



Sen. Elgie R. Sims, Jr.

**Filed: 1/5/2021**

10100HB0163sam002

LRB101 04752 RLC 74552 a

1 AMENDMENT TO HOUSE BILL 163

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 163 by replacing  
3 everything after the enacting clause with the following:

4 "Article 1.  
5 Deaths in Custody

6 Section 1-1. Short title. This Article may be cited as the  
7 Reporting of Deaths in Custody Act. References in this Article  
8 to "this Act" mean this Article.

9 Section 1-5. Report of deaths of persons in custody in  
10 correctional institutions.

11 (a) In this Act, "law enforcement agency" includes each law  
12 enforcement entity within this State having the authority to  
13 arrest and detain persons suspected of, or charged with,  
14 committing a criminal offense, and each law enforcement entity  
15 that operates a lock up, jail, prison, or any other facility

1 used to detain persons for legitimate law enforcement purposes.

2 (b) In any case in which a person dies:

3 (1) while in the custody of:

4 (A) a law enforcement agency;

5 (B) a local or State correctional facility in this  
6 State; or

7 (C) a peace officer; or

8 (2) as a result of the peace officer's use of force,  
9 the law enforcement agency shall investigate and report the  
10 death in writing to the Attorney General, no later than 30  
11 days after the date on which the person in custody or  
12 incarcerated died. The written report shall contain the  
13 following information:

14 (A) facts concerning the death that are in the  
15 possession of the law enforcement agency in charge of  
16 the investigation and the correctional facility where  
17 the death occurred including, but not limited to, cause  
18 and manner of death, race, age, and gender of the  
19 decedent;

20 (B) the jurisdiction, the law enforcement agency  
21 providing the investigation, and the local or State  
22 facility where the death occurred;

23 (C) if emergency care was requested by the law  
24 enforcement agency in response to any illness, injury,  
25 self-inflicted or otherwise, or other issue related to  
26 rapid deterioration of physical wellness or human

1 subsistence, and details concerning emergency care  
2 that were provided to the decedent if emergency care  
3 was provided.

4 (c) The law enforcement agency and the involved  
5 correctional administrators shall make a good faith effort to  
6 obtain all relevant facts and circumstances relevant to the  
7 death and include those in the report.

8 (d) The Attorney General shall create a standardized form  
9 to be used for the purpose of collecting information as  
10 described in subsection (b).

11 (e) Law enforcement agencies shall use the form described  
12 in subsection (d) to report all cases in which a person dies:

13 (1) while in the custody of:

14 (A) a law enforcement agency;

15 (B) a local or State correctional facility in this  
16 State; or

17 (C) a peace officer; or

18 (2) as a result of the peace officer's use of force.

19 (f) The Attorney General may determine the manner in which  
20 the form is transmitted from a law enforcement agency to the  
21 Attorney General.

22 (g) The reports shall be public records within the meaning  
23 of subsection (c) of Section 2 of the Freedom of Information  
24 Act and are open to public inspection, with the exception of  
25 any portion of the report that the Attorney General determines  
26 is privileged or protected under Illinois or federal law.

1           (h) The Attorney General shall make available to the public  
2 information of all individual reports relating to deaths in  
3 custody through the Attorney General's website to be updated on  
4 a quarterly basis.

5           (i) The Attorney General shall issue a public annual report  
6 tabulating and evaluating trends and information on deaths in  
7 custody, including, but not limited to:

8                 (1) information regarding cause and manner of death,  
9 race, and the gender of the decedent;

10                (2) the jurisdiction, law enforcement agency providing  
11 the investigation, and local or State facility where the  
12 death occurred; and

13                (3) recommendations and State and local efforts  
14 underway to reduce deaths in custody.

15           The report shall be submitted to the Governor and General  
16 Assembly and made available to the public on the Attorney  
17 General's website the first week of February of each year.

18           (j) So that the State may oversee the healthcare provided  
19 to any person in the custody of each law enforcement agency  
20 within this State, provision of medical services to these  
21 persons, general care and treatment, and any other factors that  
22 may contribute to the death of any of these persons, the  
23 following information shall be made available to the public on  
24 the Attorney General's website:

25                (1) the number of deaths that occurred during the  
26 preceding calendar year;

1           (2) the known, or discoverable upon reasonable  
2 inquiry, causes and contributing factors of each of the  
3 in-custody deaths as defined in subsection (b); and

4           (3) the law enforcement agency's policies, procedures,  
5 and protocols related to:

6                 (A) treatment of a person experiencing withdrawal  
7 from alcohol or substance use;

8                 (B) the facility's provision, or lack of  
9 provision, of medications used to treat, mitigate, or  
10 address a person's symptoms; and

11                (C) notifying an inmate's next of kin after the  
12 inmate's in-custody death.

13           (k) The family, next of kin, or any other person reasonably  
14 nominated by the decedent as an emergency contact shall be  
15 notified as soon as possible in a suitable manner giving an  
16 accurate factual account of the cause of death and  
17 circumstances surrounding the death in custody.

18           (l) The law enforcement agency or correctional facility  
19 shall name a staff person to act as dedicated family liaison  
20 officer to be a point of contact for the family, to make and  
21 maintain contact with the family, to report ongoing  
22 developments and findings of investigations, and to provide  
23 information and practical support. If requested by the  
24 deceased's next of kin, the law enforcement agency or  
25 correctional facility shall arrange for a chaplain, counselor,  
26 or other suitable staff member to meet with the family and

1 discuss any faith considerations or concerns. The family has a  
2 right to the medical records of a family member who has died in  
3 custody and these records shall be disclosed to them.

4 (m) It is unlawful for a person who is required under this  
5 Section to investigate a death or file a report to fail to  
6 include in the report facts known or discovered in the  
7 investigation to the Attorney General. A violation of this  
8 Section is a petty offense, with fine not to exceed \$500.

9 Article 3.

10 Statewide Use of Force Standardization

11 Section 3-1. Short title. This Article may be cited as the  
12 Statewide Use of Force Standardization Act. References in this  
13 Article to "this Act" mean this Article.

14 Section 3-5. Statement of purpose. It is the intent of the  
15 General Assembly to establish statewide use of force standards  
16 for law enforcement agencies effective January 1, 2022.

17 Article 4.

18 Prison Gerrymandering

19 Section 4-1. Short title. This Article may be cited as the  
20 Prison Gerrymandering Act. References in this Article to "this  
21 Act" mean this Article.

1 Section 4-5. Prison gerrymandering.

2 (a) By April 1 in the year immediately following where the  
3 federal decennial census is taken but in which the United  
4 States Bureau of the Census allocates incarcerated persons as  
5 residents of correctional facilities, the Department of  
6 Corrections shall deliver to the offices of Speaker of the  
7 House of Representatives, President of the Senate, Minority  
8 Leader of the House, and Minority Leader of the Senate  
9 information regarding the last known place of residence prior  
10 to incarceration of each inmate incarcerated in a state adult  
11 correctional facility, except an inmate whose last known place  
12 of residence is outside Illinois.

13 (b) In the year immediately following when the federal  
14 decennial census is taken but in which the United States Bureau  
15 of the Census allocates incarcerated persons as residents of  
16 correctional facilities, the Secretary of State shall request  
17 that each agency that operates a federal correctional facility  
18 in this State that incarcerates persons convicted of a criminal  
19 offense to provide the Secretary of State with a report that  
20 includes the last known place of residence prior to  
21 incarceration of each inmate, except an inmate whose last known  
22 place of residence is outside Illinois. The Secretary of State  
23 shall deliver such report to the offices of Speaker of the  
24 House of Representatives, President of the Senate, Minority  
25 Leader of the House, and Minority Leader of the Senate by April

1 1 of the year immediately following the federal decennial  
2 census.

3 (c) For purposes of reapportionment and redistricting, the  
4 General Assembly shall count each incarcerated person as  
5 residing at his or her last known place of residence, rather  
6 than at the institution of his or her incarceration.

7 Article 5.

8 Police Integrity and Accountability

9 Section 5-1. Short title. This Article may be cited as the  
10 Police Integrity and Accountability Act. References in this  
11 Article to "this Act" mean this Article.

12 Section 5-5. Right of action.

13 (a) A peace officer, as defined in Section 2-13 of the  
14 Criminal Code of 2012, who subjects or causes to be subjected,  
15 including by failing to intervene, any other person to the  
16 deprivation of any individual rights arising under the Illinois  
17 Constitution, is liable to the injured party for legal or  
18 equitable relief or any other appropriate relief.

19 (b) Sovereign immunities and statutory immunities and  
20 statutory limitations on liability, damages, or attorney's  
21 fees do not apply to claims brought under this Section. The  
22 Local Governmental and Governmental Employees Tort Immunity  
23 Act does not apply to claims brought under this Section.



1 (c) Qualified immunity is not a defense to liability under  
2 this Section.

3 (d) In any action brought under this Section, a court shall  
4 award reasonable attorney's fees and costs to the plaintiff,  
5 including expert witness fees and other litigation expenses, if  
6 they are a prevailing party as defined in subsection (d) of  
7 Section 5 of the Illinois Civil Rights Act of 2003. In actions  
8 for injunctive relief, a court shall deem a plaintiff to have  
9 prevailed if the plaintiff's suit was a substantial factor or  
10 significant catalyst in obtaining the results sought by the  
11 litigation. When a judgment is entered in favor of a defendant,  
12 the court may award reasonable costs and attorney's fees to the  
13 defendant for defending claims the court finds frivolous.

14 (e) A civil action under this Section must be commenced  
15 within 5 years after the cause of action accrues.

16 Section 5-10. Reporting of judgments and settlements.

17 (a) Any unit of local government that employs a peace  
18 officer who incurs liability under this Act, whether in the  
19 form of judgment or settlement entered against the peace  
20 officer for claims arising under this Act, shall publicly  
21 disclose:

22 (1) the name of any peace officer or officers whose  
23 actions or conduct led to the judgment or settlement;

24 (2) the amount of the judgment or settlement, and the  
25 portion of that judgment or settlement, if any, indemnified

1 by the unit of local government;

2 (3) any internal discipline taken against the peace  
3 officer or officers whose actions or conduct led to the  
4 judgment or settlement; and

5 (4) any criminal charges pursued against the peace  
6 officer or officers for the actions or conduct that led to  
7 the judgment or settlement.

8 (b) The unit of local government shall not disclose the  
9 address, social security number, or other unique, non-public  
10 personal identifying information of any individual who brings a  
11 claim under this Act.

12 Article 10.

13 Amendatory Provisions

14 Section 10-105. The Statute on Statutes is amended by  
15 adding Section 1.43 as follows:

16 (5 ILCS 70/1.43 new)

17 Sec. 1.43. Reference to bail, bail bond, or conditions of  
18 bail. Whenever there is a reference in any Act to "bail", "bail  
19 bond", or "conditions of bail", these terms shall be construed  
20 as "pretrial release" or "conditions of pretrial release".

21 Section 10-110. The Freedom of Information Act is amended  
22 by changing Section 2.15 as follows:

1 (5 ILCS 140/2.15)

2 Sec. 2.15. Arrest reports and criminal history records.

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

18 (b) Criminal history records. The following documents  
19 maintained by a public body pertaining to criminal history  
20 record information are public records subject to inspection and  
21 copying by the public pursuant to this Act: (i) court records  
22 that are public; (ii) records that are otherwise available  
23 under State or local law; and (iii) records in which the  
24 requesting party is the individual identified, except as  
25 provided under Section 7(1)(d)(vi).

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

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

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

25           (Source: P.A. 100-927, eff. 1-1-19; 101-433, eff. 8-20-19.)

1           Section 10-115. The State Records Act is amended by  
2 changing Section 4a as follows:

3           (5 ILCS 160/4a)

4           Sec. 4a. Arrest records and reports.

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

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

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

13                (3) The time and location of the arrest.

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

16                (5) If the individual is incarcerated, the conditions  
17 of pretrial release ~~amount of any bail or bond~~.

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

21           (b) The information required by this Section must be made  
22 available to the news media for inspection and copying as soon  
23 as practicable, but in no event shall the time period exceed 72  
24 hours from the arrest. The information described in paragraphs  
25 (3), (4), (5), and (6) of subsection (a), however, may be

1 withheld if it is determined that disclosure would:

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

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

8 (3) compromise the security of any correctional  
9 facility.

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

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

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

26 (f) All information, including photographs, made available

1 under this Section is subject to the provisions of Section 2000  
2 of the Consumer Fraud and Deceptive Business Practices Act.

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

16 (Source: P.A. 101-433, eff. 8-20-19.)

17 Section 10-116. The Illinois Public Labor Relations Act is  
18 amended by changing Sections 4, 8, 14 and 20 as follows:

19 (5 ILCS 315/4) (from Ch. 48, par. 1604)

20 (Text of Section WITH the changes made by P.A. 98-599,  
21 which has been held unconstitutional)

22 Sec. 4. Management Rights. Employers shall not be required  
23 to bargain over matters of inherent managerial policy, which  
24 shall include such areas of discretion or policy as the

1 functions of the employer, standards of services, its overall  
2 budget, the organizational structure and selection of new  
3 employees, examination techniques and direction of employees.  
4 Employers, however, shall be required to bargain collectively  
5 with regard to policy matters directly affecting wages, hours  
6 and terms and conditions of employment as well as the impact  
7 thereon upon request by employee representatives, except as  
8 provided in Section 7.5.

9 To preserve the rights of employers and exclusive  
10 representatives which have established collective bargaining  
11 relationships or negotiated collective bargaining agreements  
12 prior to the effective date of this Act, employers shall be  
13 required to bargain collectively with regard to any matter  
14 concerning wages, hours or conditions of employment about which  
15 they have bargained for and agreed to in a collective  
16 bargaining agreement prior to the effective date of this Act,  
17 except as provided in Section 7.5.

18 The chief judge of the judicial circuit that employs a  
19 public employee who is a court reporter, as defined in the  
20 Court Reporters Act, has the authority to hire, appoint,  
21 promote, evaluate, discipline, and discharge court reporters  
22 within that judicial circuit.

23 Nothing in this amendatory Act of the 94th General Assembly  
24 shall be construed to intrude upon the judicial functions of  
25 any court. This amendatory Act of the 94th General Assembly  
26 applies only to nonjudicial administrative matters relating to



1 the collective bargaining rights of court reporters.

2 (Source: P.A. 98-599, eff. 6-1-14.)

3 (Text of Section WITHOUT the changes made by P.A. 98-599,  
4 which has been held unconstitutional)

5 Sec. 4. Management Rights. Employers shall not be required  
6 to bargain over matters of inherent managerial policy, which  
7 shall include such areas of discretion or policy as the  
8 functions of the employer, standards of services, its overall  
9 budget, the organizational structure and selection of new  
10 employees, examination techniques, ~~and~~ direction of employees,  
11 and the discipline or discharge of peace officers. Employers,  
12 however, shall be required to bargain collectively with regard  
13 to policy matters directly affecting wages, hours and terms and  
14 conditions of employment as well as the impact thereon upon  
15 request by employee representatives. Notwithstanding any  
16 provision of this Act, employers shall not be required to  
17 bargain over matters relating to the discipline or discharge of  
18 peace officers. Provisions in existing collective bargaining  
19 agreements that address the discipline or discharge of peace  
20 officers shall lapse by operation of law on the renewal or  
21 extension of existing collective bargaining agreements by  
22 whatever means, or the approval of a collective bargaining  
23 agreement by the corporate authorities of the employer after  
24 the effective date of this Act, without imposing a duty to  
25 bargain on employers.

1 To preserve the rights of employers and exclusive  
2 representatives which have established collective bargaining  
3 relationships or negotiated collective bargaining agreements  
4 prior to the effective date of this Act, employers shall be  
5 required to bargain collectively with regard to any matter  
6 concerning wages, hours or conditions of employment about which  
7 they have bargained for and agreed to in a collective  
8 bargaining agreement prior to the effective date of this Act.

9 The chief judge of the judicial circuit that employs a  
10 public employee who is a court reporter, as defined in the  
11 Court Reporters Act, has the authority to hire, appoint,  
12 promote, evaluate, discipline, and discharge court reporters  
13 within that judicial circuit.

14 Nothing in this amendatory Act of the 94th General Assembly  
15 shall be construed to intrude upon the judicial functions of  
16 any court. This amendatory Act of the 94th General Assembly  
17 applies only to nonjudicial administrative matters relating to  
18 the collective bargaining rights of court reporters.

19 (Source: P.A. 94-98, eff. 7-1-05.)

20 (5 ILCS 315/8) (from Ch. 48, par. 1608)

21 Sec. 8. Grievance Procedure. The collective bargaining  
22 agreement negotiated between the employer and the exclusive  
23 representative shall contain a grievance resolution procedure  
24 which shall apply to all employees in the bargaining unit,  
25 except as to disputes regarding the discipline or discharge of

1 peace officers, and shall provide for final and binding  
2 arbitration of disputes concerning the administration or  
3 interpretation of the agreement unless mutually agreed  
4 otherwise. Any agreement containing a final and binding  
5 arbitration provision shall also contain a provision  
6 prohibiting strikes for the duration of the agreement. The  
7 grievance and arbitration provisions of any collective  
8 bargaining agreement shall be subject to the Illinois "Uniform  
9 Arbitration Act". The costs of such arbitration shall be borne  
10 equally by the employer and the employee organization.

11 (Source: P.A. 83-1012.)

12 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

15 (a) In the case of collective bargaining agreements  
16 involving units of security employees of a public employer,  
17 Peace Officer Units, or units of fire fighters or paramedics,  
18 and in the case of disputes under Section 18, unless the  
19 parties mutually agree to some other time limit, mediation  
20 shall commence 30 days prior to the expiration date of such  
21 agreement or at such later time as the mediation services  
22 chosen under subsection (b) of Section 12 can be provided to  
23 the parties. In the case of negotiations for an initial  
24 collective bargaining agreement, mediation shall commence upon  
25 15 days notice from either party or at such later time as the

1 mediation services chosen pursuant to subsection (b) of Section  
2 12 can be provided to the parties. In mediation under this  
3 Section, if either party requests the use of mediation services  
4 from the Federal Mediation and Conciliation Service, the other  
5 party shall either join in such request or bear the additional  
6 cost of mediation services from another source. The mediator  
7 shall have a duty to keep the Board informed on the progress of  
8 the mediation. If any dispute has not been resolved within 15  
9 days after the first meeting of the parties and the mediator,  
10 or within such other time limit as may be mutually agreed upon  
11 by the parties, either the exclusive representative or employer  
12 may request of the other, in writing, arbitration, and shall  
13 submit a copy of the request to the Board.

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

20 (c) Within 7 days after the request of either party, the  
21 parties shall request a panel of impartial arbitrators from  
22 which they shall select the neutral chairman according to the  
23 procedures provided in this Section. If the parties have agreed  
24 to a contract that contains a grievance resolution procedure as  
25 provided in Section 8, the chairman shall be selected using  
26 their agreed contract procedure unless they mutually agree to

1 another procedure. If the parties fail to notify the Board of  
2 their selection of neutral chairman within 7 days after receipt  
3 of the list of impartial arbitrators, the Board shall appoint,  
4 at random, a neutral chairman from the list. In the absence of  
5 an agreed contract procedure for selecting an impartial  
6 arbitrator, either party may request a panel from the Board.  
7 Within 7 days of the request of either party, the Board shall  
8 select from the Public Employees Labor Mediation Roster 7  
9 persons who are on the labor arbitration panels of either the  
10 American Arbitration Association or the Federal Mediation and  
11 Conciliation Service, or who are members of the National  
12 Academy of Arbitrators, as nominees for impartial arbitrator of  
13 the arbitration panel. The parties may select an individual on  
14 the list provided by the Board or any other individual mutually  
15 agreed upon by the parties. Within 7 days following the receipt  
16 of the list, the parties shall notify the Board of the person  
17 they have selected. Unless the parties agree on an alternate  
18 selection procedure, they shall alternatively strike one name  
19 from the list provided by the Board until only one name  
20 remains. A coin toss shall determine which party shall strike  
21 the first name. If the parties fail to notify the Board in a  
22 timely manner of their selection for neutral chairman, the  
23 Board shall appoint a neutral chairman from the Illinois Public  
24 Employees Mediation/Arbitration Roster.

25 (d) The chairman shall call a hearing to begin within 15  
26 days and give reasonable notice of the time and place of the

1 hearing. The hearing shall be held at the offices of the Board  
2 or at such other location as the Board deems appropriate. The  
3 chairman shall preside over the hearing and shall take  
4 testimony. Any oral or documentary evidence and other data  
5 deemed relevant by the arbitration panel may be received in  
6 evidence. The proceedings shall be informal. Technical rules of  
7 evidence shall not apply and the competency of the evidence  
8 shall not thereby be deemed impaired. A verbatim record of the  
9 proceedings shall be made and the arbitrator shall arrange for  
10 the necessary recording service. Transcripts may be ordered at  
11 the expense of the party ordering them, but the transcripts  
12 shall not be necessary for a decision by the arbitration panel.  
13 The expense of the proceedings, including a fee for the  
14 chairman, shall be borne equally by each of the parties to the  
15 dispute. The delegates, if public officers or employees, shall  
16 continue on the payroll of the public employer without loss of  
17 pay. The hearing conducted by the arbitration panel may be  
18 adjourned from time to time, but unless otherwise agreed by the  
19 parties, shall be concluded within 30 days of the time of its  
20 commencement. Majority actions and rulings shall constitute  
21 the actions and rulings of the arbitration panel. Arbitration  
22 proceedings under this Section shall not be interrupted or  
23 terminated by reason of any unfair labor practice charge filed  
24 by either party at any time.

