safety of any person or persons or
15 the community, based on the specific articulable facts of
16 the case;

17 (6) the defendant is charged with any of the following
18 offenses under the Criminal Code of 2012, and it is
19 alleged that the defendant's pretrial release poses a real
20 and present threat to the safety of any person or persons
21 or the community, based on the specific articulable facts
22 of the case:

23 (A) Section 24-1.2 (aggravated discharge of a
24 firearm);

25 (B) Section 24-1.2-5 (aggravated discharge of a
26 machine gun or a firearm equipped with a device

1 designed or used for silencing the report of a
2 firearm);

3 (C) Section 24-1.5 (reckless discharge of a
4 firearm);

5 (D) Section 24-1.7 (unlawful possession of a
6 firearm by a repeat felony offender);

7 (E) Section 24-2.2 (manufacture, sale, or transfer
8 of bullets or shells represented to be armor piercing
9 bullets, dragon's breath shotgun shells, bolo shells,
10 or flechette shells);

11 (F) Section 24-3 (unlawful sale or delivery of
12 firearms);

13 (G) Section 24-3.3 (unlawful sale or delivery of
14 firearms on the premises of any school);

15 (H) Section 24-34 (unlawful sale of firearms by
16 liquor license);

17 (I) Section 24-3.5 (unlawful purchase of a
18 firearm);

19 (J) Section 24-3A (gunrunning);

20 (K) Section 24-3B (firearms trafficking);

21 (L) Section 10-9 (b) (involuntary servitude);

22 (M) Section 10-9 (c) (involuntary sexual servitude
23 of a minor);

24 (N) Section 10-9(d) (trafficking in persons);

25 (O) Non-probationable violations: (i) unlawful
26 possession of weapons by felons or persons in the

1 Custody of the Department of Corrections facilities
2 (Section 24-1.1), (ii) aggravated unlawful possession
3 of a weapon (Section 24-1.6), or (iii) aggravated
4 possession of a stolen firearm (Section 24-3.9);

5 (P) Section 9-3 (reckless homicide and involuntary
6 manslaughter);

7 (Q) Section 19-3 (residential burglary);

8 (R) Section 10-5 (child abduction);

9 (S) Felony violations of Section 12C-5 (child
10 endangerment);

11 (T) Section 12-7.1 (hate crime);

12 (U) Section 10-3.1 (aggravated unlawful
13 restraint);

14 (V) Section 12-9 (threatening a public official);

15 (W) Subdivision (f)(1) of Section 12-3.05
16 (aggravated battery with a deadly weapon other than by
17 discharge of a firearm);

18 (6.5) the defendant is charged with any of the
19 following offenses, and it is alleged that the defendant's
20 pretrial release poses a real and present threat to the
21 safety of any person or persons or the community, based on
22 the specific articulable facts of the case:

23 (A) Felony violations of Sections 3.01, 3.02, or
24 3.03 of the Humane Care for Animals Act (cruel
25 treatment, aggravated cruelty, and animal torture);

26 (B) Subdivision (d)(1)(B) of Section 11-501 of the

1 Illinois Vehicle Code (aggravated driving under the
2 influence while operating a school bus with
3 passengers);

4 (C) Subdivision (d) (1) (C) of Section 11-501 of the
5 Illinois Vehicle Code (aggravated driving under the
6 influence causing great bodily harm);

7 (D) Subdivision (d) (1) (D) of Section 11-501 of the
8 Illinois Vehicle Code (aggravated driving under the
9 influence after a previous reckless homicide
10 conviction);

11 (E) Subdivision (d) (1) (F) of Section 11-501 of the
12 Illinois Vehicle Code (aggravated driving under the
13 influence leading to death); or

14 (F) Subdivision (d) (1) (J) of Section 11-501 of the
15 Illinois Vehicle Code (aggravated driving under the
16 influence that resulted in bodily harm to a child
17 under the age of 16);

18 (7) the defendant is charged with an attempt to commit
19 any charge listed in paragraphs (1) through (6.5), and it
20 is alleged that the defendant's pretrial release poses a
21 real and present threat to the safety of any person or
22 persons or the community, based on the specific
23 articulable facts of the case; or

24 (8) the person has a high likelihood of willful flight
25 to avoid prosecution and is charged with:

26 (A) Any felony described in subdivisions (a) (1)

1 through (a) (7) of this Section; or

2 (B) A felony offense other than a Class 4 offense.