25 (e) The arbitration panel may administer oaths, require the  
26 attendance of witnesses, and the production of such books,

1 papers, contracts, agreements and documents as may be deemed by  
2 it material to a just determination of the issues in dispute,  
3 and for such purpose may issue subpoenas. If any person refuses  
4 to obey a subpoena, or refuses to be sworn or to testify, or if  
5 any witness, party or attorney is guilty of any contempt while  
6 in attendance at any hearing, the arbitration panel may, or the  
7 attorney general if requested shall, invoke the aid of any  
8 circuit court within the jurisdiction in which the hearing is  
9 being held, which court shall issue an appropriate order. Any  
10 failure to obey the order may be punished by the court as  
11 contempt.

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

21 (g) At or before the conclusion of the hearing held  
22 pursuant to subsection (d), the arbitration panel shall  
23 identify the economic issues in dispute, and direct each of the  
24 parties to submit, within such time limit as the panel shall  
25 prescribe, to the arbitration panel and to each other its last  
26 offer of settlement on each economic issue. The determination

1 of the arbitration panel as to the issues in dispute and as to  
2 which of these issues are economic shall be conclusive. The  
3 arbitration panel, within 30 days after the conclusion of the  
4 hearing, or such further additional periods to which the  
5 parties may agree, shall make written findings of fact and  
6 promulgate a written opinion and shall mail or otherwise  
7 deliver a true copy thereof to the parties and their  
8 representatives and to the Board. As to each economic issue,  
9 the arbitration panel shall adopt the last offer of settlement  
10 which, in the opinion of the arbitration panel, more nearly  
11 complies with the applicable factors prescribed in subsection  
12 (h). The findings, opinions and order as to all other issues  
13 shall be based upon the applicable factors prescribed in  
14 subsection (h).

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

23 (1) The lawful authority of the employer.

24 (2) Stipulations of the parties.

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



1 costs.

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

7 (A) In public employment in comparable  
8 communities.

9 (B) In private employment in comparable  
10 communities.

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

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

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

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

1 (i) In the case of peace officers, the arbitration decision  
2 shall be limited to wages, hours, and conditions of employment  
3 (which may include residency requirements in municipalities  
4 with a population under 100,000 ~~1,000,000~~, but those residency  
5 requirements shall not allow residency outside of Illinois) and  
6 shall not include the following: i) residency requirements in  
7 municipalities with a population of at least 100,000 ~~1,000,000~~;  
8 ii) the type of equipment, other than uniforms, issued or used;  
9 iii) manning; iv) the total number of employees employed by the  
10 department; v) mutual aid and assistance agreements to other  
11 units of government; and vi) the criterion pursuant to which  
12 force, including deadly force, can be used; provided, nothing  
13 herein shall preclude an arbitration decision regarding  
14 equipment or manning levels if such decision is based on a  
15 finding that the equipment or manning considerations in a  
16 specific work assignment involve a serious risk to the safety  
17 of a peace officer beyond that which is inherent in the normal  
18 performance of police duties. Limitation of the terms of the  
19 arbitration decision pursuant to this subsection shall not be  
20 construed to limit the factors upon which the decision may be  
21 based, as set forth in subsection (h).

22 In the case of fire fighter, and fire department or fire  
23 district paramedic matters, the arbitration decision shall be  
24 limited to wages, hours, and conditions of employment  
25 (including manning and also including residency requirements  
26 in municipalities with a population under 1,000,000, but those

1 residency requirements shall not allow residency outside of  
2 Illinois) and shall not include the following matters: i)  
3 residency requirements in municipalities with a population of  
4 at least 1,000,000; ii) the type of equipment (other than  
5 uniforms and fire fighter turnout gear) issued or used; iii)  
6 the total number of employees employed by the department; iv)  
7 mutual aid and assistance agreements to other units of  
8 government; ~~and~~ v) the criterion pursuant to which force,  
9 including deadly force, can be used; and vii) the discipline or  
10 discharge of peace officers; provided, however, nothing herein  
11 shall preclude an arbitration decision regarding equipment  
12 levels if such decision is based on a finding that the  
13 equipment considerations in a specific work assignment involve  
14 a serious risk to the safety of a fire fighter beyond that  
15 which is inherent in the normal performance of fire fighter  
16 duties. Limitation of the terms of the arbitration decision  
17 pursuant to this subsection shall not be construed to limit the  
18 facts upon which the decision may be based, as set forth in  
19 subsection (h).

20 The changes to this subsection (i) made by Public Act  
21 90-385 (relating to residency requirements) do not apply to  
22 persons who are employed by a combined department that performs  
23 both police and firefighting services; these persons shall be  
24 governed by the provisions of this subsection (i) relating to  
25 peace officers, as they existed before the amendment by Public  
26 Act 90-385.

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

6           (j) Arbitration procedures shall be deemed to be initiated  
7 by the filing of a letter requesting mediation as required  
8 under subsection (a) of this Section. The commencement of a new  
9 municipal fiscal year after the initiation of arbitration  
10 procedures under this Act, but before the arbitration decision,  
11 or its enforcement, shall not be deemed to render a dispute  
12 moot, or to otherwise impair the jurisdiction or authority of  
13 the arbitration panel or its decision. Increases in rates of  
14 compensation awarded by the arbitration panel may be effective  
15 only at the start of the fiscal year next commencing after the  
16 date of the arbitration award. If a new fiscal year has  
17 commenced either since the initiation of arbitration  
18 procedures under this Act or since any mutually agreed  
19 extension of the statutorily required period of mediation under  
20 this Act by the parties to the labor dispute causing a delay in  
21 the initiation of arbitration, the foregoing limitations shall  
22 be inapplicable, and such awarded increases may be retroactive  
23 to the commencement of the fiscal year, any other statute or  
24 charter provisions to the contrary, notwithstanding. At any  
25 time the parties, by stipulation, may amend or modify an award  
26 of arbitration.

1           (k) Orders of the arbitration panel shall be reviewable,  
2 upon appropriate petition by either the public employer or the  
3 exclusive bargaining representative, by the circuit court for  
4 the county in which the dispute arose or in which a majority of  
5 the affected employees reside, but only for reasons that the  
6 arbitration panel was without or exceeded its statutory  
7 authority; the order is arbitrary, or capricious; or the order  
8 was procured by fraud, collusion or other similar and unlawful  
9 means. Such petitions for review must be filed with the  
10 appropriate circuit court within 90 days following the issuance  
11 of the arbitration order. The pendency of such proceeding for  
12 review shall not automatically stay the order of the  
13 arbitration panel. The party against whom the final decision of  
14 any such court shall be adverse, if such court finds such  
15 appeal or petition to be frivolous, shall pay reasonable  
16 attorneys' fees and costs to the successful party as determined  
17 by said court in its discretion. If said court's decision  
18 affirms the award of money, such award, if retroactive, shall  
19 bear interest at the rate of 12 percent per annum from the  
20 effective retroactive date.

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

1 panel upon the initiation of arbitration procedures under this  
2 Act.

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

8 (n) All of the terms decided upon by the arbitration panel  
9 shall be included in an agreement to be submitted to the public  
10 employer's governing body for ratification and adoption by law,  
11 ordinance or the equivalent appropriate means.

12 The governing body shall review each term decided by the  
13 arbitration panel. If the governing body fails to reject one or  
14 more terms of the arbitration panel's decision by a 3/5 vote of  
15 those duly elected and qualified members of the governing body,  
16 within 20 days of issuance, or in the case of firefighters  
17 employed by a state university, at the next regularly scheduled  
18 meeting of the governing body after issuance, such term or  
19 terms shall become a part of the collective bargaining  
20 agreement of the parties. If the governing body affirmatively  
21 rejects one or more terms of the arbitration panel's decision,  
22 it must provide reasons for such rejection with respect to each  
23 term so rejected, within 20 days of such rejection and the  
24 parties shall return to the arbitration panel for further  
25 proceedings and issuance of a supplemental decision with  
26 respect to the rejected terms. Any supplemental decision by an

1 arbitration panel or other decision maker agreed to by the  
2 parties shall be submitted to the governing body for  
3 ratification and adoption in accordance with the procedures and  
4 voting requirements set forth in this Section. The voting  
5 requirements of this subsection shall apply to all disputes  
6 submitted to arbitration pursuant to this Section  
7 notwithstanding any contrary voting requirements contained in  
8 any existing collective bargaining agreement between the  
9 parties.

10 (o) If the governing body of the employer votes to reject  
11 the panel's decision, the parties shall return to the panel  
12 within 30 days from the issuance of the reasons for rejection  
13 for further proceedings and issuance of a supplemental  
14 decision. All reasonable costs of such supplemental proceeding  
15 including the exclusive representative's reasonable attorney's  
16 fees, as established by the Board, shall be paid by the  
17 employer.

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

23 (Source: P.A. 98-535, eff. 1-1-14; 98-1151, eff. 1-7-15.)

24 (5 ILCS 315/20) (from Ch. 48, par. 1620)

25 Sec. 20. Prohibitions.

1 (a) Nothing in this Act shall be construed to require an  
2 individual employee to render labor or service without his  
3 consent, nor shall anything in this Act be construed to make  
4 the quitting of his labor by an individual employee an illegal  
5 act; nor shall any court issue any process to compel the  
6 performance by an individual employee of such labor or service,  
7 without his consent; nor shall the quitting of labor by an  
8 employee or employees in good faith because of abnormally  
9 dangerous conditions for work at the place of employment of  
10 such employee be deemed a strike under this Act.

11 (b) This Act shall not be applicable to units of local  
12 government employing less than 5 employees at the time the  
13 Petition for Certification or Representation is filed with the  
14 Board. This prohibition shall not apply to bargaining units in  
15 existence on the effective date of this Act and units of local  
16 government employing more than 5 employees where the total  
17 number of employees falls below 5 after the Board has certified  
18 a bargaining unit.

19 (c) On or after the effective date of this amendatory Act  
20 of the 101st General Assembly, no collective bargaining  
21 agreement applicable to peace officers, including, but not  
22 limited to, the Illinois State Police, shall be entered into  
23 containing any provision that does not pertain directly to  
24 wages or benefits, or both, including any provision pertaining  
25 to discipline.

26 (Source: P.A. 93-442, eff. 1-1-04; 93-1080, eff. 6-1-05; 94-67,



1 eff. 1-1-06.)

2 Section 10-116.5. The Community-Law Enforcement  
3 Partnership for Deflection and Substance Use Disorder  
4 Treatment Act is amended by changing Sections 1, 5, 10, 15, 20,  
5 30, and 35 and by adding Section 21 as follows:

6 (5 ILCS 820/1)

7 Sec. 1. Short title. This Act may be cited as the  
8 Community-Law Enforcement and Other First Responder  
9 Partnership for Deflection and Substance Use Disorder  
10 Treatment Act.

11 (Source: P.A. 100-1025, eff. 1-1-19.)

12 (5 ILCS 820/5)

13 Sec. 5. Purposes. The General Assembly hereby acknowledges  
14 that opioid use disorders, overdoses, and deaths in Illinois  
15 are persistent and growing concerns for Illinois communities.  
16 These concerns compound existing challenges to adequately  
17 address and manage substance use and mental health disorders.  
18 Law enforcement officers, other first responders, and  
19 co-responders have a unique opportunity to facilitate  
20 connections to community-based behavioral health interventions  
21 that provide substance use treatment and can help save and  
22 restore lives; help reduce drug use, overdose incidence,  
23 criminal offending, and recidivism; and help prevent arrest and

1 conviction records that destabilize health, families, and  
2 opportunities for community citizenship and self-sufficiency.  
3 These efforts are bolstered when pursued in partnership with  
4 licensed behavioral health treatment providers and community  
5 members or organizations. It is the intent of the General  
6 Assembly to authorize law enforcement and other first  
7 responders to develop and implement collaborative deflection  
8 programs in Illinois that offer immediate pathways to substance  
9 use treatment and other services as an alternative to  
10 traditional case processing and involvement in the criminal  
11 justice system, and to unnecessary admission to emergency  
12 departments.

13 (Source: P.A. 100-1025, eff. 1-1-19.)

14 (5 ILCS 820/10)

15 Sec. 10. Definitions. In this Act:

16 "Case management" means those services which will assist  
17 persons in gaining access to needed social, educational,  
18 medical, substance use and mental health treatment, and other  
19 services.

20 "Community member or organization" means an individual  
21 volunteer, resident, public office, or a not-for-profit  
22 organization, religious institution, charitable organization,  
23 or other public body committed to the improvement of individual  
24 and family mental and physical well-being and the overall  
25 social welfare of the community, and may include persons with

1 lived experience in recovery from substance use disorder,  
2 either themselves or as family members.

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

7 "Deflection program" means a program in which a peace  
8 officer or member of a law enforcement agency or other first  
9 responder facilitates contact between an individual and a  
10 licensed substance use treatment provider or clinician for  
11 assessment and coordination of treatment planning, including  
12 co-responder approaches that incorporate behavioral health,  
13 peer, or social work professionals with law enforcement or  
14 other first responders at the scene. This facilitation includes  
15 defined criteria for eligibility and communication protocols  
16 agreed to by the law enforcement agency or other first  
17 responder entity and the licensed treatment provider for the  
18 purpose of providing substance use treatment to those persons  
19 in lieu of arrest or further justice system involvement, or  
20 unnecessary admissions to the emergency department. Deflection  
21 programs may include, but are not limited to, the following  
22 types of responses:

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

1 acute risk for overdose;

2 (2) a self-referral deflection response initiated by  
3 an individual by contacting a peace officer or law  
4 enforcement agency or other first responder in the  
5 acknowledgment of their substance use or disorder;

6 (3) an active outreach deflection response initiated  
7 by a peace officer or law enforcement agency or other first  
8 responder as a result of proactive identification of  
9 persons thought likely to have a substance use disorder;

10 (4) an officer or other first responder prevention  
11 deflection response initiated by a peace officer or law  
12 enforcement agency in response to a community call when no  
13 criminal charges are present; and

14 (5) an officer intervention deflection response when  
15 criminal charges are present but held in abeyance pending  
16 engagement with treatment.

17 "Law enforcement agency" means a municipal police  
18 department or county sheriff's office of this State, the  
19 Department of State Police, or other law enforcement agency  
20 whose officers, by statute, are granted and authorized to  
21 exercise powers similar to those conferred upon any peace  
22 officer employed by a law enforcement agency of this State.

23 "Licensed treatment provider" means an organization  
24 licensed by the Department of Human Services to perform an  
25 activity or service, or a coordinated range of those activities  
26 or services, as the Department of Human Services may establish

1 by rule, such as the broad range of emergency, outpatient,  
2 intensive outpatient, and residential services and care,  
3 including assessment, diagnosis, case management, medical,  
4 psychiatric, psychological and social services,  
5 medication-assisted treatment, care and counseling, and  
6 recovery support, which may be extended to persons to assess or  
7 treat substance use disorder or to families of those persons.

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

14 "Substance use disorder" means a pattern of use of alcohol  
15 or other drugs leading to clinical or functional impairment, in  
16 accordance with the definition in the Diagnostic and  
17 Statistical Manual of Mental Disorders (DSM-5), or in any  
18 subsequent editions.

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

1 (Source: P.A. 100-1025, eff. 1-1-19.)

2 (5 ILCS 820/15)

3 Sec. 15. Authorization.

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

11 (b) The deflection program may involve a post-overdose  
12 deflection response, a self-referral deflection response, an  
13 active outreach deflection response, an officer or other first  
14 responder prevention deflection response, or an officer  
15 intervention deflection response, or any combination of those.

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

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

1 approaches.

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

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

8 (2) an agreement with the Illinois Criminal Justice  
9 Information Authority to collect and evaluate relevant  
10 statistical data related to the program, as established by  
11 the Illinois Criminal Justice Information Authority in  
12 paragraph (2) of subsection (a) of Section 25 of this Act.

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

19 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)

20 (5 ILCS 820/20)

21 Sec. 20. Procedure. The law enforcement agency or other  
22 first responder entity, licensed treatment providers, and  
23 community members or organizations shall establish a local  
24 deflection program plan that includes protocols and procedures  
25 for participant identification, screening or assessment,

1 treatment facilitation, reporting, and ongoing involvement of  
2 the law enforcement agency. Licensed substance use disorder  
3 treatment organizations shall adhere to 42 CFR Part 2 regarding  
4 confidentiality regulations for information exchange or  
5 release. Substance use disorder treatment services shall  
6 adhere to all regulations specified in Department of Human  
7 Services Administrative Rules, Parts 2060 and 2090.

8 (Source: P.A. 100-1025, eff. 1-1-19.)

9 (5 ILCS 820/21 new)

10 Sec. 21. Training. The law enforcement agency or other  
11 first responder entity in programs that receive funding for  
12 services under Section 35 of this Act shall and that receive  
13 training under subsection (a.1) of Section 35 shall be trained  
14 in:

15 (a)Neuroscience of Addiction for Law Enforcement;

16 (b)Medication-Assisted Treatment;

17 (c)Criminogenic Risk-Need for Health and Safety;

18 (d)Why Drug Treatment Works?;

19 (e)Eliminating Stigma for People with Substance-Use  
20 Disorders and Mental Health;

21 (f)Avoiding Racial Bias in Deflection Program;

22 (g)Promotion Racial and Gender Equity in Deflection;

23 (h)Working With Community Partnerships; and

24 (i)Deflection in Rural Communities.



1 (5 ILCS 820/30)

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

8 (Source: P.A. 100-1025, eff. 1-1-19.)

9 (5 ILCS 820/35)

10 Sec. 35. Funding.

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

17 (a.1) Up to 10 percent of appropriated funds may be  
18 expended on activities related to knowledge dissemination,  
19 training, technical assistance, or other similar activities  
20 intended to increase practitioner and public awareness of  
21 deflection and/or to support its implementation. The Illinois  
22 Criminal Justice Information Authority may adopt guidelines  
23 and requirements to direct the distribution of funds for these  
24 activities.

25 (b) For all appropriated funds not distributed under

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

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

20 (2) case management including case management provided  
21 prior to assessment, diagnosis, and engagement in  
22 treatment, as well as assistance navigating and gaining  
23 access to various treatment modalities and support  
24 services;

25 (3) peer recovery or recovery support services that  
26 include the perspectives of persons with the experience of

1 recovering from a substance use disorder, either  
2 themselves or as family members;

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

5 (5) program evaluation activities.

6 (6) naloxone and related supplies necessary for  
7 carrying out overdose reversal for purposes of  
8 distribution to program participants or for use by law  
9 enforcement or other first responders; and

10 (7) treatment necessary to prevent gaps in service  
11 delivery between linkage and coverage by other funding  
12 sources when otherwise non-reimbursable.

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

22 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19.)

23 Section 10-116.7. The Attorney General Act is amended by  
24 adding Section 10 as follows:

1 (15 ILCS 205/10 new)

2 Sec. 10. Executive officers.

3 (a) As used in this Section:

4 (1) "Governmental authority" means any local  
5 governmental unit in this State, any municipal corporation  
6 in this State, or any governmental unit of the State of  
7 Illinois. This includes any office, officer, department,  
8 division, bureau, board, commission, or agency of the  
9 State.

10 (2) "Officer" means any probationary law enforcement  
11 officer, probationary part-time law enforcement officer,  
12 permanent law enforcement officer, part-time law  
13 enforcement officer, law enforcement officer, recruit,  
14 probationary county corrections officer, permanent county  
15 corrections officer, county corrections officer,  
16 probationary court security officer, permanent court  
17 security officer, or court security officer as defined in  
18 the Police Training Act, 50 ILCS 705/2.

19 (b) No governmental authority, or agent of a governmental  
20 authority, or person acting on behalf of a governmental  
21 authority, shall engage in a pattern or practice of conduct by  
22 officers that deprives any person of rights, privileges, or  
23 immunities secured or protected by the Constitution or laws of  
24 the United States or by the Constitution or laws of Illinois.

25 (c) Whenever the Illinois Attorney General has reasonable  
26 cause to believe that a violation of subsection (b) has

1 occurred, the Illinois Attorney General may commence a civil  
2 action in the name of the People of the State to obtain  
3 appropriate equitable and declaratory relief to eliminate the  
4 pattern or practice. Venue for this civil action shall be  
5 Sangamon County or Cook County. Such actions shall be commenced  
6 no later than 5 years after the occurrence or the termination  
7 of an alleged violation, whichever occurs last.

8 (d) Prior to initiating a civil action, the Attorney  
9 General may conduct a preliminary investigation to determine  
10 whether there is reasonable cause to believe that a violation  
11 of subsection (b) has occurred. In conducting this  
12 investigation, the Attorney General may:

13 (1)Require the individual or entity to file a statement  
14 or report in writing under oath or otherwise, as to all  
15 information the Attorney General may consider necessary;

16 (2)Examine under oath any person alleged to have  
17 participated in or with knowledge of the alleged pattern and  
18 practice violation; or

19 (3)Issue subpoenas or conduct hearings in aid of any  
20 investigation.

21 (e)Service by the Attorney General of any notice requiring  
22 a person to file a statement or report, or of a subpoena upon  
23 any person, shall be made:

24 (1)personally by delivery of a duly executed copy  
25 thereof to the person to be served or, if a person is not a  
26 natural person, in the manner provided in the Code of Civil

1 Procedure when a complaint is filed; or

2 (2)by mailing by certified mail a duly executed copy  
3 thereof to the person to be served at his or her last known  
4 abode or principal place of business within this State or,  
5 if a person is not a natural person, in the manner provided  
6 in the Code of Civil Procedure when a complaint is filed.