3 (a-5) A court shall deny a defendant charged with a Class X
4 felony pretrial release only if:

5 (1) the offense with which the defendant has been
6 charged is not specifically enumerated in subsection (a)
7 of this Section; and

8 (2) prior to denial of pretrial release under this
9 subsection (a-5), the court has determined there is
10 probable cause the defendant has committed a Class X
11 felony, pursuant to subsection (b) of this Section.

12 (b) If the charged offense is a felony, as part of the
13 detention hearing, the court shall determine whether there is
14 probable cause the defendant has committed an offense, unless
15 a hearing pursuant to Section 109-3 of this Code has already
16 been held or a grand jury has returned a true bill of
17 indictment against the defendant. If there is a finding of no
18 probable cause, the defendant shall be released. No such
19 finding is necessary if the defendant is charged with a
20 misdemeanor.

21 (c) Timing of petition.

22 (1) A petition may be filed without prior notice to
23 the defendant at the first appearance before a judge, or
24 within the 21 calendar days, except as provided in Section
25 110-6, after arrest and release of the defendant upon
26 reasonable notice to defendant; provided that while such

1 petition is pending before the court, the defendant if
2 previously released shall not be detained.

3 (2) Upon filing, the court shall immediately hold a
4 hearing on the petition unless a continuance is requested.
5 If a continuance is requested and granted, the hearing
6 shall be held within 48 hours of the defendant's first
7 appearance if the defendant is charged with first degree
8 murder or a Class X, Class 1, Class 2, or Class 3 felony,
9 and within 24 hours if the defendant is charged with a
10 Class 4 or misdemeanor offense. The Court may deny or
11 grant the request for continuance. If the court decides to
12 grant the continuance, the Court retains the discretion to
13 detain or release the defendant in the time between the
14 filing of the petition and the hearing.

15 (d) Contents of petition.

16 (1) The petition shall be verified by the State and
17 shall state the grounds upon which it contends the
18 defendant should be denied pretrial release, including the
19 real and present threat to the safety of any person or
20 persons or the community, based on the specific
21 articulable facts or flight risk, as appropriate.

22 (2) If the State seeks to file a second or subsequent
23 petition under this Section, the State shall be required
24 to present a verified application setting forth in detail
25 any new facts not known or obtainable at the time of the
26 filing of the previous petition.

1 (e) Eligibility: All defendants shall be presumed eligible
2 for pretrial release, and the State shall bear the burden of
3 proving by clear and convincing evidence that:

4 (1) the proof is evident or the presumption great that
5 the defendant has committed an offense listed in
6 subsection (a), and

7 (2) for offenses listed in paragraphs (1) through (7)
8 of subsection (a), the defendant poses a real and present
9 threat to the safety of any person or persons or the
10 community, based on the specific articulable facts of the
11 case, by conduct which may include, but is not limited to,
12 a forcible felony, the obstruction of justice,
13 intimidation, injury, or abuse as defined by paragraph (1)
14 of Section 103 of the Illinois Domestic Violence Act of
15 1986, and

16 (3) no condition or combination of conditions set
17 forth in subsection (b) of Section 110-10 of this Article
18 can mitigate (i) the real and present threat to the safety
19 of any person or persons or the community, based on the
20 specific articulable facts of the case, for offenses
21 listed in paragraphs (1) through (7) of subsection (a), or
22 (ii) the defendant's willful flight for offenses listed in
23 paragraph (8) of subsection (a), and

24 (4) for offenses under subsection (b) of Section 407
25 of the Illinois Controlled Substances Act that are subject
26 to paragraph (1) of subsection (a), no condition or

1 combination of conditions set forth in subsection (b) of
2 Section 110-10 of this Article can mitigate the real and
3 present threat to the safety of any person or persons or
4 the community, based on the specific articulable facts of
5 the case, and the defendant poses a serious risk to not
6 appear in court as required.