7 (3)The Attorney General may compel compliance with  
8 investigative demands under this Section through an order  
9 by any court of competent jurisdiction.

10 (f) (1) In any civil action brought pursuant to subsection  
11 (c) of this Section, the Attorney General may obtain as a  
12 remedy equitable and declaratory relief (including any  
13 permanent or preliminary injunction, temporary restraining  
14 order, or other order, including an order enjoining the  
15 defendant from engaging in such violation or ordering any  
16 action as may be appropriate). In addition, the Attorney  
17 General may request and the Court may impose a civil penalty to  
18 vindicate the public interest in an amount not exceeding  
19 \$25,000 per violation, or if the defendant has been adjudged to  
20 have committed one other civil rights violation under this  
21 Section within 5 years of the occurrence of the violation that  
22 is the basis of the complaint, in an amount not exceeding  
23 \$50,000. (2) A civil penalty imposed under this subsection  
24 shall be deposited into the Attorney General Court Ordered and  
25 Voluntary Compliance Payment Projects Fund, which is a special  
26 fund in the State Treasury. Moneys in the Fund shall be used,

1 subject to appropriation, for the performance of any function  
2 pertaining to the exercise of the duties of the Attorney  
3 General including but not limited to enforcement of any law of  
4 this State and conducting public education programs; however,  
5 any moneys in the Fund that are required by the court or by an  
6 agreement to be used for a particular purpose shall be used for  
7 that purpose.

8 Section 10-117. The Illinois Identification Card Act is  
9 amended by changing Section 4 as follows:

10 (15 ILCS 335/4) (from Ch. 124, par. 24)

11 Sec. 4. Identification card.

12 (a) The Secretary of State shall issue a standard Illinois  
13 Identification Card to any natural person who is a resident of  
14 the State of Illinois who applies for such card, or renewal  
15 thereof. No identification card shall be issued to any person  
16 who holds a valid foreign state identification card, license,  
17 or permit unless the person first surrenders to the Secretary  
18 of State the valid foreign state identification card, license,  
19 or permit. The card shall be prepared and supplied by the  
20 Secretary of State and shall include a photograph and signature  
21 or mark of the applicant. However, the Secretary of State may  
22 provide by rule for the issuance of Illinois Identification  
23 Cards without photographs if the applicant has a bona fide  
24 religious objection to being photographed or to the display of

1 his or her photograph. The Illinois Identification Card may be  
2 used for identification purposes in any lawful situation only  
3 by the person to whom it was issued. As used in this Act,  
4 "photograph" means any color photograph or digitally produced  
5 and captured image of an applicant for an identification card.  
6 As used in this Act, "signature" means the name of a person as  
7 written by that person and captured in a manner acceptable to  
8 the Secretary of State.

9 (a-5) If an applicant for an identification card has a  
10 current driver's license or instruction permit issued by the  
11 Secretary of State, the Secretary may require the applicant to  
12 utilize the same residence address and name on the  
13 identification card, driver's license, and instruction permit  
14 records maintained by the Secretary. The Secretary may  
15 promulgate rules to implement this provision.

16 (a-10) If the applicant is a judicial officer as defined in  
17 Section 1-10 of the Judicial Privacy Act or a peace officer,  
18 the applicant may elect to have his or her office or work  
19 address listed on the card instead of the applicant's residence  
20 or mailing address. The Secretary may promulgate rules to  
21 implement this provision. For the purposes of this subsection  
22 (a-10), "peace officer" means any person who by virtue of his  
23 or her office or public employment is vested by law with a duty  
24 to maintain public order or to make arrests for a violation of  
25 any penal statute of this State, whether that duty extends to  
26 all violations or is limited to specific violations.



1           (a-15) The Secretary of State may provide for an expedited  
2 process for the issuance of an Illinois Identification Card.  
3 The Secretary shall charge an additional fee for the expedited  
4 issuance of an Illinois Identification Card, to be set by rule,  
5 not to exceed \$75. All fees collected by the Secretary for  
6 expedited Illinois Identification Card service shall be  
7 deposited into the Secretary of State Special Services Fund.  
8 The Secretary may adopt rules regarding the eligibility,  
9 process, and fee for an expedited Illinois Identification Card.  
10 If the Secretary of State determines that the volume of  
11 expedited identification card requests received on a given day  
12 exceeds the ability of the Secretary to process those requests  
13 in an expedited manner, the Secretary may decline to provide  
14 expedited services, and the additional fee for the expedited  
15 service shall be refunded to the applicant.

16           (a-20) The Secretary of State shall issue a standard  
17 Illinois Identification Card to a committed person upon release  
18 on parole, mandatory supervised release, aftercare release,  
19 final discharge, or pardon from the Department of Corrections  
20 or Department of Juvenile Justice, if the released person  
21 presents a certified copy of his or her birth certificate,  
22 social security card or other documents authorized by the  
23 Secretary, and 2 documents proving his or her Illinois  
24 residence address. Documents proving residence address may  
25 include any official document of the Department of Corrections  
26 or the Department of Juvenile Justice showing the released

1 person's address after release and a Secretary of State  
2 prescribed certificate of residency form, which may be executed  
3 by Department of Corrections or Department of Juvenile Justice  
4 personnel.

5 (a-25) The Secretary of State shall issue a limited-term  
6 Illinois Identification Card valid for 90 days to a committed  
7 person upon release on parole, mandatory supervised release,  
8 aftercare release, final discharge, or pardon from the  
9 Department of Corrections or Department of Juvenile Justice, if  
10 the released person is unable to present a certified copy of  
11 his or her birth certificate and social security card or other  
12 documents authorized by the Secretary, but does present a  
13 Secretary of State prescribed verification form completed by  
14 the Department of Corrections or Department of Juvenile  
15 Justice, verifying the released person's date of birth and  
16 social security number and 2 documents proving his or her  
17 Illinois residence address. The verification form must have  
18 been completed no more than 30 days prior to the date of  
19 application for the Illinois Identification Card. Documents  
20 proving residence address shall include any official document  
21 of the Department of Corrections or the Department of Juvenile  
22 Justice showing the person's address after release and a  
23 Secretary of State prescribed certificate of residency, which  
24 may be executed by Department of Corrections or Department of  
25 Juvenile Justice personnel.

26 Prior to the expiration of the 90-day period of the

1 limited-term Illinois Identification Card, if the released  
2 person submits to the Secretary of State a certified copy of  
3 his or her birth certificate and his or her social security  
4 card or other documents authorized by the Secretary, a standard  
5 Illinois Identification Card shall be issued. A limited-term  
6 Illinois Identification Card may not be renewed.

7 (a-26) The Secretary of State shall track and issue an  
8 annual report to the General Assembly detailing the number of  
9 permanent Illinois Identification Cards issued by the  
10 Secretary of State to persons presenting verification forms  
11 issued by the Department of Juvenile Justice and Department of  
12 Corrections. The report shall include comparable data from the  
13 previous calendar year and shall reflect any increases or  
14 decreases. The Secretary of State shall publish the report on  
15 the Secretary of State's website.

16 (a-30) The Secretary of State shall issue a standard  
17 Illinois Identification Card to a person upon conditional  
18 release or absolute discharge from the custody of the  
19 Department of Human Services, if the person presents a  
20 certified copy of his or her birth certificate, social security  
21 card, or other documents authorized by the Secretary, and a  
22 document proving his or her Illinois residence address. The  
23 Secretary of State shall issue a standard Illinois  
24 Identification Card to a person no sooner than 14 days prior to  
25 his or her conditional release or absolute discharge if  
26 personnel from the Department of Human Services bring the

1 person to a Secretary of State location with the required  
2 documents. Documents proving residence address may include any  
3 official document of the Department of Human Services showing  
4 the person's address after release and a Secretary of State  
5 prescribed verification form, which may be executed by  
6 personnel of the Department of Human Services.

7 (a-35) The Secretary of State shall issue a limited-term  
8 Illinois Identification Card valid for 90 days to a person upon  
9 conditional release or absolute discharge from the custody of  
10 the Department of Human Services, if the person is unable to  
11 present a certified copy of his or her birth certificate and  
12 social security card or other documents authorized by the  
13 Secretary, but does present a Secretary of State prescribed  
14 verification form completed by the Department of Human  
15 Services, verifying the person's date of birth and social  
16 security number, and a document proving his or her Illinois  
17 residence address. The verification form must have been  
18 completed no more than 30 days prior to the date of application  
19 for the Illinois Identification Card. The Secretary of State  
20 shall issue a limited-term Illinois Identification Card to a  
21 person no sooner than 14 days prior to his or her conditional  
22 release or absolute discharge if personnel from the Department  
23 of Human Services bring the person to a Secretary of State  
24 location with the required documents. Documents proving  
25 residence address shall include any official document of the  
26 Department of Human Services showing the person's address after

1 release and a Secretary of State prescribed verification form,  
2 which may be executed by personnel of the Department of Human  
3 Services.

4 (b) The Secretary of State shall issue a special Illinois  
5 Identification Card, which shall be known as an Illinois Person  
6 with a Disability Identification Card, to any natural person  
7 who is a resident of the State of Illinois, who is a person  
8 with a disability as defined in Section 4A of this Act, who  
9 applies for such card, or renewal thereof. No Illinois Person  
10 with a Disability Identification Card shall be issued to any  
11 person who holds a valid foreign state identification card,  
12 license, or permit unless the person first surrenders to the  
13 Secretary of State the valid foreign state identification card,  
14 license, or permit. The Secretary of State shall charge no fee  
15 to issue such card. The card shall be prepared and supplied by  
16 the Secretary of State, and shall include a photograph and  
17 signature or mark of the applicant, a designation indicating  
18 that the card is an Illinois Person with a Disability  
19 Identification Card, and shall include a comprehensible  
20 designation of the type and classification of the applicant's  
21 disability as set out in Section 4A of this Act. However, the  
22 Secretary of State may provide by rule for the issuance of  
23 Illinois Person with a Disability Identification Cards without  
24 photographs if the applicant has a bona fide religious  
25 objection to being photographed or to the display of his or her  
26 photograph. If the applicant so requests, the card shall

1 include a description of the applicant's disability and any  
2 information about the applicant's disability or medical  
3 history which the Secretary determines would be helpful to the  
4 applicant in securing emergency medical care. If a mark is used  
5 in lieu of a signature, such mark shall be affixed to the card  
6 in the presence of two witnesses who attest to the authenticity  
7 of the mark. The Illinois Person with a Disability  
8 Identification Card may be used for identification purposes in  
9 any lawful situation by the person to whom it was issued.

10 The Illinois Person with a Disability Identification Card  
11 may be used as adequate documentation of disability in lieu of  
12 a physician's determination of disability, a determination of  
13 disability from a physician assistant, a determination of  
14 disability from an advanced practice registered nurse, or any  
15 other documentation of disability whenever any State law  
16 requires that a person with a disability provide such  
17 documentation of disability, however an Illinois Person with a  
18 Disability Identification Card shall not qualify the  
19 cardholder to participate in any program or to receive any  
20 benefit which is not available to all persons with like  
21 disabilities. Notwithstanding any other provisions of law, an  
22 Illinois Person with a Disability Identification Card, or  
23 evidence that the Secretary of State has issued an Illinois  
24 Person with a Disability Identification Card, shall not be used  
25 by any person other than the person named on such card to prove  
26 that the person named on such card is a person with a

1 disability or for any other purpose unless the card is used for  
2 the benefit of the person named on such card, and the person  
3 named on such card consents to such use at the time the card is  
4 so used.

5 An optometrist's determination of a visual disability  
6 under Section 4A of this Act is acceptable as documentation for  
7 the purpose of issuing an Illinois Person with a Disability  
8 Identification Card.

9 When medical information is contained on an Illinois Person  
10 with a Disability Identification Card, the Office of the  
11 Secretary of State shall not be liable for any actions taken  
12 based upon that medical information.

13 (c) The Secretary of State shall provide that each original  
14 or renewal Illinois Identification Card or Illinois Person with  
15 a Disability Identification Card issued to a person under the  
16 age of 21 shall be of a distinct nature from those Illinois  
17 Identification Cards or Illinois Person with a Disability  
18 Identification Cards issued to individuals 21 years of age or  
19 older. The color designated for Illinois Identification Cards  
20 or Illinois Person with a Disability Identification Cards for  
21 persons under the age of 21 shall be at the discretion of the  
22 Secretary of State.

23 (c-1) Each original or renewal Illinois Identification  
24 Card or Illinois Person with a Disability Identification Card  
25 issued to a person under the age of 21 shall display the date  
26 upon which the person becomes 18 years of age and the date upon

1 which the person becomes 21 years of age.

2 (c-3) The General Assembly recognizes the need to identify  
3 military veterans living in this State for the purpose of  
4 ensuring that they receive all of the services and benefits to  
5 which they are legally entitled, including healthcare,  
6 education assistance, and job placement. To assist the State in  
7 identifying these veterans and delivering these vital services  
8 and benefits, the Secretary of State is authorized to issue  
9 Illinois Identification Cards and Illinois Person with a  
10 Disability Identification Cards with the word "veteran"  
11 appearing on the face of the cards. This authorization is  
12 predicated on the unique status of veterans. The Secretary may  
13 not issue any other identification card which identifies an  
14 occupation, status, affiliation, hobby, or other unique  
15 characteristics of the identification card holder which is  
16 unrelated to the purpose of the identification card.

17 (c-5) Beginning on or before July 1, 2015, the Secretary of  
18 State shall designate a space on each original or renewal  
19 identification card where, at the request of the applicant, the  
20 word "veteran" shall be placed. The veteran designation shall  
21 be available to a person identified as a veteran under  
22 subsection (b) of Section 5 of this Act who was discharged or  
23 separated under honorable conditions.

24 (d) The Secretary of State may issue a Senior Citizen  
25 discount card, to any natural person who is a resident of the  
26 State of Illinois who is 60 years of age or older and who



1 applies for such a card or renewal thereof. The Secretary of  
2 State shall charge no fee to issue such card. The card shall be  
3 issued in every county and applications shall be made available  
4 at, but not limited to, nutrition sites, senior citizen centers  
5 and Area Agencies on Aging. The applicant, upon receipt of such  
6 card and prior to its use for any purpose, shall have affixed  
7 thereon in the space provided therefor his signature or mark.

8 (e) The Secretary of State, in his or her discretion, may  
9 designate on each Illinois Identification Card or Illinois  
10 Person with a Disability Identification Card a space where the  
11 card holder may place a sticker or decal, issued by the  
12 Secretary of State, of uniform size as the Secretary may  
13 specify, that shall indicate in appropriate language that the  
14 card holder has renewed his or her Illinois Identification Card  
15 or Illinois Person with a Disability Identification Card.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
17 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;  
18 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

19 Section 10-120. The Department of State Police Law of the  
20 Civil Administrative Code of Illinois is amended by changing  
21 Section 2605-302 as follows:

22 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-302. Arrest reports.

24 (a) When an individual is arrested, the following

1 information must be made available to the news media for  
2 inspection and copying:

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

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

8 (3) The time and location of the arrest.

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

11 (5) If the individual is incarcerated, the conditions  
12 of pretrial release ~~amount of any bail or bond~~.

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

16 (b) The information required by this Section must be made  
17 available to the news media for inspection and copying as soon  
18 as practicable, but in no event shall the time period exceed 72  
19 hours from the arrest. The information described in items (3),  
20 (4), (5), and (6) of subsection (a), however, may be withheld  
21 if it is determined that disclosure would (i) interfere with  
22 pending or actually and reasonably contemplated law  
23 enforcement proceedings conducted by any law enforcement or  
24 correctional agency; (ii) endanger the life or physical safety  
25 of law enforcement or correctional personnel or any other  
26 person; or (iii) compromise the security of any correctional

1 facility.

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

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

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

18 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;  
19 incorporates 92-335, eff. 8-10-01; 92-651, eff. 7-11-02.)

20 Section 10-125. The State Police Act is amended by changing  
21 Section 14 and by adding Section 17b as follows:

22 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

23 Sec. 14. Except as is otherwise provided in this Act, no  
24 Department of State Police officer shall be removed, demoted or

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

17 Before any such officer may be interrogated or examined by  
18 or before the Board, or by a departmental agent or investigator  
19 specifically assigned to conduct an internal investigation,  
20 the results of which hearing, interrogation or examination may  
21 be the basis for filing charges seeking his or her suspension  
22 for more than 15 days or his or her removal or discharge, he or  
23 she shall be advised in writing as to what specific improper or  
24 illegal act he or she is alleged to have committed; he or she  
25 shall be advised in writing that his or her admissions made in  
26 the course of the hearing, interrogation or examination may be

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

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

24 If the accused is found not guilty or has served a period  
25 of suspension greater than prescribed by the Board, the Board  
26 shall order that the officer receive compensation for the

1 period involved. The award of compensation shall include  
2 interest at the rate of 7% per annum.

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

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

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

23 Notwithstanding the provisions of this Section, a policy  
24 making officer, as defined in the Employee Rights Violation  
25 Act, of the Department of State Police shall be discharged from  
26 the Department of State Police as provided in the Employee

1 Rights Violation Act, enacted by the 85th General Assembly.

2 (Source: P.A. 96-891, eff. 5-10-10.)

3 (20 ILCS 2610/17b new)

4 Sec. 17b. Military equipment surplus program.

5 (a) For purposes of this Section:

6 "Bayonet" means a large knife designed to be attached to  
7 the muzzle of a rifle, shotgun, or long gun for the purpose of  
8 hand-to-hand combat.

9 "Camouflage uniform" does not include a woodland or desert  
10 pattern or solid color uniform.

11 "Grenade launcher" means a firearm or firearm accessory  
12 designed to launch small explosive projectiles.

13 "Military equipment surplus program" means any federal or  
14 State program allowing a law enforcement agency to obtain  
15 surplus military equipment including, but not limit to, any  
16 program organized under Section 1122 of the National Defense  
17 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or  
18 Section 1033 of the National Defense Authorization Act for  
19 Fiscal Year 1997 (Pub. L. 104-201), or any program established  
20 under 10 U.S.C. 2576a.

21 "Tracked armored vehicle" means a vehicle that provides  
22 ballistic protection to its occupants and utilizes a tracked  
23 system installed of wheels for forward motion.

24 "Weaponized aircraft, vessel, or vehicle" means any  
25 aircraft, vessel, or vehicle with weapons installed.

1       (b) The Illinois State Police shall not request or receive  
2 from any military equipment surplus program nor purchase or  
3 otherwise utilize the following equipment:

4           (1) tracked armored vehicles;

5           (2) weaponized aircraft, vessels, or vehicles;

6           (3) firearms of .50-caliber or higher;

7           (4) ammunition of .50-caliber or higher;

8           (5) grenade launchers;

9           (6) bayonets;

10          (7) camouflage uniforms;

11          (8) fully automatic weapons;

12          (9) silencers;

13          (10) drones that include military grade surveillance  
14 hardware or software; or

15          (11) chemical incapacitants, including tear gas, or  
16 other chemical agents.

17       (c) If the Illinois State Police request other property not  
18 prohibited by this Section from a military equipment surplus  
19 program, the Illinois State Police shall publish notice of the  
20 request on a publicly accessible website maintained by the  
21 Illinois State Police within 14 days after the request.

22       Section 10-130. The Illinois Criminal Justice Information  
23 Act is amended by adding Sections 7.7 and 7.8 as follows:

24           (20 ILCS 3930/7.7 new)



1       Sec. 7.7. Pretrial data collection.

2       (a) The Executive Director of the Illinois Criminal Justice  
3 Information Authority shall convene an oversight board to be  
4 known as the Pretrial Practices Data Oversight Board to oversee  
5 the collection and analysis of data regarding pretrial  
6 practices in circuit court systems. The Board shall include,  
7 but is not limited to, designees from the Administrative Office  
8 of the Illinois Courts, the Illinois Criminal Justice  
9 Information Authority, crime victims' advocates, and other  
10 entities that possess a knowledge of pretrial practices and  
11 data collection issues. Members of the Board shall serve  
12 without compensation.

13       (b) The Oversight Board shall:

14           (1) identify existing data collection processes in  
15 various circuit clerk's offices;

16           (2) gather and maintain records of all available  
17 pretrial data relating to the topics listed in subsection

18 (c) from circuit clerks' offices;

19           (3) identify resources necessary to systematically  
20 collect and report data related to the topics listed in  
21 subsections (c) from circuit clerks' offices that are  
22 currently not collecting that data;

23           (4) report to the Governor and General Assembly  
24 annually on the state of pretrial data collection on the  
25 topics listed in subsection (c); and

26           (5) develop a plan to implement data collection

1 processes sufficient to collect data on the topics listed  
2 in subsection (c) no later than one year after the  
3 effective date of this amendatory Act of the 101st General  
4 Assembly.

5 The plan and, once implemented, the reports and analysis  
6 shall be published and made publicly available on the Oversight  
7 Board's government website.