7 (f) Conduct of the hearings.

8 (1) Prior to the hearing, the State shall tender to
9 the defendant copies of the defendant's criminal history
10 available, any written or recorded statements, and the
11 substance of any oral statements made by any person, if
12 relied upon by the State in its petition, and any police
13 reports in the prosecutor's possession at the time of the
14 hearing.

15 (2) The State or defendant may present evidence at the
16 hearing by way of proffer based upon reliable information.

17 (3) The defendant has the right to be represented by
18 counsel, and if he or she is indigent, to have counsel
19 appointed for him or her. The defendant shall have the
20 opportunity to testify, to present witnesses on his or her
21 own behalf, and to cross-examine any witnesses that are
22 called by the State. Defense counsel shall be given
23 adequate opportunity to confer with the defendant before
24 any hearing at which conditions of release or the
25 detention of the defendant are to be considered, with an
26 accommodation for a physical condition made to facilitate

1 attorney/client consultation. If defense counsel needs to
2 confer or consult with the defendant during any hearing
3 conducted via a 2-way audio-visual communication system,
4 such consultation shall not be recorded and shall be
5 undertaken consistent with constitutional protections.

6 (3.5) A hearing at which pretrial release may be
7 denied must be conducted in person (and not by way of 2-way
8 audio visual communication) unless the accused waives the
9 right to be present physically in court, the court
10 determines that the physical health and safety of any
11 person necessary to the proceedings would be endangered by
12 appearing in court, or the chief judge of the circuit
13 orders use of that system due to operational challenges in
14 conducting the hearing in person. Such operational
15 challenges must be documented and approved by the chief
16 judge of the circuit, and a plan to address the challenges
17 through reasonable efforts must be presented and approved
18 by the Administrative Office of the Illinois Courts every
19 6 months.

20 (4) If the defense seeks to compel the complaining
21 witness to testify as a witness in its favor, it shall
22 petition the court for permission. When the ends of
23 justice so require, the court may exercise its discretion
24 and compel the appearance of a complaining witness. The
25 court shall state on the record reasons for granting a
26 defense request to compel the presence of a complaining

1 witness only on the issue of the defendant's pretrial
2 detention. In making a determination under this Section,
3 the court shall state on the record the reason for
4 granting a defense request to compel the presence of a
5 complaining witness, and only grant the request if the
6 court finds by clear and convincing evidence that the
7 defendant will be materially prejudiced if the complaining
8 witness does not appear. Cross-examination of a
9 complaining witness at the pretrial detention hearing for
10 the purpose of impeaching the witness' credibility is
11 insufficient reason to compel the presence of the witness.
12 In deciding whether to compel the appearance of a
13 complaining witness, the court shall be considerate of the
14 emotional and physical well-being of the witness. The
15 pre-trial detention hearing is not to be used for purposes
16 of discovery, and the post arraignment rules of discovery
17 do not apply. The State shall tender to the defendant,
18 prior to the hearing, copies, if any, of the defendant's
19 criminal history, if available, and any written or
20 recorded statements and the substance of any oral
21 statements made by any person, if in the State's
22 Attorney's possession at the time of the hearing.

23 (5) The rules concerning the admissibility of evidence
24 in criminal trials do not apply to the presentation and
25 consideration of information at the hearing. At the trial
26 concerning the offense for which the hearing was conducted

1 neither the finding of the court nor any transcript or
2 other record of the hearing shall be admissible in the
3 State's case-in-chief, but shall be admissible for
4 impeachment, or as provided in Section 115-10.1 of this
5 Code, or in a perjury proceeding.

6 (6) The defendant may not move to suppress evidence or
7 a confession, however, evidence that proof of the charged
8 crime may have been the result of an unlawful search or
9 seizure, or both, or through improper interrogation, is
10 relevant in assessing the weight of the evidence against
11 the defendant.