8 (c) The Pretrial Practices Data Oversight Board shall  
9 develop a strategy to collect quarterly, circuit-level data on  
10 the following topics; which collection of data shall begin  
11 starting one year after the effective date of this amendatory  
12 Act of the 101st General Assembly:

13 (1) information on all persons arrested and charged  
14 with misdemeanor or felony charges, or both, including  
15 information on persons released directly from law  
16 enforcement custody;

17 (2) information on the outcomes of pretrial conditions  
18 and pretrial detention hearings in the circuit courts,  
19 including, but not limited to, the number of hearings held,  
20 the number of defendants detained, the number of defendants  
21 released, and the number of defendants released with  
22 electronic monitoring;

23 (3) information regarding persons detained in the  
24 county jail pretrial, including, but not limited to, the  
25 number of persons detained in the jail pretrial and the  
26 number detained in the jail for other reasons, the

1 demographics of the pretrial jail population, including  
2 race, sex, age, and ethnicity, the charges on which  
3 pretrial defendants are detained, the average length of  
4 stay of pretrial defendants; and

5 (4) information regarding persons placed on electronic  
6 monitoring programs pretrial, including, but not limited  
7 to, the number of participants, the demographics  
8 participant population, including race, sex, age, and  
9 ethnicity, the charges on which participants are ordered to  
10 the program, and the average length of participation in the  
11 program;

12 (5) discharge data regarding persons detained pretrial  
13 in the county jail, including, but not limited to, the  
14 number who are sentenced to the Illinois Department of  
15 Corrections, the number released after being sentenced to  
16 time served, the number who are released on probation,  
17 conditional discharge, or other community supervision, the  
18 number found not guilty, the number whose cases are  
19 dismissed, the number whose cases are dismissed as part of  
20 a diversion or deferred prosecution program, and the number  
21 who are released pretrial after a hearing re-examining  
22 their pretrial detention;

23 (6) information on the pretrial rearrest of  
24 individuals released pretrial, including the number  
25 arrested and charged with a new misdemeanor offense while  
26 released, the number arrested and charged with a new felony

1 offense while released, and the number arrested and charged  
2 with a new forcible felony offense while released, and how  
3 long after release these arrests occurred;

4 (7) information on the pretrial failure to appear rates  
5 of individuals released pretrial, including the number who  
6 missed one or more court dates and did not have a warrant  
7 issued for their arrest, how many warrants for failures to  
8 appear were issued, and how many individuals were detained  
9 pretrial or placed on electronic monitoring pretrial after  
10 a failure to appear in court;

11 (8) Instances of Violations of any Protective Order  
12 while a defendant is released pretrial, instances of  
13 repeated prohibited victim contact during the pretrial  
14 release, filing of new protective orders during the  
15 pendency of a case, and any other relevant issues related  
16 to protective orders;

17 (9) what, if any, validated risk assessment tools are  
18 in use in each jurisdiction, and comparisons of the  
19 pretrial release and pretrial detention decisions of  
20 judges and the risk assessment scores of individuals; and

21 (10) any other information the Pretrial Practices Data  
22 Oversight Board considers important and probative of the  
23 effectiveness of pretrial practices in the State of  
24 Illinois.

1       Sec. 7.8. Domestic Violence Pretrial Practices Working  
2 Group.

3       (a) The Executive Director of the Illinois Criminal Justice  
4 Information Authority shall convene a working group to research  
5 and issue a report on current practices in pretrial domestic  
6 violence courts throughout the state of Illinois.

7       (b) The working group shall include, but is not limited to,  
8 designees from the Administrative Office of the Illinois  
9 Courts, the Illinois Criminal Justice Information Authority,  
10 Domestic Violence victims' advocates, formerly incarcerated  
11 victims of violence, legal practitioners, and other entities  
12 that possess knowledge of evidence-based practices surrounding  
13 domestic violence and current pretrial practices in Illinois.

14       (c) The group shall meet quarterly and no later than 15  
15 months after the effective date of this amendatory Act of the  
16 101st General Assembly issue a preliminary report on the state  
17 of current practice across the state in regards to pretrial  
18 practices and domestic violence and no later than 15 months  
19 after the release of the preliminary report, issue a final  
20 report issuing recommendations for evidence-based improvements  
21 to court procedures.

22       (d) Members of the working group shall serve without  
23 compensation.

24       Section 10-135. The Public Officer Prohibited Activities  
25 Act is amended by adding Section 4.1 as follows:

1 (50 ILCS 105/4.1 new)

2 Sec. 4.1. Retaliation against a whistleblower.

3 (a) It is prohibited for a unit of local government, any  
4 agent or representative of a unit of local government, or  
5 another employee to retaliate against an employee or contractor  
6 who:

7 (1) reports an improper governmental action under this  
8 Section;

9 (2) cooperates with an investigation by an auditing  
10 official related to a report of improper governmental  
11 action; or

12 (3) testifies in a proceeding or prosecution arising  
13 out of an improper governmental action.

14 (b) To invoke the protections of this Section, an employee  
15 shall make a written report of improper governmental action to  
16 the appropriate auditing official. An employee who believes he  
17 or she has been retaliated against in violation of this Section  
18 must submit a written report to the auditing official within 60  
19 days of gaining knowledge of the retaliatory action. If the  
20 auditing official is the individual doing the improper  
21 governmental action, then a report under this subsection may be  
22 submitted to any State's Attorney.

23 (c) Each auditing official shall establish written  
24 processes and procedures for managing complaints filed under  
25 this Section, and each auditing official shall investigate and

1 dispose of reports of improper governmental action in  
2 accordance with these processes and procedures. If an auditing  
3 official concludes that an improper governmental action has  
4 taken place or concludes that the relevant unit of local  
5 government, department, agency, or supervisory officials have  
6 hindered the auditing official's investigation into the  
7 report, the auditing official shall notify in writing the chief  
8 executive of the unit of local government and any other  
9 individual or entity the auditing official deems necessary in  
10 the circumstances.

11 (d) An auditing official may transfer a report of improper  
12 governmental action to another auditing official for  
13 investigation if an auditing official deems it appropriate,  
14 including, but not limited to, the appropriate State's  
15 Attorney.

16 (e) To the extent allowed by law, the identity of an  
17 employee reporting information about an improper governmental  
18 action shall be kept confidential unless the employee waives  
19 confidentiality in writing. Auditing officials may take  
20 reasonable measures to protect employees who reasonably  
21 believe they may be subject to bodily harm for reporting  
22 improper government action.

23 (f) The following remedies are available to employees  
24 subjected to adverse actions for reporting improper government  
25 action:

26 (1) Auditing officials may reinstate, reimburse for

1       lost wages or expenses incurred, promote, or provide some  
2       other form of restitution.

3           (2) In instances where an auditing official determines  
4       that restitution will not suffice, the auditing official  
5       may make his or her investigation findings available for  
6       the purposes of aiding in that employee or the employee's  
7       attorney's effort to make the employee whole.

8           (g) A person who engages in prohibited retaliatory action  
9       under subsection (a) is subject to the following penalties: a  
10       fine of no less than \$500 and no more than \$5,000, suspension  
11       without pay, demotion, discharge, civil or criminal  
12       prosecution, or any combination of these penalties, as  
13       appropriate.

14           (h) Every employee shall receive a written summary or a  
15       complete copy of this Section upon commencement of employment  
16       and at least once each year of employment. At the same time,  
17       the employee shall also receive a copy of the written processes  
18       and procedures for reporting improper governmental actions  
19       from the applicable auditing official.

20           (i) As used in this Section:

21           "Auditing official" means any elected, appointed, or hired  
22       individual, by whatever name, in a unit of local government  
23       whose duties are similar to, but not limited to, receiving,  
24       registering, and investigating complaints and information  
25       concerning misconduct, inefficiency, and waste within the unit  
26       of local government; investigating the performance of



1 officers, employees, functions, and programs; and promoting  
2 economy, efficiency, effectiveness and integrity in the  
3 administration of the programs and operations of the  
4 municipality. If a unit of local government does not have an  
5 "auditing official", the "auditing official" shall be a State's  
6 Attorney of the county in which the unit of local government is  
7 located within.

8 "Employee" means anyone employed by a unit of local  
9 government, whether in a permanent or temporary position,  
10 including full-time, part-time, and intermittent workers.  
11 "Employee" also includes members of appointed boards or  
12 commissions, whether or not paid. "Employee" also includes  
13 persons who have been terminated because of any report or  
14 complaint submitted under this Section.

15 "Improper governmental action" means any action by a unit  
16 of local government employee, an appointed member of a board,  
17 commission, or committee, or an elected official of the unit of  
18 local government that is undertaken in violation of a federal,  
19 State, or unit of local government law or rule; is an abuse of  
20 authority; violates the public's trust or expectation of his or  
21 her conduct; is of substantial and specific danger to the  
22 public's health or safety; or is a gross waste of public funds.  
23 The action need not be within the scope of the employee's,  
24 elected official's, board member's, commission member's, or  
25 committee member's official duties to be subject to a claim of  
26 "improper governmental action". "Improper governmental action"

1 does not include a unit of local government personnel actions,  
2 including, but not limited to employee grievances, complaints,  
3 appointments, promotions, transfers, assignments,  
4 reassignments, reinstatements, restorations, reemployment,  
5 performance evaluations, reductions in pay, dismissals,  
6 suspensions, demotions, reprimands, or violations of  
7 collective bargaining agreements, except to the extent that the  
8 action amounts to retaliation.

9 "Retaliate", "retaliation", or "retaliatory action" means  
10 any adverse change in an employee's employment status or the  
11 terms and conditions of employment that results from an  
12 employee's protected activity under this Section. "Retaliatory  
13 action" includes, but is not limited to, denial of adequate  
14 staff to perform duties; frequent staff changes; frequent and  
15 undesirable office changes; refusal to assign meaningful work;  
16 unsubstantiated letters of reprimand or unsatisfactory  
17 performance evaluations; demotion; reduction in pay; denial of  
18 promotion; transfer or reassignment; suspension or dismissal;  
19 or other disciplinary action made because of an employee's  
20 protected activity under this Section.

21 Section 10-140. The Local Records Act is amended by  
22 changing Section 3b and by adding Section 25 as follows:

23 (50 ILCS 205/3b)

24 Sec. 3b. Arrest records and reports.

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

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

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

9 (3) The time and location of the arrest.

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

12 (5) If the individual is incarcerated, the conditions  
13 of pretrial release ~~amount of any bail or bond~~.

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

17 (b) The information required by this Section must be made  
18 available to the news media for inspection and copying as soon  
19 as practicable, but in no event shall the time period exceed 72  
20 hours from the arrest. The information described in paragraphs  
21 (3), (4), (5), and (6) of subsection (a), however, may be  
22 withheld if it is determined that disclosure would:

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

26 (2) endanger the life or physical safety of law

1 enforcement or correctional personnel or any other person;  
2 or

3 (3) compromise the security of any correctional  
4 facility.

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

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

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

21 (f) All information, including photographs, made available  
22 under this Section is subject to the provisions of Section 2000  
23 of the Consumer Fraud and Deceptive Business Practices Act.

24 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

25 (50 ILCS 205/25 new)

1       Sec. 25. Police misconduct records. Notwithstanding any  
2 other provision of law to the contrary, all public records and  
3 nonpublic records related to complaints, investigations, and  
4 adjudications of police misconduct shall be permanently  
5 retained and may not be destroyed.

6       Section 10-143. The Illinois Police Training Act is amended  
7 by changing Sections 6, 6.2, 7, and 10.17 and by adding Section  
8 10.6 as follows:

9       (50 ILCS 705/6) (from Ch. 85, par. 506)

10       Sec. 6. Powers and duties of the Board; selection and  
11 certification of schools. The Board shall select and certify  
12 schools within the State of Illinois for the purpose of  
13 providing basic training for probationary police officers,  
14 probationary county corrections officers, and court security  
15 officers and of providing advanced or in-service training for  
16 permanent police officers or permanent county corrections  
17 officers, which schools may be either publicly or privately  
18 owned and operated. In addition, the Board has the following  
19 power and duties:

20       a. To require local governmental units to furnish such  
21 reports and information as the Board deems necessary to  
22 fully implement this Act.

23       b. To establish appropriate mandatory minimum  
24 standards relating to the training of probationary local

1 law enforcement officers or probationary county  
2 corrections officers, and in-service training of permanent  
3 police officers.

4 c. To provide appropriate certification to those  
5 probationary officers who successfully complete the  
6 prescribed minimum standard basic training course.

7 d. To review and approve annual training curriculum for  
8 county sheriffs.

9 e. To review and approve applicants to ensure that no  
10 applicant is admitted to a certified academy unless the  
11 applicant is a person of good character and has not been  
12 convicted of, or entered a plea of guilty to, a felony  
13 offense, any of the misdemeanors in Sections 11-1.50, 11-6,  
14 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2,  
15 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012,  
17 subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012, or  
19 subsection (a) of Section 17-32 of the Criminal Code of  
20 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of  
21 the Cannabis Control Act, or a crime involving moral  
22 turpitude under the laws of this State or any other state  
23 which if committed in this State would be punishable as a  
24 felony or a crime of moral turpitude. The Board may appoint  
25 investigators who shall enforce the duties conferred upon  
26 the Board by this Act.

1           f. To establish statewide standards for minimum  
2           standards regarding regular mental health screenings for  
3           probationary and permanent police officers, ensuring that  
4           counseling sessions and screenings remain confidential.

5           (Source: P.A. 101-187, eff. 1-1-20.)

6           (50 ILCS 705/6.2)

7           Sec. 6.2. Officer professional conduct database.

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

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

13           (2) the officer resigns during the course of an  
14          investigation and after the officer has been served notice  
15          that he or she is under investigation that is based on the  
16          commission of any ~~a Class 2 or greater~~ felony or sex  
17          offense.

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

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

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

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (50 ILCS 705/7) (from Ch. 85, par. 507)

10 Sec. 7. Rules and standards for schools. The Board shall  
11 adopt rules and minimum standards for such schools which shall  
12 include, but not be limited to, the following:

13 a. The curriculum for probationary police officers  
14 which shall be offered by all certified schools shall  
15 include, but not be limited to, courses of procedural  
16 justice, arrest and use and control tactics, search and  
17 seizure, including temporary questioning, civil rights,  
18 human rights, human relations, cultural competency,  
19 including implicit bias and racial and ethnic sensitivity,  
20 criminal law, law of criminal procedure, constitutional  
21 and proper use of law enforcement authority, vehicle and  
22 traffic law including uniform and non-discriminatory  
23 enforcement of the Illinois Vehicle Code, traffic control  
24 and accident investigation, techniques of obtaining  
25 physical evidence, court testimonies, statements, reports,



1 firearms training, training in the use of electronic  
2 control devices, including the psychological and  
3 physiological effects of the use of those devices on  
4 humans, first-aid (including cardiopulmonary  
5 resuscitation), training in the administration of opioid  
6 antagonists as defined in paragraph (1) of subsection (e)  
7 of Section 5-23 of the Substance Use Disorder Act, handling  
8 of juvenile offenders, recognition of mental conditions  
9 and crises, including, but not limited to, the disease of  
10 addiction, which require immediate assistance and response  
11 and methods to safeguard and provide assistance to a person  
12 in need of mental treatment, recognition of abuse, neglect,  
13 financial exploitation, and self-neglect of adults with  
14 disabilities and older adults, as defined in Section 2 of  
15 the Adult Protective Services Act, crimes against the  
16 elderly, law of evidence, the hazards of high-speed police  
17 vehicle chases with an emphasis on alternatives to the  
18 high-speed chase, and physical training. The curriculum  
19 shall include specific training in techniques for  
20 immediate response to and investigation of cases of  
21 domestic violence and of sexual assault of adults and  
22 children, including cultural perceptions and common myths  
23 of sexual assault and sexual abuse as well as interview  
24 techniques that are age sensitive and are trauma informed,  
25 victim centered, and victim sensitive. The curriculum  
26 shall include training in techniques designed to promote

1 effective communication at the initial contact with crime  
2 victims and ways to comprehensively explain to victims and  
3 witnesses their rights under the Rights of Crime Victims  
4 and Witnesses Act and the Crime Victims Compensation Act.  
5 The curriculum shall also include training in effective  
6 recognition of and responses to stress, trauma, and  
7 post-traumatic stress experienced by police officers that  
8 is consistent with Section 25 of the Illinois Mental Health  
9 First Aid Training Act in a peer setting, including  
10 recognizing signs and symptoms of work-related cumulative  
11 stress, issues that may lead to suicide, and solutions for  
12 intervention with peer support resources. The curriculum  
13 shall include a block of instruction addressing the  
14 mandatory reporting requirements under the Abused and  
15 Neglected Child Reporting Act. The curriculum shall also  
16 include a block of instruction aimed at identifying and  
17 interacting with persons with autism and other  
18 developmental or physical disabilities, reducing barriers  
19 to reporting crimes against persons with autism, and  
20 addressing the unique challenges presented by cases  
21 involving victims or witnesses with autism and other  
22 developmental disabilities. The curriculum shall include  
23 training in the detection and investigation of all forms of  
24 human trafficking. The curriculum shall also include  
25 instruction in trauma-informed responses designed to  
26 ensure the physical safety and well-being of a child of an

1 arrested parent or immediate family member; this  
2 instruction must include, but is not limited to: (1)  
3 understanding the trauma experienced by the child while  
4 maintaining the integrity of the arrest and safety of  
5 officers, suspects, and other involved individuals; (2)  
6 de-escalation tactics that would include the use of force  
7 when reasonably necessary; and (3) inquiring whether a  
8 child will require supervision and care. The curriculum for  
9 probationary police officers shall include: (1) at least 12  
10 hours of hands-on, scenario-based role-playing; (2) at  
11 least 6 hours of instruction on use of force techniques,  
12 including the use of de-escalation techniques to prevent or  
13 reduce the need for force whenever safe and feasible; (3)  
14 specific training on officer safety techniques, including  
15 cover, concealment, and time; and (4) at least 6 hours of  
16 training focused on high-risk traffic stops. The  
17 curriculum for permanent police officers shall include,  
18 but not be limited to: (1) refresher and in-service  
19 training in any of the courses listed above in this  
20 subparagraph, (2) advanced courses in any of the subjects  
21 listed above in this subparagraph, (3) training for  
22 supervisory personnel, and (4) specialized training in  
23 subjects and fields to be selected by the board. The  
24 training in the use of electronic control devices shall be  
25 conducted for probationary police officers, including  
26 University police officers.

1           b. Minimum courses of study, attendance requirements  
2 and equipment requirements.

3           c. Minimum requirements for instructors.

4           d. Minimum basic training requirements, which a  
5 probationary police officer must satisfactorily complete  
6 before being eligible for permanent employment as a local  
7 law enforcement officer for a participating local  
8 governmental agency. Those requirements shall include  
9 training in first aid (including cardiopulmonary  
10 resuscitation).

11          e. Minimum basic training requirements, which a  
12 probationary county corrections officer must  
13 satisfactorily complete before being eligible for  
14 permanent employment as a county corrections officer for a  
15 participating local governmental agency.

16          f. Minimum basic training requirements which a  
17 probationary court security officer must satisfactorily  
18 complete before being eligible for permanent employment as  
19 a court security officer for a participating local  
20 governmental agency. The Board shall establish those  
21 training requirements which it considers appropriate for  
22 court security officers and shall certify schools to  
23 conduct that training.

24          A person hired to serve as a court security officer  
25 must obtain from the Board a certificate (i) attesting to  
26 his or her successful completion of the training course;

1 (ii) attesting to his or her satisfactory completion of a  
2 training program of similar content and number of hours  
3 that has been found acceptable by the Board under the  
4 provisions of this Act; or (iii) attesting to the Board's  
5 determination that the training course is unnecessary  
6 because of the person's extensive prior law enforcement  
7 experience.

8 Individuals who currently serve as court security  
9 officers shall be deemed qualified to continue to serve in  
10 that capacity so long as they are certified as provided by  
11 this Act within 24 months of June 1, 1997 (the effective  
12 date of Public Act 89-685). Failure to be so certified,  
13 absent a waiver from the Board, shall cause the officer to  
14 forfeit his or her position.

15 All individuals hired as court security officers on or  
16 after June 1, 1997 (the effective date of Public Act  
17 89-685) shall be certified within 12 months of the date of  
18 their hire, unless a waiver has been obtained by the Board,  
19 or they shall forfeit their positions.

20 The Sheriff's Merit Commission, if one exists, or the  
21 Sheriff's Office if there is no Sheriff's Merit Commission,  
22 shall maintain a list of all individuals who have filed  
23 applications to become court security officers and who meet  
24 the eligibility requirements established under this Act.  
25 Either the Sheriff's Merit Commission, or the Sheriff's  
26 Office if no Sheriff's Merit Commission exists, shall

1 establish a schedule of reasonable intervals for  
2 verification of the applicants' qualifications under this  
3 Act and as established by the Board.

4 g. Minimum in-service training requirements, which a  
5 police officer must satisfactorily complete every 2 3  
6 years. Those requirements shall include constitutional and  
7 proper use of law enforcement authority, procedural  
8 justice, civil rights, human rights, ~~mental health~~  
9 ~~awareness and response, officer wellness,~~ reporting child  
10 abuse and neglect, and cultural competency, including  
11 implicit bias and racial and ethnic sensitivity.

12 h. Minimum in-service training requirements, which a  
13 police officer must satisfactorily complete at least  
14 annually. Those requirements shall include law updates,  
15 advanced first-aid training and certification, crisis  
16 intervention training, and officer wellness and mental  
17 health and ~~use of force training which shall include~~  
18 ~~scenario based training, or similar training approved by~~  
19 ~~the Board.~~

20 i. Minimum in-service training requirements as set  
21 forth in Section 10.6.

22 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;  
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.  
24 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,  
25 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;  
26 101-564, eff. 1-1-20; revised 9-10-19.)

1 (50 ILCS 705/10.6 new)

2 Sec. 10.6. Mandatory training to be completed every 2  
3 years. The Board shall adopt rules and minimum standards for  
4 in-service training requirements as set forth in this Section.  
5 The training shall provide officers with knowledge of policies  
6 and laws regulating the use of force; equip officers with  
7 tactics and skills, including de-escalation techniques, to  
8 prevent or reduce the need to use force or, when force must be  
9 used, to use force that is objectively reasonable, necessary,  
10 and proportional under the totality of the circumstances; and  
11 ensure appropriate supervision and accountability. The  
12 training shall consist of at least 30 hours of training every 2  
13 years and shall include:

14 (1) At least 12 hours of hands-on, scenario-based  
15 role-playing.