12 (7) Decisions regarding release, conditions of
13 release, and detention prior to trial must be
14 individualized, and no single factor or standard may be
15 used exclusively to order detention. Risk assessment tools
16 may not be used as the sole basis to deny pretrial release.

17 (g) Factors to be considered in making a determination of
18 dangerousness. The court may, in determining whether the
19 defendant poses a real and present threat to the safety of any
20 person or persons or the community, based on the specific
21 articulable facts of the case, consider, but shall not be
22 limited to, evidence or testimony concerning:

23 (1) The nature and circumstances of any offense
24 charged, including whether the offense is a crime of
25 violence, involving a weapon, or a sex offense.

26 (2) The history and characteristics of the defendant

1 including:

2 (A) Any evidence of the defendant's prior criminal
3 history indicative of violent, abusive, or assaultive
4 behavior, or lack of such behavior. Such evidence may
5 include testimony or documents received in juvenile
6 proceedings, criminal, quasi-criminal, civil
7 commitment, domestic relations, or other proceedings.

8 (B) Any evidence of the defendant's psychological,
9 psychiatric or other similar social history which
10 tends to indicate a violent, abusive, or assaultive
11 nature, or lack of any such history.

12 (3) The identity of any person or persons to whose
13 safety the defendant is believed to pose a threat, and the
14 nature of the threat.

15 (4) Any statements made by, or attributed to the
16 defendant, together with the circumstances surrounding
17 them.

18 (5) The age and physical condition of the defendant.

19 (6) The age and physical condition of any victim or
20 complaining witness.

21 (7) Whether the defendant is known to possess or have
22 access to any weapon or weapons.

23 (8) Whether, at the time of the current offense or any
24 other offense or arrest, the defendant was on probation,
25 parole, aftercare release, mandatory supervised release,
26 or other release from custody pending trial, sentencing,

1 appeal, or completion of sentence for an offense under
2 federal or State law.

3 (9) Any other factors, including those listed in
4 Section 110-5 of this Article deemed by the court to have a
5 reasonable bearing upon the defendant's propensity or
6 reputation for violent, abusive, or assaultive behavior,
7 or lack of such behavior.

8 (h) Detention order. The court shall, in any order for
9 detention:

10 (1) make a written finding summarizing the court's
11 reasons for concluding that the defendant should be denied
12 pretrial release, including why less restrictive
13 conditions would not avoid a real and present threat to
14 the safety of any person or persons or the community,
15 based on the specific articulable facts of the case, or
16 prevent the defendant's willful flight from prosecution;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his or her choice by
23 visitation, mail and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (i) Detention. If the court enters an order for the
2 detention of the defendant pursuant to subsection (e) of this
3 Section, the defendant shall be brought to trial on the
4 offense for which he is detained within 90 days after the date
5 on which the order for detention was entered. If the defendant
6 is not brought to trial within the 90-day period required by
7 the preceding sentence, he shall not be denied pretrial
8 release. In computing the 90-day period, the court shall omit
9 any period of delay resulting from a continuance granted at
10 the request of the defendant and any period of delay resulting
11 from a continuance granted at the request of the State with
12 good cause shown pursuant to Section 103-5.

13 (i-5) At each subsequent appearance of the defendant
14 before the court, the judge must find that continued detention
15 is necessary to avoid a real and present threat to the safety
16 of any person or persons or the community, based on the
17 specific articulable facts of the case, or to prevent the
18 defendant's willful flight from prosecution.

19 (j) Rights of the defendant. The defendant shall be
20 entitled to appeal any order entered under this Section
21 denying his or her pretrial release.

22 (k) Appeal. The State may appeal any order entered under
23 this Section denying any motion for denial of pretrial
24 release.

25 (l) Presumption of innocence. Nothing in this Section
26 shall be construed as modifying or limiting in any way the

1 defendant's presumption of innocence in further criminal
2 proceedings.

3 (m) Interest of victims.

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

9 (2) If the defendant is denied pretrial release, the
10 court may impose a no contact provision with the victim or
11 other interested party that shall be enforced while the
12 defendant remains in custody.

13 (Source: P.A. 103-822, eff. 1-1-25; 104-417, eff. 8-15-25.)