16 (2) At least 6 hours of instruction on use of force  
17 techniques, including the use of de-escalation techniques to  
18 prevent or reduce the need for force whenever safe and  
19 feasible.

20 (3) Specific training on the law concerning stops,  
21 searches, and the use of force under the Fourth Amendment to  
22 the United States Constitution.

23 (4) Specific training on officer safety techniques,  
24 including cover, concealment, and time.

25 (5) At least 6 hours of training focused on high-risk

1 traffic stops.

2 (50 ILCS 705/10.17)

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

5 (a) The Illinois Law Enforcement Training Standards Board  
6 shall develop and approve a standard curriculum for certified  
7 training programs in crisis intervention of at least 40 hours  
8 for law enforcement recruits addressing specialized policing  
9 responses to people with mental illnesses. The Board shall  
10 conduct Crisis Intervention Team (CIT) training programs that  
11 train officers to identify signs and symptoms of mental  
12 illness, to de-escalate situations involving individuals who  
13 appear to have a mental illness, and connect that person in  
14 crisis to treatment. Crisis Intervention Team (CIT) training  
15 programs shall be a collaboration between law enforcement  
16 professionals, mental health providers, families, and consumer  
17 advocates and must minimally include the following components:  
18 (1) basic information about mental illnesses and how to  
19 recognize them; (2) information about mental health laws and  
20 resources; (3) learning from family members of individuals with  
21 mental illness and their experiences; and (4) verbal  
22 de-escalation training and role-plays. Officers who have  
23 successfully completed this program shall be issued a  
24 certificate attesting to their attendance of a Crisis  
25 Intervention Team (CIT) training program.



1 (b) The Board shall create an introductory course  
2 incorporating adult learning models that provides law  
3 enforcement officers with an awareness of mental health issues  
4 including a history of the mental health system, types of  
5 mental health illness including signs and symptoms of mental  
6 illness and common treatments and medications, and the  
7 potential interactions law enforcement officers may have on a  
8 regular basis with these individuals, their families, and  
9 service providers including de-escalating a potential crisis  
10 situation. This course, in addition to other traditional  
11 learning settings, may be made available in an electronic  
12 format.

13 (Source: P.A. 99-261, eff. 1-1-16; 99-642, eff. 7-28-16;  
14 100-247, eff. 1-1-18.)

15 Section 10-145. The Law Enforcement Officer-Worn Body  
16 Camera Act is amended by changing Sections 10-15, 10-20, and  
17 10-25 as follows:

18 (50 ILCS 706/10-15)

19 Sec. 10-15. Applicability.

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

1       (b) All law enforcement agencies must implement the use of  
2 body cameras for all law enforcement officers, according to the  
3 following schedule:

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

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

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

12           (4) for municipalities under 50,000, body cameras  
13 shall be implemented by January 1, 2025.

14       (c) Any municipality or county which oversees a law  
15 enforcement agency which fails to comply with this Section  
16 shall be subject to a reduction in LGDF funding at a rate of  
17 20% per year until the requirements of this Section are met.

18 (Source: P.A. 99-352, eff. 1-1-16.)

19 (50 ILCS 706/10-20)

20 Sec. 10-20. Requirements.

21 (a) The Board shall develop basic guidelines for the use of  
22 officer-worn body cameras by law enforcement agencies. The  
23 guidelines developed by the Board shall be the basis for the  
24 written policy which must be adopted by each law enforcement  
25 agency which employs the use of officer-worn body cameras. The

1 written policy adopted by the law enforcement agency must  
2 include, at a minimum, all of the following:

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

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

12 (3) Cameras must be turned on at all times when the  
13 officer is in uniform and is responding to calls for  
14 service or engaged in any law enforcement-related  
15 encounter or activity, that occurs while the officer is on  
16 duty.

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

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

25 (C) Officer-worn body cameras may be turned off  
26 when the officer is inside a correctional facility

1           which is equipped with a functioning camera system.

2           (4) Cameras must be turned off when:

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

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

10                   (C) the officer is interacting with a confidential  
11                   informant used by the law enforcement agency.

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

21           (4.5) Cameras may be turned off when the officer is  
22           engaged in community caretaking functions. However, the  
23           camera must be turned on when the officer has reason to  
24           believe that the person on whose behalf the officer is  
25           performing a community caretaking function has committed  
26           or is in the process of committing a crime. If exigent

1 circumstances exist which prevent the camera from being  
2 turned on, the camera must be turned on as soon as  
3 practicable.

4 (5) The officer must provide notice of recording to any  
5 person if the person has a reasonable expectation of  
6 privacy and proof of notice must be evident in the  
7 recording. If exigent circumstances exist which prevent  
8 the officer from providing notice, notice must be provided  
9 as soon as practicable.

10 (6) (A) For the purposes of redaction, labeling, or  
11 duplicating recordings, access to camera recordings shall  
12 be restricted to only those personnel responsible for those  
13 purposes. The ~~recording officer and his or her~~ supervisor  
14 of the recording officer may access and review recordings  
15 prior to completing incident reports or other  
16 documentation, provided that the ~~officer or his or her~~  
17 supervisor discloses that fact in the report or  
18 documentation.

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

26 (7) Recordings made on officer-worn cameras must be

1 retained by the law enforcement agency or by the camera  
2 vendor used by the agency, on a recording medium for a  
3 period of 90 days.

4 (A) Under no circumstances shall any recording  
5 made with an officer-worn body camera be altered,  
6 erased, or destroyed prior to the expiration of the  
7 90-day storage period.

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

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

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

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

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

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

26 (vi) the supervisor of the officer,

1 prosecutor, defendant, or court determines that  
2 the encounter has evidentiary value in a criminal  
3 prosecution; or

4 (vii) the recording officer requests that the  
5 video be flagged for official purposes related to  
6 his or her official duties.

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

15 (8) Following the 90-day storage period, recordings  
16 may be retained if a supervisor at the law enforcement  
17 agency designates the recording for training purposes. If  
18 the recording is designated for training purposes, the  
19 recordings may be viewed by officers, in the presence of a  
20 supervisor or training instructor, for the purposes of  
21 instruction, training, or ensuring compliance with agency  
22 policies.

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

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

1 (B) a use of force incident has occurred;

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

5 (D) as corroboration of other evidence of  
6 misconduct.

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

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

19 (11) No officer may hinder or prohibit any person, not  
20 a law enforcement officer, from recording a law enforcement  
21 officer in the performance of his or her duties in a public  
22 place or when the officer has no reasonable expectation of  
23 privacy. The law enforcement agency's written policy shall  
24 indicate the potential criminal penalties, as well as any  
25 departmental discipline, which may result from unlawful  
26 confiscation or destruction of the recording medium of a



1 person who is not a law enforcement officer. However, an  
2 officer may take reasonable action to maintain safety and  
3 control, secure crime scenes and accident sites, protect  
4 the integrity and confidentiality of investigations, and  
5 protect the public safety and order.

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

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

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

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

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

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

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

13          Only recordings or portions of recordings responsive to the  
14          request shall be available for inspection or reproduction. Any  
15          recording disclosed under the Freedom of Information Act shall  
16          be redacted to remove identification of any person that appears  
17          on the recording and is not the officer, a subject of the  
18          encounter, or directly involved in the encounter. Nothing in  
19          this subsection (b) shall require the disclosure of any  
20          recording or portion of any recording which would be exempt  
21          from disclosure under the Freedom of Information Act.

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

25          (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

1 (50 ILCS 706/10-25)

2 Sec. 10-25. Reporting.

3 (a) Each law enforcement agency ~~which employs the use of~~  
4 ~~officer-worn body cameras~~ must provide an annual report on the  
5 use of officer-worn body cameras to the Board, on or before May  
6 1 of the year. The report shall include:

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

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

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

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

16 (5) for each recording used in prosecutions of  
17 conservation, criminal, or traffic offenses or municipal  
18 ordinance violations:

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

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

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

25 (b) On or before July 30 of each year, the Board must  
26 analyze the law enforcement agency reports and provide an

1 annual report to the General Assembly and the Governor.

2 (Source: P.A. 99-352, eff. 1-1-16.)

3 Section 10-147. The Uniform Crime Reporting Act is amended  
4 by changing Sections 5-10, 5-12, and 5-20 and by adding Section  
5 5-11 as follows:

6 (50 ILCS 709/5-10)

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

19 (Source: P.A. 99-352, eff. 1-1-16.)

20 (50 ILCS 709/5-11 new)

21 Sec. 5-11. FBI National Use of Force Database.The  
22 Department shall participate in and regularly submit use of  
23 force information to the Federal Bureau of Investigation (FBI)

1 National Use of Force Database. Within 90 days of the effective  
2 date of this amendatory act, the Department shall promulgate  
3 rules outlining the use of force information required for  
4 submission to the Database, which shall be submitted monthly by  
5 law enforcement agencies under Section 5-12.

6 (50 ILCS 709/5-12)

7 Sec. 5-12. Monthly reporting. All law enforcement agencies  
8 shall submit to the Department of State Police on a monthly  
9 basis the following:

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

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

24 (3) a report of incident-based information on hate  
25 crimes including information describing the offense,

1 location of the offense, type of victim, offender, and bias  
2 motivation. If no hate crime incidents occurred during a  
3 reporting month, the law enforcement agency must submit a  
4 no incident record, as required by the Department;

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

11 (5) data on an index of offenses selected by the  
12 Department based on the seriousness of the offense,  
13 frequency of occurrence of the offense, and likelihood of  
14 being reported to law enforcement. The data shall include  
15 the number of index crime offenses committed and number of  
16 associated arrests; ~~and~~

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

22 (7) beginning on July 1, 2021, a report on any incident  
23 where a law enforcement officer was dispatched to deal with  
24 a person experiencing a mental health crisis or incident.  
25 The report shall include the number of incidents, the level  
26 of law enforcement response and the outcome of each

1 incident;

2 (8) beginning on July 1, 2021, a report on use of  
3 force, including any action that resulted in the death or  
4 serious bodily injury of a person or the discharge of a  
5 firearm at or in the direction of a person. The report  
6 shall include information required by the Department,  
7 pursuant to Section 5-11 of this Act.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (50 ILCS 709/5-20)

10 Sec. 5-20. Reporting compliance. The Department of State  
11 Police shall annually report to the Illinois Law Enforcement  
12 Training Standards Board and the Department of Revenue any law  
13 enforcement agency not in compliance with the reporting  
14 requirements under this Act. A law enforcement agency's  
15 compliance with the reporting requirements under this Act shall  
16 be a factor considered by the Illinois Law Enforcement Training  
17 Standards Board in awarding grant funding under the Law  
18 Enforcement Camera Grant Act, with preference to law  
19 enforcement agencies which are in compliance with reporting  
20 requirements under this Act. Any municipality or county which  
21 oversees a law enforcement agency which fails to comply with  
22 this Act shall be subject to a reduction in LGDF funding at a  
23 rate of 20% per year until the requirements of this Section are  
24 met.

25 (Source: P.A. 99-352, eff. 1-1-16.)

1           Section 10-150. The Uniform Peace Officers' Disciplinary  
2 Act is amended by changing Sections 3.2, 3.4, and 3.8 as  
3 follows:

4           (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

12           (Source: P.A. 83-981.)

13           (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

23           (Source: P.A. 94-344, eff. 1-1-06.)



1 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

2 Sec. 3.8. Admissions; counsel; verified complaint.

3 (a) No officer shall be interrogated without first being  
4 advised in writing that admissions made in the course of the  
5 interrogation may be used as evidence of misconduct or as the  
6 basis for charges seeking suspension, removal, or discharge;  
7 and without first being advised in writing that he or she has  
8 the right to counsel of his or her choosing who may be present  
9 to advise him or her at any stage of any interrogation.

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

20 (Source: P.A. 97-472, eff. 8-22-11.)

21 Section 10-155. The Police and Community Relations  
22 Improvement Act is amended by adding Section 1-35 as follows:

23 (50 ILCS 727/1-35 new)

1       Sec. 1-35. Anonymous complaint policy.

2       (a) Each law enforcement agency shall adopt a written  
3 policy outlining the process for the handling of anonymous  
4 complaints. The written policy shall include, at a minimum, the  
5 following:

6           (1) the location where anonymous complaints can be  
7 submitted;

8           (2) the officer or department which will review and  
9 investigate the complaints;

10          (3) the process by which a person can determine the  
11 current status of the complaint;

12          (4) each complaint shall be reviewed and investigated  
13 by the highest ranking law enforcement officer of the  
14 agency, or his or her designee; and

15          (5) within 30 days of receipt, each complaint shall be  
16 reviewed and a determination shall be made on whether to  
17 forward the complaint on for internal investigation, to the  
18 Illinois Law Enforcement Training Standards Board, local  
19 State's Attorney, Attorney General's Office or other  
20 overseeing entity.

21       (b) The policy required by this Section shall be made  
22 publicly accessible on the law enforcement agency's website. If  
23 no such website exists, the policy shall be posted in a highly  
24 conspicuous, visible location in the each law enforcement  
25 agency office.

1 Section 10-160. The Counties Code is amended by changing  
2 Sections 3-9008, 4-5001, 4-12001, and 4-12001.1 and by adding  
3 Section 3-6041 as follows:

4 (55 ILCS 5/3-6041 new)

5 Sec. 3-6041. Military equipment surplus program.

6 (a) For purposes of this Section:

7 "Bayonet" means a large knife designed to be attached to  
8 the muzzle of a rifle, shotgun, or long gun for the purpose of  
9 hand-to-hand combat.

10 "Camouflage uniform" does not include a woodland or desert  
11 pattern or solid color uniform.

12 "Grenade launcher" means a firearm or firearm accessory  
13 designed to launch small explosive projectiles.

14 "Military equipment surplus program" means any federal or  
15 State program allowing a law enforcement agency to obtain  
16 surplus military equipment including, but not limited to, any  
17 program organized under Section 1122 of the National Defense  
18 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or  
19 Section 1033 of the National Defense Authorization Act for  
20 Fiscal Year 1997 (Pub. L. 104-201) or any program established  
21 under 10 U.S.C. 2576a.

22 "Tracked armored vehicle" means a vehicle that provides  
23 ballistic protection to its occupants and utilizes a tracked  
24 system installed of wheels for forward motion.

25 "Weaponized aircraft, vessel, or vehicle" means any

1 aircraft, vessel, or vehicle with weapons installed.

2 (b) A sheriff's department shall not request or receive  
3 from any military equipment surplus program nor purchase or  
4 otherwise utilize the following equipment:

5 (1) tracked armored vehicles;

6 (2) weaponized aircraft, vessels, or vehicles;

7 (3) firearms of .50-caliber or higher;

8 (4) ammunition of .50-caliber or higher;

9 (5) grenade launchers;

10 (6) bayonets; or

11 (7) camouflage uniforms.

12 (c) A home rule county may not regulate the acquisition of  
13 equipment in a manner inconsistent with this Section. This  
14 Section is a limitation under subsection (i) of Section 6 of  
15 Article VII of the Illinois Constitution on the concurrent  
16 exercise by home rule counties of powers and functions  
17 exercised by the State.

18 (d) If the sheriff requests property from a military  
19 equipment surplus program, the sheriff shall publish notice of  
20 the request on a publicly accessible website maintained by the  
21 sheriff or the county within 14 days after the request.

22 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

23 Sec. 3-9008. Appointment of attorney to perform duties.

24 (a) (Blank).

25 (a-5) The court on its own motion, or an interested person

1 in a cause or proceeding, civil or criminal, may file a  
2 petition alleging that the State's Attorney is sick, absent, or  
3 unable to fulfill his or her duties. The court shall consider  
4 the petition, any documents filed in response, and if  
5 necessary, grant a hearing to determine whether the State's  
6 Attorney is sick, absent, or otherwise unable to fulfill his or  
7 her duties. If the court finds that the State's Attorney is  
8 sick, absent, or otherwise unable to fulfill his or her duties,  
9 the court may appoint some competent attorney to prosecute or  
10 defend the cause or proceeding.

11 (a-10) The court on its own motion, or an interested person  
12 in a cause or proceeding, civil or criminal, may file a  
13 petition alleging that the State's Attorney has an actual  
14 conflict of interest in the cause or proceeding. The court  
15 shall consider the petition, any documents filed in response,  
16 and if necessary, grant a hearing to determine whether the  
17 State's Attorney has an actual conflict of interest in the  
18 cause or proceeding. If the court finds that the petitioner has  
19 proven by sufficient facts and evidence that the State's  
20 Attorney has an actual conflict of interest in a specific case,  
21 the court may appoint some competent attorney to prosecute or  
22 defend the cause or proceeding.

23 (a-15) Notwithstanding subsections (a-5) and (a-10) of  
24 this Section, the State's Attorney may file a petition to  
25 recuse himself or herself from a cause or proceeding for any  
26 other reason he or she deems appropriate and the court shall

1 appoint a special prosecutor as provided in this Section.

2 (a-17) In a county exceeding a population of 3,000,000, if  
3 the court determines that the appointment of a special  
4 prosecutor is required under subsection (a-10) or (a-15), the  
5 court shall request the Office of the State's Attorneys  
6 Appellate Prosecutor to serve as the special prosecutor if the  
7 cause or proceeding is an officer-involved death, as that term  
8 is defined in Section 1-5 of the Police and Community Relations  
9 Improvement Act. If the Office of the State's Attorneys  
10 Appellate Prosecutor accepts the request, the Office of the  
11 State's Attorneys Appellate Prosecutor shall be appointed by  
12 the court and shall have the same power and authority in  
13 relation to the cause or proceeding as the State's Attorney  
14 would have had if present and attending to the cause or  
15 proceedings.

16 (a-20) Except as provided in subsection (a-17), prior ~~Prior~~  
17 to appointing a private attorney under this Section, the court  
18 shall contact public agencies, including, but not limited to,  
19 the Office of Attorney General, Office of the State's Attorneys  
20 Appellate Prosecutor, or local State's Attorney's Offices  
21 throughout the State, to determine a public prosecutor's  
22 availability to serve as a special prosecutor at no cost to the  
23 county and shall appoint a public agency if they are able and  
24 willing to accept the appointment. An attorney so appointed  
25 shall have the same power and authority in relation to the  
26 cause or proceeding as the State's Attorney would have if

1 present and attending to the cause or proceedings.

2 (b) In case of a vacancy of more than one year occurring in  
3 any county in the office of State's attorney, by death,  
4 resignation or otherwise, and it becomes necessary for the  
5 transaction of the public business, that some competent  
6 attorney act as State's attorney in and for such county during  
7 the period between the time of the occurrence of such vacancy  
8 and the election and qualification of a State's attorney, as  
9 provided by law, the vacancy shall be filled upon the written  
10 request of a majority of the circuit judges of the circuit in  
11 which is located the county where such vacancy exists, by  
12 appointment as provided in The Election Code of some competent  
13 attorney to perform and discharge all the duties of a State's  
14 attorney in the said county, such appointment and all authority  
15 thereunder to cease upon the election and qualification of a  
16 State's attorney, as provided by law. Any attorney appointed  
17 for any reason under this Section shall possess all the powers  
18 and discharge all the duties of a regularly elected State's  
19 attorney under the laws of the State to the extent necessary to  
20 fulfill the purpose of such appointment, and shall be paid by  
21 the county he serves not to exceed in any one period of 12  
22 months, for the reasonable amount of time actually expended in  
23 carrying out the purpose of such appointment, the same  
24 compensation as provided by law for the State's attorney of the  
25 county, apportioned, in the case of lesser amounts of  
26 compensation, as to the time of service reasonably and actually

1 expended. The county shall participate in all agreements on the  
2 rate of compensation of a special prosecutor.

3 (c) An order granting authority to a special prosecutor  
4 must be construed strictly and narrowly by the court. The power  
5 and authority of a special prosecutor shall not be expanded  
6 without prior notice to the county. In the case of the proposed  
7 expansion of a special prosecutor's power and authority, a  
8 county may provide the court with information on the financial  
9 impact of an expansion on the county. Prior to the signing of  
10 an order requiring a county to pay for attorney's fees or  
11 litigation expenses, the county shall be provided with a  
12 detailed copy of the invoice describing the fees, and the  
13 invoice shall include all activities performed in relation to  
14 the case and the amount of time spent on each activity.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

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

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

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

25 For serving or attempting to serve each garnishee in each



1 county, \$10.

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

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

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

8 For returning a defendant from outside the State of  
9 Illinois, upon conviction, the court shall assess, as court  
10 costs, the cost of returning a defendant to the jurisdiction.

11 ~~For taking special bail, \$1 in each county.~~

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

14 For advertising property for sale, \$5.

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

16 Mileage for each mile of necessary travel to serve any such  
17 process as Stated above, calculating from the place of holding  
18 court to the place of residence of the defendant, or witness,  
19 50¢ each way.

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

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

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

1 possession or removal.

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

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

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

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

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

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

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

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

26 For making certificate of redemption, \$3.

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

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

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

8 For executing requisitions from other states, \$5.

9 For conveying each prisoner from the prisoner's own county  
10 to the jail of another county, or from another county to the  
11 jail of the prisoner's county, per mile, for going, only, 30¢.

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

20 The fees provided for transporting persons to the  
21 penitentiary, reformatories, Illinois State Training School  
22 for Boys, Illinois State Training School for Girls and  
23 Reception Centers shall be paid for each trip so made. Mileage  
24 as used in this Section means the shortest practical route,  
25 between the place from which the person is to be transported,  
26 to the penitentiary, reformatories, Illinois State Training

1 School for Boys, Illinois State Training School for Girls and  
2 Reception Centers and all fees per mile shall be computed on  
3 such basis.

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

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

12 For attending Supreme Court, \$10 per day.

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

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

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

24 For judgments over \$15,000, \$300.

25 The foregoing fees allowed by this Section are the maximum  
26 fees that may be collected from any officer, agency, department

1 or other instrumentality of the State. The county board may,  
2 however, by ordinance, increase the fees allowed by this  
3 Section and collect those increased fees from all persons and  
4 entities other than officers, agencies, departments and other  
5 instrumentalities of the State if the increase is justified by  
6 an acceptable cost study showing that the fees allowed by this  
7 Section are not sufficient to cover the costs of providing the  
8 service. A statement of the costs of providing each service,  
9 program and activity shall be prepared by the county board. All  
10 supporting documents shall be public records and subject to  
11 public examination and audit. All direct and indirect costs, as  
12 defined in the United States Office of Management and Budget  
13 Circular A-87, may be included in the determination of the  
14 costs of each service, program and activity.

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

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

1 criminal laws.

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

3 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

4 Sec. 4-12001. Fees of sheriff in third class counties. The  
5 officers herein named, in counties of the third class, shall be  
6 entitled to receive the fees herein specified, for the services  
7 mentioned and such other fees as may be provided by law for  
8 such other services not herein designated.

9 Fees for Sheriff

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

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

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

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

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

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

22 For summoning each juror, \$10.

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

25 For serving or attempting to serve an order for attachment,

1 on each defendant, \$35.

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

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

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

10 For executing order of court to seize personal property,  
11 \$25.

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

18 For advertising property for sale, \$20.

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

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

26 For making and filing certificate of redemption, \$15, and

1 the fee for recording same shall be advanced by party making  
2 the redemption and taxed as costs.

3 For making and filing certificate of redemption from a  
4 court sale, \$11, and the fee for recording same shall be  
5 advanced by the party making the redemption and taxed as costs.

6 For taking all bonds on legal process, \$10.

7 ~~For taking special bail, \$5.~~

8 For returning each process, \$15.

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

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

13 For executing requisitions from other States, \$13.

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

16 For committing to or discharging each prisoner from jail,  
17 \$3.

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

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

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



1 For discharging such prisoners, \$3.

2 For conveying persons to the penitentiary, reformatories,  
3 Illinois State Training School for Boys, Illinois State  
4 Training School for Girls, Reception Centers and Illinois  
5 Security Hospital, the following fees, payable out of the State  
6 Treasury. When one person is conveyed, 20¢ per mile in going to  
7 the penitentiary, reformatories, Illinois State Training  
8 School for Boys, Illinois State Training School for Girls,  
9 Reception Centers and Illinois Security Hospital from the place  
10 of conviction; when 2 persons are conveyed at the same time,  
11 20¢ per mile for the first and 15¢ per mile for the second  
12 person; when more than 2 persons are conveyed at the same time  
13 as Stated above, the sheriff shall be allowed 20¢ per mile for  
14 the first, 15¢ per mile for the second and 10¢ per mile for  
15 each additional person.

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

1 and all fees per mile shall be computed on such basis.

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

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

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

11 For judgments over \$15,000, \$500.

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

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

26 The fee requirements of this Section do not apply to units

1 of local government or school districts.

2 (Source: P.A. 100-173, eff. 1-1-18.)

3 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

11 Fees for Sheriff

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

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

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

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

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

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

24 For summoning each juror, \$4.

25 For serving or attempting to serve each order or judgment

1 for replevin, \$25.

2 For serving or attempting to serve an order for attachment,  
3 on each defendant, \$25.

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

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

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

12 For executing order of court to seize personal property,  
13 \$25.

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

20 For advertising property for sale, \$3.

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

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

1 estate, \$4.

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

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

8 For taking all bonds on legal process, \$2.

9 ~~For taking special bail, \$2.~~

10 For returning each process, \$5.

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

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

15 For executing requisitions from other States, \$5.

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

18 For committing to or discharging each prisoner from jail,  
19 \$1.

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

24 For committing each prisoner to jail under the laws of the  
25 United States, to be paid by the marshal or other person  
26 requiring his confinement, \$1.

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

3           For discharging such prisoners, \$1.

4           For conveying persons to the penitentiary, reformatories,  
5 Illinois State Training School for Boys, Illinois State  
6 Training School for Girls, Reception Centers and Illinois  
7 Security Hospital, the following fees, payable out of the State  
8 Treasury. When one person is conveyed, 15¢ per mile in going to  
9 the penitentiary, reformatories, Illinois State Training  
10 School for Boys, Illinois State Training School for Girls,  
11 Reception Centers and Illinois Security Hospital from the place  
12 of conviction; when 2 persons are conveyed at the same time,  
13 15¢ per mile for the first and 10¢ per mile for the second  
14 person; when more than 2 persons are conveyed at the same time  
15 as stated above, the sheriff shall be allowed 15¢ per mile for  
16 the first, 10¢ per mile for the second and 5¢ per mile for each  
17 additional person.

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

1 State Training School for Boys, Illinois State Training School  
2 for Girls, Reception Centers and Illinois Security Hospital,  
3 and all fees per mile shall be computed on such basis.

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

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

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

13 For judgments over \$15,000, \$400.

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

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

24 (Source: P.A. 100-173, eff. 1-1-18.)

25 Section 10-165. The Illinois Municipal Code is amended by

1 adding Section 11-5.1-2 as follows:

2 (65 ILCS 5/11-5.1-2 new)

3 Sec. 11-5.1-2. Military equipment surplus program.

4 (a) For purposes of this Section:

5 "Bayonet" means large knives designed to be attached to the  
6 muzzle of a rifle, shotgun, or long gun for the purposes of  
7 hand-to-hand combat.

8 "Camouflage uniform" does not include woodland or desert  
9 patterns or solid color uniforms.

10 "Grenade launcher" means a firearm or firearm accessory  
11 designed to launch small explosive projectiles.

12 "Military equipment surplus program" means any federal or  
13 state program allowing a law enforcement agency to obtain  
14 surplus military equipment including, but not limit to, any  
15 program organized under Section 1122 of the National Defense  
16 Authorization Act for Fiscal Year 1994 (Pub. L. 103-160) or  
17 Section 1033 of the National Defense Authorization Act for  
18 Fiscal Year 1997 (Pub. L. 104-201) or any program established  
19 by the United States Department of Defense under 10 U.S.C.  
20 2576a.

21 "Tracked armored vehicle" means a vehicle that provides  
22 ballistic protection to its occupants and utilizes a tracked  
23 system installed of wheels for forward motion.

24 "Weaponized aircraft, vessels, or vehicles" means any  
25 aircraft, vessel, or vehicle with weapons installed.



1       (b) A police department shall not request or receive from  
2 any military equipment surplus program nor purchase or  
3 otherwise utilize the following equipment:

4           (1) tracked armored vehicles;

5           (2) weaponized aircraft, vessels, or vehicles;

6           (3) firearms of .50-caliber or higher;

7           (4) ammunition of .50-caliber or higher;

8           (5) grenade launchers, grenades, or similar  
9 explosives;

10          (6) bayonets; or

11          (7) camouflage uniforms.

12       (c) A home rule municipality may not regulate the  
13 acquisition of equipment in a manner inconsistent with this  
14 Section. This Section is a limitation under subsection (i) of  
15 Section 6 of Article VII of the Illinois Constitution on the  
16 concurrent exercise by home rule municipalities of powers and  
17 functions exercised by the State.

18       (d) If a police department requests property from a  
19 military equipment surplus program, the police department  
20 shall publish notice of the request on a publicly accessible  
21 website maintained by the police department or the municipality  
22 within 14 days after the request.

23           (65 ILCS 5/1-2-12.1 rep.)

24           Section 10-170. The Illinois Municipal Code is amended by  
25           repealing Section 1-2-12.1.

1 Section 10-175. The Campus Security Enhancement Act of 2008  
2 is amended by changing Section 15 as follows:

3 (110 ILCS 12/15)

4 Sec. 15. Arrest reports.

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

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

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

13 (3) The time and location of the arrest.

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

16 (5) If the individual is incarcerated, the conditions  
17 of pretrial release ~~amount of any bail or bond~~.

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

21 (b) The information required by this Section must be made  
22 available to the news media for inspection and copying as soon  
23 as practicable, but in no event shall the time period exceed 72  
24 hours from the arrest. The information described in paragraphs

1 (3), (4), (5), and (6) of subsection (a), however, may be  
2 withheld if it is determined that disclosure would:

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

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

9 (3) compromise the security of any correctional  
10 facility.

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

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

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

1 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;  
2 92-335, eff. 8-10-01.)

3 Section 10-180. The Illinois Insurance Code is amended by  
4 changing Sections 143.19, 143.19.1, and 205 as follows:

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

6 Sec. 143.19. Cancellation of automobile insurance policy;  
7 grounds. After a policy of automobile insurance as defined in  
8 Section 143.13(a) has been effective for 60 days, or if such  
9 policy is a renewal policy, the insurer shall not exercise its  
10 option to cancel such policy except for one or more of the  
11 following reasons:

12 a. Nonpayment of premium;

13 b. The policy was obtained through a material  
14 misrepresentation;

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

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

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

23 f. The named insured or any other operator who either  
24 resides in the same household or customarily operates an

1 automobile insured under such policy:

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

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

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

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

16 5. has been convicted, or violated conditions of  
17 pretrial release ~~forfeited bail~~, during the 36 months  
18 immediately preceding the notice of cancellation, for  
19 any felony, criminal negligence resulting in death,  
20 homicide or assault arising out of the operation of a  
21 motor vehicle, operating a motor vehicle while in an  
22 intoxicated condition or while under the influence of  
23 drugs, being intoxicated while in, or about, an  
24 automobile or while having custody of an automobile,  
25 leaving the scene of an accident without stopping to  
26 report, theft or unlawful taking of a motor vehicle,

1 making false statements in an application for an  
2 operator's or chauffeur's license or has been  
3 convicted or pretrial release has been revoked  
4 ~~forfeited bail~~ for 3 or more violations within the 12  
5 months immediately preceding the notice of  
6 cancellation, of any law, ordinance, or regulation  
7 limiting the speed of motor vehicles or any of the  
8 provisions of the motor vehicle laws of any state,  
9 violation of which constitutes a misdemeanor, whether  
10 or not the violations were repetitions of the same  
11 offense or different offenses;

12 g. The insured automobile is:

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

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

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

21 4. an authorized emergency vehicle;

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

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

26 Nothing in this Section shall apply to nonrenewal.

1 (Source: P.A. 100-201, eff. 8-18-17.)

2 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

3 Sec. 143.19.1. Limits on exercise of right of nonrenewal.

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

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

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

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

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

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

21 1. Has, within the 12 months prior to the notice of  
22 non-renewal had his drivers license under suspension or  
23 revocation; or

24 2. Is or becomes subject to epilepsy or heart attacks,  
25 and such individual does not produce a certificate from a

1 physician testifying to his unqualified ability to operate  
2 a motor vehicle safely; or

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

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

10 5. Has been convicted or pretrial release has been  
11 revoked ~~forfeited bail~~, during the 36 months immediately  
12 preceding the notice of non-renewal, for any felony,  
13 criminal negligence resulting in death, homicide or  
14 assault arising out of the operation of a motor vehicle,  
15 operating a motor vehicle while in an intoxicated condition  
16 or while under the influence of drugs, being intoxicated  
17 while in or about an automobile or while having custody of  
18 an automobile, leaving the scene of an accident without  
19 stopping to report, theft or unlawful taking of a motor  
20 vehicle, making false statements in an application for an  
21 operators or chauffeurs license, or has been convicted or  
22 pretrial release has been revoked ~~forfeited bail~~ for 3 or  
23 more violations within the 12 months immediately preceding  
24 the notice of non-renewal, of any law, ordinance or  
25 regulation limiting the speed of motor vehicles or any of  
26 the provisions of the motor vehicle laws of any state,



1 violation of which constitutes a misdemeanor, whether or  
2 not the violations were repetitions of the same offense or  
3 different offenses; or

4 f. The insured automobile is:

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

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

10 or

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

13 4. An authorized emergency vehicle; or

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

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

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

21 (Source: P.A. 89-669, eff. 1-1-97.)

22 (215 ILCS 5/205) (from Ch. 73, par. 817)

23 Sec. 205. Priority of distribution of general assets.

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

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

3           (i) The reasonable expenses of the Illinois  
4 Insurance Guaranty Fund, the Illinois Life and Health  
5 Insurance Guaranty Association, and the Illinois  
6 Health Maintenance Organization Guaranty Association  
7 and of any similar organization in any other state,  
8 including overhead, salaries, and other general  
9 administrative expenses allocable to the receivership  
10 (administrative and claims handling expenses and  
11 expenses in connection with arrangements for ongoing  
12 coverage), but excluding expenses incurred in the  
13 performance of duties under Section 547 or similar  
14 duties under the statute governing a similar  
15 organization in another state. For property and  
16 casualty insurance guaranty associations that guaranty  
17 certain obligations of any member company as defined by  
18 Section 534.5, expenses shall include, but not be  
19 limited to, loss adjustment expenses, which shall  
20 include adjusting and other expenses and defense and  
21 cost containment expenses. The expenses of such  
22 property and casualty guaranty associations, including  
23 the Illinois Insurance Guaranty Fund, shall be  
24 reimbursed as prescribed by Section 545, but shall be  
25 subordinate to all other costs and expenses of  
26 administration, including the expenses reimbursed

1           pursuant to subparagraph (ii) of this paragraph (a).

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

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

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

11           (3) any necessary filing fees;

12           (4) the fees and mileage payable to witnesses;

13           (5) unsecured loans obtained by the receiver;

14           and

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

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

1 which shall have a lower priority pursuant to subparagraph  
2 (i) of this paragraph (a).

3 (b) Secured claims, including claims for taxes and  
4 debts due the federal or any state or local government,  
5 that are secured by liens perfected prior to the filing of  
6 the complaint.

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

15 (d) Claims by policyholders, beneficiaries, and  
16 insureds, under insurance policies, annuity contracts, and  
17 funding agreements, liability claims against insureds  
18 covered under insurance policies and insurance contracts  
19 issued by the company, claims of obligees (and, subject to  
20 the discretion of the receiver, completion contractors)  
21 under surety bonds and surety undertakings (not to include  
22 ~~bail bonds~~, mortgage or financial guaranty, or other forms  
23 of insurance offering protection against investment risk),  
24 claims by principals under surety bonds and surety  
25 undertakings for wrongful dissipation of collateral by the  
26 insurer or its agents, and claims incurred during any

1 extension of coverage provided under subsection (5) of  
2 Section 193, and claims of the Illinois Insurance Guaranty  
3 Fund, the Illinois Life and Health Insurance Guaranty  
4 Association, the Illinois Health Maintenance Organization  
5 Guaranty Association, and any similar organization in  
6 another state as prescribed in Section 545. For purposes of  
7 this Section, "funding agreement" means an agreement  
8 whereby an insurer authorized to write business under Class  
9 1 of Section 4 of this Code may accept and accumulate funds  
10 and make one or more payments at future dates in amounts  
11 that are not based upon mortality or morbidity  
12 contingencies.

13 (e) Claims by policyholders, beneficiaries, and  
14 insureds, the allowed values of which were determined by  
15 estimation under paragraph (b) of subsection (4) of Section  
16 209.

17 (f) Any other claims due the federal government.

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

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

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

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

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

19          To the extent that any assets of an insurer, other than  
20          those assets properly allocated to and maintained in a separate  
21          account, have been used to fund or pay any expenses, taxes, or  
22          policyholder benefits that are attributable to a separate  
23          account policy, contract, or agreement that should have been  
24          paid by a separate account prior to the commencement of  
25          receivership proceedings, then upon the commencement of  
26          receivership proceedings, the separate accounts that benefited

1 from this payment or funding shall first be used to repay or  
2 reimburse the company's general assets or account for any  
3 unreimbursed net sums due at the commencement of receivership  
4 proceedings prior to the application of the separate account  
5 assets to the satisfaction of liabilities or the corresponding  
6 separate account policies, contracts, and agreements.

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

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

1 Fund, the Illinois Life and Health Insurance Guaranty  
2 Association, the Illinois Health Maintenance Organization  
3 Guaranty Association, and similar organizations in other  
4 states.

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

26 (3) The changes made in this Section by this amendatory Act



1 of the 100th General Assembly apply to all liquidation,  
2 rehabilitation, or conservation proceedings that are pending  
3 on the effective date of this amendatory Act of the 100th  
4 General Assembly and to all future liquidation,  
5 rehabilitation, or conservation proceedings.

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

8 (Source: P.A. 100-410, eff. 8-25-17.)

9 Section 10-185. The Illinois Gambling Act is amended by  
10 changing Section 5.1 as follows:

11 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

12 Sec. 5.1. Disclosure of records.

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

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

21 (2) An identification of any applicant or licensee  
22 including, if an applicant or licensee is not an  
23 individual, the names and addresses of all stockholders and  
24 directors, if the entity is a corporation; the names and

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

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

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

1 including the date, the name and location of the court,  
2 arresting agency and prosecuting agency, the case number,  
3 the offense, the disposition and the location and length of  
4 incarceration.

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

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

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

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

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

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

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

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

1 supplied by an applicant for a supplier's license.

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

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

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

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

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

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

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

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

22 (Source: P.A. 101-31, eff. 6-28-19.)

23 Section 10-187. The Sexual Assault Survivors Emergency  
24 Treatment Act is amended by changing Section 7.5 as follows:

1 (410 ILCS 70/7.5)

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

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

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

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

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

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

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

1 services to the sexual assault survivor.

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

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

12 (1) a statement that the sexual assault survivor should  
13 not be directly billed by any ambulance provider providing  
14 transportation services, or by any hospital, approved  
15 pediatric health care facility, health care professional,  
16 laboratory, or pharmacy for the services the sexual assault  
17 survivor received as an outpatient at the hospital or  
18 approved pediatric health care facility;

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

23 (3) a statement that prior to leaving the hospital or  
24 approved pediatric health care facility, the hospital or  
25 approved pediatric health care facility will give the  
26 sexual assault survivor a sexual assault services voucher

1 for follow-up healthcare if the sexual assault survivor is  
2 eligible to receive a sexual assault services voucher;

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

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

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

15 This subsection (c) shall not apply to hospitals that  
16 provide transfer services as defined under Section 1a of this  
17 Act.

18 (d) Within 60 days after the effective date of this  
19 amendatory Act of the 99th General Assembly, every health care  
20 professional, except for those employed by a hospital or  
21 hospital affiliate, as defined in the Hospital Licensing Act,  
22 or those employed by a hospital operated under the University  
23 of Illinois Hospital Act, who bills separately for medical or  
24 forensic services must develop a billing protocol that ensures  
25 that no survivor of sexual assault will be sent a bill for any  
26 medical forensic services and submit the billing protocol to



1 the ~~Crime Victim Services Division of the~~ Office of the  
2 Attorney General for approval. Within 60 days after the  
3 commencement of the provision of medical forensic services,  
4 every health care professional, except for those employed by a  
5 hospital or hospital affiliate, as defined in the Hospital  
6 Licensing Act, or those employed by a hospital operated under  
7 the University of Illinois Hospital Act, who bills separately  
8 for medical or forensic services must develop a billing  
9 protocol that ensures that no survivor of sexual assault is  
10 sent a bill for any medical forensic services and submit the  
11 billing protocol to the ~~Crime Victim Services Division of the~~  
12 ~~Office of the~~ Attorney General for approval. Health care  
13 professionals who bill as a legal entity may submit a single  
14 billing protocol for the billing entity.

15 Within 60 days after the Department's approval of a  
16 treatment plan, an approved pediatric health care facility and  
17 any health care professional employed by an approved pediatric  
18 health care facility must develop a billing protocol that  
19 ensures that no survivor of sexual assault is sent a bill for  
20 any medical forensic services and submit the billing protocol  
21 to the ~~Crime Victim Services Division of the~~ Office of the  
22 Attorney General for approval.

23 The billing protocol must include at a minimum:

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

26 (2) a written acknowledgement signed by a person who

1 has completed the training that the person will not bill  
2 survivors of sexual assault;

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

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

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

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

14 The ~~Crime Victim Services Division of the~~ Office of the  
15 Attorney General may provide a sample acceptable billing  
16 protocol upon request.

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

21 If the Office of the Attorney General determines that  
22 implementation of the protocol could result in the billing of a  
23 survivor of sexual assault for medical forensic services, the  
24 Office of the Attorney General shall provide the health care  
25 professional or approved pediatric health care facility with a  
26 written statement of the deficiencies in the protocol. The

1 health care professional or approved pediatric health care  
2 facility shall have 30 days to submit a revised billing  
3 protocol addressing the deficiencies to the Office of the  
4 Attorney General. The health care professional or approved  
5 pediatric health care facility shall implement the protocol  
6 upon approval by the ~~Crime Victim Services Division of the~~  
7 Office of the Attorney General.

8 The health care professional or approved pediatric health  
9 care facility shall submit any proposed revision to or  
10 modification of an approved billing protocol to the ~~Crime~~  
11 ~~Victim Services Division of the~~ Office of the Attorney General  
12 for approval. The health care professional or approved  
13 pediatric health care facility shall implement the revised or  
14 modified billing protocol upon approval by the ~~Crime Victim~~  
15 ~~Services Division of the~~ Office of the Illinois Attorney  
16 General.

17 (e) This Section is effective on and after July 1, 2021.

18 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

19 Section 10-190. The Illinois Vehicle Code is amended by  
20 changing Sections 6-204, 6-206, 6-209.1, 6-308, 6-500, 6-601,  
21 11-208.3, 11-208.6, 11-208.8, 11-208.9, 11-1201.1, and 16-103  
22 as follows:

23 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

10           (1) Whenever any person is convicted of any offense for  
11 which this Code makes mandatory the cancellation or  
12 revocation of the driver's license or permit of such person  
13 by the Secretary of State, the judge of the court in which  
14 such conviction is had shall require the surrender to the  
15 clerk of the court of all driver's licenses or permits then  
16 held by the person so convicted, and the clerk of the court  
17 shall, within 5 days thereafter, forward the same, together  
18 with a report of such conviction, to the Secretary.

19           (2) Whenever any person is convicted of any offense  
20 under this Code or similar offenses under a municipal  
21 ordinance, other than regulations governing standing,  
22 parking or weights of vehicles, and excepting the following  
23 enumerated Sections of this Code: Sections 11-1406  
24 (obstruction to driver's view or control), 11-1407  
25 (improper opening of door into traffic), 11-1410 (coasting  
26 on downgrade), 11-1411 (following fire apparatus),

1 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
2 vehicle which is in unsafe condition or improperly  
3 equipped), 12-201(a) (daytime lights on motorcycles),  
4 12-202 (clearance, identification and side marker lamps),  
5 12-204 (lamp or flag on projecting load), 12-205 (failure  
6 to display the safety lights required), 12-401  
7 (restrictions as to tire equipment), 12-502 (mirrors),  
8 12-503 (windshields must be unobstructed and equipped with  
9 wipers), 12-601 (horns and warning devices), 12-602  
10 (mufflers, prevention of noise or smoke), 12-603 (seat  
11 safety belts), 12-702 (certain vehicles to carry flares or  
12 other warning devices), 12-703 (vehicles for oiling roads  
13 operated on highways), 12-710 (splash guards and  
14 replacements), 13-101 (safety tests), 15-101 (size, weight  
15 and load), 15-102 (width), 15-103 (height), 15-104 (name  
16 and address on second division vehicles), 15-107 (length of  
17 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
18 15-112 (weights), 15-301 (weights), 15-316 (weights),  
19 15-318 (weights), and also excepting the following  
20 enumerated Sections of the Chicago Municipal Code:  
21 Sections 27-245 (following fire apparatus), 27-254  
22 (obstruction of traffic), 27-258 (driving vehicle which is  
23 in unsafe condition), 27-259 (coasting on downgrade),  
24 27-264 (use of horns and signal devices), 27-265  
25 (obstruction to driver's view or driver mechanism), 27-267  
26 (dimming of headlights), 27-268 (unattended motor

1 vehicle), 27-272 (illegal funeral procession), 27-273  
2 (funeral procession on boulevard), 27-275 (driving freight  
3 hauling vehicles on boulevard), 27-276 (stopping and  
4 standing of buses or taxicabs), 27-277 (cruising of public  
5 passenger vehicles), 27-305 (parallel parking), 27-306  
6 (diagonal parking), 27-307 (parking not to obstruct  
7 traffic), 27-308 (stopping, standing or parking  
8 regulated), 27-311 (parking regulations), 27-312 (parking  
9 regulations), 27-313 (parking regulations), 27-314  
10 (parking regulations), 27-315 (parking regulations),  
11 27-316 (parking regulations), 27-317 (parking  
12 regulations), 27-318 (parking regulations), 27-319  
13 (parking regulations), 27-320 (parking regulations),  
14 27-321 (parking regulations), 27-322 (parking  
15 regulations), 27-324 (loading and unloading at an angle),  
16 27-333 (wheel and axle loads), 27-334 (load restrictions in  
17 the downtown district), 27-335 (load restrictions in  
18 residential areas), 27-338 (width of vehicles), 27-339  
19 (height of vehicles), 27-340 (length of vehicles), 27-352  
20 (reflectors on trailers), 27-353 (mufflers), 27-354  
21 (display of plates), 27-355 (display of city vehicle tax  
22 sticker), 27-357 (identification of vehicles), 27-358  
23 (projecting of loads), and also excepting the following  
24 enumerated paragraphs of Section 2-201 of the Rules and  
25 Regulations of the Illinois State Toll Highway Authority:  
26 (l) (driving unsafe vehicle on tollway), (m) (vehicles

1 transporting dangerous cargo not properly indicated), it  
2 shall be the duty of the clerk of the court in which such  
3 conviction is had within 5 days thereafter to forward to  
4 the Secretary of State a report of the conviction and the  
5 court may recommend the suspension of the driver's license  
6 or permit of the person so convicted.

7 The reporting requirements of this subsection shall  
8 apply to all violations stated in paragraphs (1) and (2) of  
9 this subsection when the individual has been adjudicated  
10 under the Juvenile Court Act or the Juvenile Court Act of  
11 1987. Such reporting requirements shall also apply to  
12 individuals adjudicated under the Juvenile Court Act or the  
13 Juvenile Court Act of 1987 who have committed a violation  
14 of Section 11-501 of this Code, or similar provision of a  
15 local ordinance, or Section 9-3 of the Criminal Code of  
16 1961 or the Criminal Code of 2012, relating to the offense  
17 of reckless homicide, or Section 5-7 of the Snowmobile  
18 Registration and Safety Act or Section 5-16 of the Boat  
19 Registration and Safety Act, relating to the offense of  
20 operating a snowmobile or a watercraft while under the  
21 influence of alcohol, other drug or drugs, intoxicating  
22 compound or compounds, or combination thereof. These  
23 reporting requirements also apply to individuals  
24 adjudicated under the Juvenile Court Act of 1987 based on  
25 any offense determined to have been committed in  
26 furtherance of the criminal activities of an organized

1 gang, as provided in Section 5-710 of that Act, if those  
2 activities involved the operation or use of a motor  
3 vehicle. It shall be the duty of the clerk of the court in  
4 which adjudication is had within 5 days thereafter to  
5 forward to the Secretary of State a report of the  
6 adjudication and the court order requiring the Secretary of  
7 State to suspend the minor's driver's license and driving  
8 privilege for such time as determined by the court, but  
9 only until he or she attains the age of 18 years. All  
10 juvenile court dispositions reported to the Secretary of  
11 State under this provision shall be processed by the  
12 Secretary of State as if the cases had been adjudicated in  
13 traffic or criminal court. However, information reported  
14 relative to the offense of reckless homicide, or Section  
15 11-501 of this Code, or a similar provision of a local  
16 ordinance, shall be privileged and available only to the  
17 Secretary of State, courts, and police officers.

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

25 (3) Whenever an order is entered vacating the  
26 conditions of pretrial release ~~forfeiture of any bail,~~



1 ~~security or bond~~ given to secure appearance for any offense  
2 under this Code or similar offenses under municipal  
3 ordinance, it shall be the duty of the clerk of the court  
4 in which such vacation was had or the judge of such court  
5 if such court has no clerk, within 5 days thereafter to  
6 forward to the Secretary of State a report of the vacation.

7 (4) A report of any disposition of court supervision  
8 for a violation of Sections 6-303, 11-401, 11-501 or a  
9 similar provision of a local ordinance, 11-503, 11-504, and  
10 11-506 of this Code, Section 5-7 of the Snowmobile  
11 Registration and Safety Act, and Section 5-16 of the Boat  
12 Registration and Safety Act shall be forwarded to the  
13 Secretary of State. A report of any disposition of court  
14 supervision for a violation of an offense defined as a  
15 serious traffic violation in this Code or a similar  
16 provision of a local ordinance committed by a person under  
17 the age of 21 years shall be forwarded to the Secretary of  
18 State.

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

1 forwarding reports to the Supreme Court, reports of  
2 conviction under this Code and sentencing hearings under  
3 the Juvenile Court Act of 1987 in an electronic format or a  
4 computer processible medium may be forwarded to the  
5 Secretary of State by the Circuit Court Clerk in a form and  
6 format required by the Secretary of State and established  
7 by written agreement between the Circuit Court Clerk and  
8 the Secretary of State. Failure to forward the reports of  
9 conviction or sentencing hearing under the Juvenile Court  
10 Act of 1987 as required by this Section shall be deemed an  
11 omission of duty and it shall be the duty of the several  
12 State's Attorneys to enforce the requirements of this  
13 Section.

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

21 (c) For the purposes of this Code, a violation of the  
22 conditions of pretrial release ~~forfeiture of bail or collateral~~  
23 ~~deposited to secure a defendant's appearance in court~~ when the  
24 conditions of pretrial release have ~~forfeiture has~~ not been  
25 vacated, or the failure of a defendant to appear for trial  
26 after depositing his driver's license in lieu of other bail,

1 shall be equivalent to a conviction.

2 (d) For the purpose of providing the Secretary of State  
3 with records necessary to properly monitor and assess driver  
4 performance and assist the courts in the proper disposition of  
5 repeat traffic law offenders, the clerk of the court shall  
6 forward to the Secretary of State, on a form prescribed by the  
7 Secretary, records of a driver's participation in a driver  
8 remedial or rehabilitative program which was required, through  
9 a court order or court supervision, in relation to the driver's  
10 arrest for a violation of Section 11-501 of this Code or a  
11 similar provision of a local ordinance. The clerk of the court  
12 shall also forward to the Secretary, either on paper or in an  
13 electronic format or a computer processible medium as required  
14 under paragraph (5) of subsection (a) of this Section, any  
15 disposition of court supervision for any traffic violation,  
16 excluding those offenses listed in paragraph (2) of subsection  
17 (a) of this Section. These reports shall be sent within 5 days  
18 after disposition, or, if the driver is referred to a driver  
19 remedial or rehabilitative program, within 5 days of the  
20 driver's referral to that program. These reports received by  
21 the Secretary of State, including those required to be  
22 forwarded under paragraph (a)(4), shall be privileged  
23 information, available only (i) to the affected driver, (ii) to  
24 the parent or guardian of a person under the age of 18 years  
25 holding an instruction permit or a graduated driver's license,  
26 and (iii) for use by the courts, police officers, prosecuting

1 authorities, the Secretary of State, and the driver licensing  
2 administrator of any other state. In accordance with 49 C.F.R.  
3 Part 384, all reports of court supervision, except violations  
4 related to parking, shall be forwarded to the Secretary of  
5 State for all holders of a CLP or CDL or any driver who commits  
6 an offense while driving a commercial motor vehicle. These  
7 reports shall be recorded to the driver's record as a  
8 conviction for use in the disqualification of the driver's  
9 commercial motor vehicle privileges and shall not be privileged  
10 information.

11 (Source: P.A. 100-74, eff. 8-11-17; 101-623, eff. 7-1-20.)

12 (625 ILCS 5/6-206)

13 (Text of Section before amendment by P.A. 101-90, 101-470,  
14 and 101-623)

15 Sec. 6-206. Discretionary authority to suspend or revoke  
16 license or permit; right to a hearing.

17 (a) The Secretary of State is authorized to suspend or  
18 revoke the driving privileges of any person without preliminary  
19 hearing upon a showing of the person's records or other  
20 sufficient evidence that the person:

21 1. Has committed an offense for which mandatory  
22 revocation of a driver's license or permit is required upon  
23 conviction;

24 2. Has been convicted of not less than 3 offenses  
25 against traffic regulations governing the movement of

1 vehicles committed within any 12-month ~~12-month~~ period. No  
2 revocation or suspension shall be entered more than 6  
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in motor  
5 vehicle collisions or has been repeatedly convicted of  
6 offenses against laws and ordinances regulating the  
7 movement of traffic, to a degree that indicates lack of  
8 ability to exercise ordinary and reasonable care in the  
9 safe operation of a motor vehicle or disrespect for the  
10 traffic laws and the safety of other persons upon the  
11 highway;

12 4. Has by the unlawful operation of a motor vehicle  
13 caused or contributed to an accident resulting in injury  
14 requiring immediate professional treatment in a medical  
15 facility or doctor's office to any person, except that any  
16 suspension or revocation imposed by the Secretary of State  
17 under the provisions of this subsection shall start no  
18 later than 6 months after being convicted of violating a  
19 law or ordinance regulating the movement of traffic, which  
20 violation is related to the accident, or shall start not  
21 more than one year after the date of the accident,  
22 whichever date occurs later;

23 5. Has permitted an unlawful or fraudulent use of a  
24 driver's license, identification card, or permit;

25 6. Has been lawfully convicted of an offense or  
26 offenses in another state, including the authorization

1 contained in Section 6-203.1, which if committed within  
2 this State would be grounds for suspension or revocation;

3 7. Has refused or failed to submit to an examination  
4 provided for by Section 6-207 or has failed to pass the  
5 examination;

6 8. Is ineligible for a driver's license or permit under  
7 the provisions of Section 6-103;

8 9. Has made a false statement or knowingly concealed a  
9 material fact or has used false information or  
10 identification in any application for a license,  
11 identification card, or permit;

12 10. Has possessed, displayed, or attempted to  
13 fraudulently use any license, identification card, or  
14 permit not issued to the person;

15 11. Has operated a motor vehicle upon a highway of this  
16 State when the person's driving privilege or privilege to  
17 obtain a driver's license or permit was revoked or  
18 suspended unless the operation was authorized by a  
19 monitoring device driving permit, judicial driving permit  
20 issued prior to January 1, 2009, probationary license to  
21 drive, or a restricted driving permit issued under this  
22 Code;

23 12. Has submitted to any portion of the application  
24 process for another person or has obtained the services of  
25 another person to submit to any portion of the application  
26 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

2 13. Has operated a motor vehicle upon a highway of this  
3 State when the person's driver's license or permit was  
4 invalid under the provisions of Sections 6-107.1 and 6-110;

5 14. Has committed a violation of Section 6-301,  
6 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
7 14B of the Illinois Identification Card Act;

8 15. Has been convicted of violating Section 21-2 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012 relating  
10 to criminal trespass to vehicles in which case, the  
11 suspension shall be for one year;

12 16. Has been convicted of violating Section 11-204 of  
13 this Code relating to fleeing from a peace officer;

14 17. Has refused to submit to a test, or tests, as  
15 required under Section 11-501.1 of this Code and the person  
16 has not sought a hearing as provided for in Section  
17 11-501.1;

18 18. Has, since issuance of a driver's license or  
19 permit, been adjudged to be afflicted with or suffering  
20 from any mental disability or disease;

21 19. Has committed a violation of paragraph (a) or (b)  
22 of Section 6-101 relating to driving without a driver's  
23 license;

24 20. Has been convicted of violating Section 6-104  
25 relating to classification of driver's license;

26 21. Has been convicted of violating Section 11-402 of

1 this Code relating to leaving the scene of an accident  
2 resulting in damage to a vehicle in excess of \$1,000, in  
3 which case the suspension shall be for one year;

4 22. Has used a motor vehicle in violating paragraph  
5 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
6 the Criminal Code of 1961 or the Criminal Code of 2012  
7 relating to unlawful use of weapons, in which case the  
8 suspension shall be for one year;

9 23. Has, as a driver, been convicted of committing a  
10 violation of paragraph (a) of Section 11-502 of this Code  
11 for a second or subsequent time within one year of a  
12 similar violation;

13 24. Has been convicted by a court-martial or punished  
14 by non-judicial punishment by military authorities of the  
15 United States at a military installation in Illinois or in  
16 another state of or for a traffic-related ~~traffic-related~~  
17 offense that is the same as or similar to an offense  
18 specified under Section 6-205 or 6-206 of this Code;

19 25. Has permitted any form of identification to be used  
20 by another in the application process in order to obtain or  
21 attempt to obtain a license, identification card, or  
22 permit;

23 26. Has altered or attempted to alter a license or has  
24 possessed an altered license, identification card, or  
25 permit;

26 27. Has violated Section 6-16 of the Liquor Control Act



1 of 1934;

2 28. Has been convicted for a first time of the illegal  
3 possession, while operating or in actual physical control,  
4 as a driver, of a motor vehicle, of any controlled  
5 substance prohibited under the Illinois Controlled  
6 Substances Act, any cannabis prohibited under the Cannabis  
7 Control Act, or any methamphetamine prohibited under the  
8 Methamphetamine Control and Community Protection Act, in  
9 which case the person's driving privileges shall be  
10 suspended for one year. Any defendant found guilty of this  
11 offense while operating a motor vehicle, shall have an  
12 entry made in the court record by the presiding judge that  
13 this offense did occur while the defendant was operating a  
14 motor vehicle and order the clerk of the court to report  
15 the violation to the Secretary of State;

16 29. Has been convicted of the following offenses that  
17 were committed while the person was operating or in actual  
18 physical control, as a driver, of a motor vehicle: criminal  
19 sexual assault, predatory criminal sexual assault of a  
20 child, aggravated criminal sexual assault, criminal sexual  
21 abuse, aggravated criminal sexual abuse, juvenile pimping,  
22 soliciting for a juvenile prostitute, promoting juvenile  
23 prostitution as described in subdivision (a) (1), (a) (2),  
24 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961  
25 or the Criminal Code of 2012, and the manufacture, sale or  
26 delivery of controlled substances or instruments used for

1 illegal drug use or abuse in which case the driver's  
2 driving privileges shall be suspended for one year;

3 30. Has been convicted a second or subsequent time for  
4 any combination of the offenses named in paragraph 29 of  
5 this subsection, in which case the person's driving  
6 privileges shall be suspended for 5 years;

7 31. Has refused to submit to a test as required by  
8 Section 11-501.6 of this Code or Section 5-16c of the Boat  
9 Registration and Safety Act or has submitted to a test  
10 resulting in an alcohol concentration of 0.08 or more or  
11 any amount of a drug, substance, or compound resulting from  
12 the unlawful use or consumption of cannabis as listed in  
13 the Cannabis Control Act, a controlled substance as listed  
14 in the Illinois Controlled Substances Act, an intoxicating  
15 compound as listed in the Use of Intoxicating Compounds  
16 Act, or methamphetamine as listed in the Methamphetamine  
17 Control and Community Protection Act, in which case the  
18 penalty shall be as prescribed in Section 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 relating  
21 to the aggravated discharge of a firearm if the offender  
22 was located in a motor vehicle at the time the firearm was  
23 discharged, in which case the suspension shall be for 3  
24 years;

25 33. Has as a driver, who was less than 21 years of age  
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this Code  
2 or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of  
4 this Code or a similar provision of a local ordinance;

5 35. Has committed a violation of Section 11-1301.6 of  
6 this Code or a similar provision of a local ordinance;

7 36. Is under the age of 21 years at the time of arrest  
8 and has been convicted of not less than 2 offenses against  
9 traffic regulations governing the movement of vehicles  
10 committed within any 24-month ~~24-month~~ period. No  
11 revocation or suspension shall be entered more than 6  
12 months after the date of last conviction;

13 37. Has committed a violation of subsection (c) of  
14 Section 11-907 of this Code that resulted in damage to the  
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20  
17 of the Liquor Control Act of 1934 or a similar provision of  
18 a local ordinance;

19 39. Has committed a second or subsequent violation of  
20 Section 11-1201 of this Code;

21 40. Has committed a violation of subsection (a-1) of  
22 Section 11-908 of this Code;

23 41. Has committed a second or subsequent violation of  
24 Section 11-605.1 of this Code, a similar provision of a  
25 local ordinance, or a similar violation in any other state  
26 within 2 years of the date of the previous violation, in

1 which case the suspension shall be for 90 days;

2 42. Has committed a violation of subsection (a-1) of  
3 Section 11-1301.3 of this Code or a similar provision of a  
4 local ordinance;

5 43. Has received a disposition of court supervision for  
6 a violation of subsection (a), (d), or (e) of Section 6-20  
7 of the Liquor Control Act of 1934 or a similar provision of  
8 a local ordinance, in which case the suspension shall be  
9 for a period of 3 months;

10 44. Is under the age of 21 years at the time of arrest  
11 and has been convicted of an offense against traffic  
12 regulations governing the movement of vehicles after  
13 having previously had his or her driving privileges  
14 suspended or revoked pursuant to subparagraph 36 of this  
15 Section;

16 45. Has, in connection with or during the course of a  
17 formal hearing conducted under Section 2-118 of this Code:  
18 (i) committed perjury; (ii) submitted fraudulent or  
19 falsified documents; (iii) submitted documents that have  
20 been materially altered; or (iv) submitted, as his or her  
21 own, documents that were in fact prepared or composed for  
22 another person;

23 46. Has committed a violation of subsection (j) of  
24 Section 3-413 of this Code;

25 47. Has committed a violation of Section 11-502.1 of  
26 this Code; or

1           48. Has submitted a falsified or altered medical  
2           examiner's certificate to the Secretary of State or  
3           provided false information to obtain a medical examiner's  
4           certificate.

5           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
6           and 27 of this subsection, license means any driver's license,  
7           any traffic ticket issued when the person's driver's license is  
8           deposited in lieu of bail, a suspension notice issued by the  
9           Secretary of State, a duplicate or corrected driver's license,  
10          a probationary driver's license, or a temporary driver's  
11          license.

12          (b) If any conviction forming the basis of a suspension or  
13          revocation authorized under this Section is appealed, the  
14          Secretary of State may rescind or withhold the entry of the  
15          order of suspension or revocation, as the case may be, provided  
16          that a certified copy of a stay order of a court is filed with  
17          the Secretary of State. If the conviction is affirmed on  
18          appeal, the date of the conviction shall relate back to the  
19          time the original judgment of conviction was entered and the  
20          6-month ~~6-month~~ limitation prescribed shall not apply.

21          (c) 1. Upon suspending or revoking the driver's license or  
22          permit of any person as authorized in this Section, the  
23          Secretary of State shall immediately notify the person in  
24          writing of the revocation or suspension. The notice to be  
25          deposited in the United States mail, postage prepaid, to the  
26          last known address of the person.

1           2. If the Secretary of State suspends the driver's license  
2 of a person under subsection 2 of paragraph (a) of this  
3 Section, a person's privilege to operate a vehicle as an  
4 occupation shall not be suspended, provided an affidavit is  
5 properly completed, the appropriate fee received, and a permit  
6 issued prior to the effective date of the suspension, unless 5  
7 offenses were committed, at least 2 of which occurred while  
8 operating a commercial vehicle in connection with the driver's  
9 regular occupation. All other driving privileges shall be  
10 suspended by the Secretary of State. Any driver prior to  
11 operating a vehicle for occupational purposes only must submit  
12 the affidavit on forms to be provided by the Secretary of State  
13 setting forth the facts of the person's occupation. The  
14 affidavit shall also state the number of offenses committed  
15 while operating a vehicle in connection with the driver's  
16 regular occupation. The affidavit shall be accompanied by the  
17 driver's license. Upon receipt of a properly completed  
18 affidavit, the Secretary of State shall issue the driver a  
19 permit to operate a vehicle in connection with the driver's  
20 regular occupation only. Unless the permit is issued by the  
21 Secretary of State prior to the date of suspension, the  
22 privilege to drive any motor vehicle shall be suspended as set  
23 forth in the notice that was mailed under this Section. If an  
24 affidavit is received subsequent to the effective date of this  
25 suspension, a permit may be issued for the remainder of the  
26 suspension period.

1           The provisions of this subparagraph shall not apply to any  
2 driver required to possess a CDL for the purpose of operating a  
3 commercial motor vehicle.

4           Any person who falsely states any fact in the affidavit  
5 required herein shall be guilty of perjury under Section 6-302  
6 and upon conviction thereof shall have all driving privileges  
7 revoked without further rights.

8           3. At the conclusion of a hearing under Section 2-118 of  
9 this Code, the Secretary of State shall either rescind or  
10 continue an order of revocation or shall substitute an order of  
11 suspension; or, good cause appearing therefor, rescind,  
12 continue, change, or extend the order of suspension. If the  
13 Secretary of State does not rescind the order, the Secretary  
14 may upon application, to relieve undue hardship (as defined by  
15 the rules of the Secretary of State), issue a restricted  
16 driving permit granting the privilege of driving a motor  
17 vehicle between the petitioner's residence and petitioner's  
18 place of employment or within the scope of the petitioner's  
19 employment-related ~~employment-related~~ duties, or to allow the  
20 petitioner to transport himself or herself, or a family member  
21 of the petitioner's household to a medical facility, to receive  
22 necessary medical care, to allow the petitioner to transport  
23 himself or herself to and from alcohol or drug remedial or  
24 rehabilitative activity recommended by a licensed service  
25 provider, or to allow the petitioner to transport himself or  
26 herself or a family member of the petitioner's household to

1 classes, as a student, at an accredited educational  
2 institution, or to allow the petitioner to transport children,  
3 elderly persons, or persons with disabilities who do not hold  
4 driving privileges and are living in the petitioner's household  
5 to and from daycare. The petitioner must demonstrate that no  
6 alternative means of transportation is reasonably available  
7 and that the petitioner will not endanger the public safety or  
8 welfare.

9 (A) If a person's license or permit is revoked or  
10 suspended due to 2 or more convictions of violating Section  
11 11-501 of this Code or a similar provision of a local  
12 ordinance or a similar out-of-state offense, or Section 9-3  
13 of the Criminal Code of 1961 or the Criminal Code of 2012,  
14 where the use of alcohol or other drugs is recited as an  
15 element of the offense, or a similar out-of-state offense,  
16 or a combination of these offenses, arising out of separate  
17 occurrences, that person, if issued a restricted driving  
18 permit, may not operate a vehicle unless it has been  
19 equipped with an ignition interlock device as defined in  
20 Section 1-129.1.

21 (B) If a person's license or permit is revoked or  
22 suspended 2 or more times due to any combination of:

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense or Section  
26 9-3 of the Criminal Code of 1961 or the Criminal Code



1 of 2012, where the use of alcohol or other drugs is  
2 recited as an element of the offense, or a similar  
3 out-of-state offense; or

4 (ii) a statutory summary suspension or revocation  
5 under Section 11-501.1; or

6 (iii) a suspension under Section 6-203.1;

7 arising out of separate occurrences; that person, if issued  
8 a restricted driving permit, may not operate a vehicle  
9 unless it has been equipped with an ignition interlock  
10 device as defined in Section 1-129.1.

11 (B-5) If a person's license or permit is revoked or  
12 suspended due to a conviction for a violation of  
13 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
14 of Section 11-501 of this Code, or a similar provision of a  
15 local ordinance or similar out-of-state offense, that  
16 person, if issued a restricted driving permit, may not  
17 operate a vehicle unless it has been equipped with an  
18 ignition interlock device as defined in Section 1-129.1.

19 (C) The person issued a permit conditioned upon the use  
20 of an ignition interlock device must pay to the Secretary  
21 of State DUI Administration Fund an amount not to exceed  
22 \$30 per month. The Secretary shall establish by rule the  
23 amount and the procedures, terms, and conditions relating  
24 to these fees.

25 (D) If the restricted driving permit is issued for  
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an  
2 ignition interlock device does not apply to the operation  
3 of an occupational vehicle owned or leased by that person's  
4 employer when used solely for employment purposes. For any  
5 person who, within a 5-year period, is convicted of a  
6 second or subsequent offense under Section 11-501 of this  
7 Code, or a similar provision of a local ordinance or  
8 similar out-of-state offense, this employment exemption  
9 does not apply until either a one-year period has elapsed  
10 during which that person had his or her driving privileges  
11 revoked or a one-year period has elapsed during which that  
12 person had a restricted driving permit which required the  
13 use of an ignition interlock device on every motor vehicle  
14 owned or operated by that person.

15 (E) In each case the Secretary may issue a restricted  
16 driving permit for a period deemed appropriate, except that  
17 all permits shall expire no later than 2 years from the  
18 date of issuance. A restricted driving permit issued under  
19 this Section shall be subject to cancellation, revocation,  
20 and suspension by the Secretary of State in like manner and  
21 for like cause as a driver's license issued under this Code  
22 may be cancelled, revoked, or suspended; except that a  
23 conviction upon one or more offenses against laws or  
24 ordinances regulating the movement of traffic shall be  
25 deemed sufficient cause for the revocation, suspension, or  
26 cancellation of a restricted driving permit. The Secretary

1 of State may, as a condition to the issuance of a  
2 restricted driving permit, require the applicant to  
3 participate in a designated driver remedial or  
4 rehabilitative program. The Secretary of State is  
5 authorized to cancel a restricted driving permit if the  
6 permit holder does not successfully complete the program.

7 (F) A person subject to the provisions of paragraph 4  
8 of subsection (b) of Section 6-208 of this Code may make  
9 application for a restricted driving permit at a hearing  
10 conducted under Section 2-118 of this Code after the  
11 expiration of 5 years from the effective date of the most  
12 recent revocation or after 5 years from the date of release  
13 from a period of imprisonment resulting from a conviction  
14 of the most recent offense, whichever is later, provided  
15 the person, in addition to all other requirements of the  
16 Secretary, shows by clear and convincing evidence:

17 (i) a minimum of 3 years of uninterrupted  
18 abstinence from alcohol and the unlawful use or  
19 consumption of cannabis under the Cannabis Control  
20 Act, a controlled substance under the Illinois  
21 Controlled Substances Act, an intoxicating compound  
22 under the Use of Intoxicating Compounds Act, or  
23 methamphetamine under the Methamphetamine Control and  
24 Community Protection Act; and

25 (ii) the successful completion of any  
26 rehabilitative treatment and involvement in any

1 ongoing rehabilitative activity that may be  
2 recommended by a properly licensed service provider  
3 according to an assessment of the person's alcohol or  
4 drug use under Section 11-501.01 of this Code.

5 In determining whether an applicant is eligible for a  
6 restricted driving permit under this subparagraph (F), the  
7 Secretary may consider any relevant evidence, including,  
8 but not limited to, testimony, affidavits, records, and the  
9 results of regular alcohol or drug tests. Persons subject  
10 to the provisions of paragraph 4 of subsection (b) of  
11 Section 6-208 of this Code and who have been convicted of  
12 more than one violation of paragraph (3), paragraph (4), or  
13 paragraph (5) of subsection (a) of Section 11-501 of this  
14 Code shall not be eligible to apply for a restricted  
15 driving permit under this subparagraph (F).

16 A restricted driving permit issued under this  
17 subparagraph (F) shall provide that the holder may only  
18 operate motor vehicles equipped with an ignition interlock  
19 device as required under paragraph (2) of subsection (c) of  
20 Section 6-205 of this Code and subparagraph (A) of  
21 paragraph 3 of subsection (c) of this Section. The  
22 Secretary may revoke a restricted driving permit or amend  
23 the conditions of a restricted driving permit issued under  
24 this subparagraph (F) if the holder operates a vehicle that  
25 is not equipped with an ignition interlock device, or for  
26 any other reason authorized under this Code.

1           A restricted driving permit issued under this  
2           subparagraph (F) shall be revoked, and the holder barred  
3           from applying for or being issued a restricted driving  
4           permit in the future, if the holder is convicted of a  
5           violation of Section 11-501 of this Code, a similar  
6           provision of a local ordinance, or a similar offense in  
7           another state.

8           (c-3) In the case of a suspension under paragraph 43 of  
9           subsection (a), reports received by the Secretary of State  
10          under this Section shall, except during the actual time the  
11          suspension is in effect, be privileged information and for use  
12          only by the courts, police officers, prosecuting authorities,  
13          the driver licensing administrator of any other state, the  
14          Secretary of State, or the parent or legal guardian of a driver  
15          under the age of 18. However, beginning January 1, 2008, if the  
16          person is a CDL holder, the suspension shall also be made  
17          available to the driver licensing administrator of any other  
18          state, the U.S. Department of Transportation, and the affected  
19          driver or motor carrier or prospective motor carrier upon  
20          request.

21          (c-4) In the case of a suspension under paragraph 43 of  
22          subsection (a), the Secretary of State shall notify the person  
23          by mail that his or her driving privileges and driver's license  
24          will be suspended one month after the date of the mailing of  
25          the notice.

26          (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant  
2 whose driver's license or permit has been suspended before he  
3 or she reached the age of 21 years pursuant to any of the  
4 provisions of this Section, require the applicant to  
5 participate in a driver remedial education course and be  
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the Driver  
8 ~~Drivers~~ License Compact.

9 (e) The Secretary of State shall not issue a restricted  
10 driving permit to a person under the age of 16 years whose  
11 driving privileges have been suspended or revoked under any  
12 provisions of this Code.

13 (f) In accordance with 49 C.F.R. 384, the Secretary of  
14 State may not issue a restricted driving permit for the  
15 operation of a commercial motor vehicle to a person holding a  
16 CDL whose driving privileges have been suspended, revoked,  
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;  
19 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;  
20 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

21 (Text of Section after amendment by P.A. 101-90, 101-470,  
22 and 101-623)

23 Sec. 6-206. Discretionary authority to suspend or revoke  
24 license or permit; right to a hearing.

25 (a) The Secretary of State is authorized to suspend or

1 revoke the driving privileges of any person without preliminary  
2 hearing upon a showing of the person's records or other  
3 sufficient evidence that the person:

4 1. Has committed an offense for which mandatory  
5 revocation of a driver's license or permit is required upon  
6 conviction;

7 2. Has been convicted of not less than 3 offenses  
8 against traffic regulations governing the movement of  
9 vehicles committed within any 12-month ~~12-month~~ period. No  
10 revocation or suspension shall be entered more than 6  
11 months after the date of last conviction;

12 3. Has been repeatedly involved as a driver in motor  
13 vehicle collisions or has been repeatedly convicted of  
14 offenses against laws and ordinances regulating the  
15 movement of traffic, to a degree that indicates lack of  
16 ability to exercise ordinary and reasonable care in the  
17 safe operation of a motor vehicle or disrespect for the  
18 traffic laws and the safety of other persons upon the  
19 highway;

20 4. Has by the unlawful operation of a motor vehicle  
21 caused or contributed to an accident resulting in injury  
22 requiring immediate professional treatment in a medical  
23 facility or doctor's office to any person, except that any  
24 suspension or revocation imposed by the Secretary of State  
25 under the provisions of this subsection shall start no  
26 later than 6 months after being convicted of violating a

1 law or ordinance regulating the movement of traffic, which  
2 violation is related to the accident, or shall start not  
3 more than one year after the date of the accident,  
4 whichever date occurs later;

5 5. Has permitted an unlawful or fraudulent use of a  
6 driver's license, identification card, or permit;

7 6. Has been lawfully convicted of an offense or  
8 offenses in another state, including the authorization  
9 contained in Section 6-203.1, which if committed within  
10 this State would be grounds for suspension or revocation;

11 7. Has refused or failed to submit to an examination  
12 provided for by Section 6-207 or has failed to pass the  
13 examination;

14 8. Is ineligible for a driver's license or permit under  
15 the provisions of Section 6-103;

16 9. Has made a false statement or knowingly concealed a  
17 material fact or has used false information or  
18 identification in any application for a license,  
19 identification card, or permit;

20 10. Has possessed, displayed, or attempted to  
21 fraudulently use any license, identification card, or  
22 permit not issued to the person;

23 11. Has operated a motor vehicle upon a highway of this  
24 State when the person's driving privilege or privilege to  
25 obtain a driver's license or permit was revoked or  
26 suspended unless the operation was authorized by a



1 monitoring device driving permit, judicial driving permit  
2 issued prior to January 1, 2009, probationary license to  
3 drive, or ~~a~~ restricted driving permit issued under this  
4 Code;

5 12. Has submitted to any portion of the application  
6 process for another person or has obtained the services of  
7 another person to submit to any portion of the application  
8 process for the purpose of obtaining a license,  
9 identification card, or permit for some other person;

10 13. Has operated a motor vehicle upon a highway of this  
11 State when the person's driver's license or permit was  
12 invalid under the provisions of Sections 6-107.1 and 6-110;

13 14. Has committed a violation of Section 6-301,  
14 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
15 14B of the Illinois Identification Card Act;

16 15. Has been convicted of violating Section 21-2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 relating  
18 to criminal trespass to vehicles if the person exercised  
19 actual physical control over the vehicle during the  
20 commission of the offense, in which case the suspension  
21 shall be for one year;

22 16. Has been convicted of violating Section 11-204 of  
23 this Code relating to fleeing from a peace officer;

24 17. Has refused to submit to a test, or tests, as  
25 required under Section 11-501.1 of this Code and the person  
26 has not sought a hearing as provided for in Section

1 11-501.1;

2 18. (Blank);

3 19. Has committed a violation of paragraph (a) or (b)  
4 of Section 6-101 relating to driving without a driver's  
5 license;

6 20. Has been convicted of violating Section 6-104  
7 relating to classification of driver's license;

8 21. Has been convicted of violating Section 11-402 of  
9 this Code relating to leaving the scene of an accident  
10 resulting in damage to a vehicle in excess of \$1,000, in  
11 which case the suspension shall be for one year;

12 22. Has used a motor vehicle in violating paragraph  
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
14 the Criminal Code of 1961 or the Criminal Code of 2012  
15 relating to unlawful use of weapons, in which case the  
16 suspension shall be for one year;

17 23. Has, as a driver, been convicted of committing a  
18 violation of paragraph (a) of Section 11-502 of this Code  
19 for a second or subsequent time within one year of a  
20 similar violation;

21 24. Has been convicted by a court-martial or punished  
22 by non-judicial punishment by military authorities of the  
23 United States at a military installation in Illinois or in  
24 another state of or for a traffic-related ~~traffic-related~~  
25 offense that is the same as or similar to an offense  
26 specified under Section 6-205 or 6-206 of this Code;

1           25. Has permitted any form of identification to be used  
2 by another in the application process in order to obtain or  
3 attempt to obtain a license, identification card, or  
4 permit;

5           26. Has altered or attempted to alter a license or has  
6 possessed an altered license, identification card, or  
7 permit;

8           27. (Blank);

9           28. Has been convicted for a first time of the illegal  
10 possession, while operating or in actual physical control,  
11 as a driver, of a motor vehicle, of any controlled  
12 substance prohibited under the Illinois Controlled  
13 Substances Act, any cannabis prohibited under the Cannabis  
14 Control Act, or any methamphetamine prohibited under the  
15 Methamphetamine Control and Community Protection Act, in  
16 which case the person's driving privileges shall be  
17 suspended for one year. Any defendant found guilty of this  
18 offense while operating a motor vehicle, shall have an  
19 entry made in the court record by the presiding judge that  
20 this offense did occur while the defendant was operating a  
21 motor vehicle and order the clerk of the court to report  
22 the violation to the Secretary of State;

23           29. Has been convicted of the following offenses that  
24 were committed while the person was operating or in actual  
25 physical control, as a driver, of a motor vehicle: criminal  
26 sexual assault, predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, criminal sexual  
2 abuse, aggravated criminal sexual abuse, juvenile pimping,  
3 soliciting for a juvenile prostitute, promoting juvenile  
4 prostitution as described in subdivision (a)(1), (a)(2),  
5 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
6 or the Criminal Code of 2012, and the manufacture, sale or  
7 delivery of controlled substances or instruments used for  
8 illegal drug use or abuse in which case the driver's  
9 driving privileges shall be suspended for one year;

10 30. Has been convicted a second or subsequent time for  
11 any combination of the offenses named in paragraph 29 of  
12 this subsection, in which case the person's driving  
13 privileges shall be suspended for 5 years;

14 31. Has refused to submit to a test as required by  
15 Section 11-501.6 of this Code or Section 5-16c of the Boat  
16 Registration and Safety Act or has submitted to a test  
17 resulting in an alcohol concentration of 0.08 or more or  
18 any amount of a drug, substance, or compound resulting from  
19 the unlawful use or consumption of cannabis as listed in  
20 the Cannabis Control Act, a controlled substance as listed  
21 in the Illinois Controlled Substances Act, an intoxicating  
22 compound as listed in the Use of Intoxicating Compounds  
23 Act, or methamphetamine as listed in the Methamphetamine  
24 Control and Community Protection Act, in which case the  
25 penalty shall be as prescribed in Section 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating  
2 to the aggravated discharge of a firearm if the offender  
3 was located in a motor vehicle at the time the firearm was  
4 discharged, in which case the suspension shall be for 3  
5 years;

6 33. Has as a driver, who was less than 21 years of age  
7 on the date of the offense, been convicted a first time of  
8 a violation of paragraph (a) of Section 11-502 of this Code  
9 or a similar provision of a local ordinance;

10 34. Has committed a violation of Section 11-1301.5 of  
11 this Code or a similar provision of a local ordinance;

12 35. Has committed a violation of Section 11-1301.6 of  
13 this Code or a similar provision of a local ordinance;

14 36. Is under the age of 21 years at the time of arrest  
15 and has been convicted of not less than 2 offenses against  
16 traffic regulations governing the movement of vehicles  
17 committed within any 24-month ~~24-month~~ period. No  
18 revocation or suspension shall be entered more than 6  
19 months after the date of last conviction;

20 37. Has committed a violation of subsection (c) of  
21 Section 11-907 of this Code that resulted in damage to the  
22 property of another or the death or injury of another;

23 38. Has been convicted of a violation of Section 6-20  
24 of the Liquor Control Act of 1934 or a similar provision of  
25 a local ordinance and the person was an occupant of a motor  
26 vehicle at the time of the violation;

1           39. Has committed a second or subsequent violation of  
2 Section 11-1201 of this Code;

3           40. Has committed a violation of subsection (a-1) of  
4 Section 11-908 of this Code;

5           41. Has committed a second or subsequent violation of  
6 Section 11-605.1 of this Code, a similar provision of a  
7 local ordinance, or a similar violation in any other state  
8 within 2 years of the date of the previous violation, in  
9 which case the suspension shall be for 90 days;

10           42. Has committed a violation of subsection (a-1) of  
11 Section 11-1301.3 of this Code or a similar provision of a  
12 local ordinance;

13           43. Has received a disposition of court supervision for  
14 a violation of subsection (a), (d), or (e) of Section 6-20  
15 of the Liquor Control Act of 1934 or a similar provision of  
16 a local ordinance and the person was an occupant of a motor  
17 vehicle at the time of the violation, in which case the  
18 suspension shall be for a period of 3 months;

19           44. Is under the age of 21 years at the time of arrest  
20 and has been convicted of an offense against traffic  
21 regulations governing the movement of vehicles after  
22 having previously had his or her driving privileges  
23 suspended or revoked pursuant to subparagraph 36 of this  
24 Section;

25           45. Has, in connection with or during the course of a  
26 formal hearing conducted under Section 2-118 of this Code:

1 (i) committed perjury; (ii) submitted fraudulent or  
2 falsified documents; (iii) submitted documents that have  
3 been materially altered; or (iv) submitted, as his or her  
4 own, documents that were in fact prepared or composed for  
5 another person;

6 46. Has committed a violation of subsection (j) of  
7 Section 3-413 of this Code;

8 47. Has committed a violation of subsection (a) of  
9 Section 11-502.1 of this Code;

10 48. Has submitted a falsified or altered medical  
11 examiner's certificate to the Secretary of State or  
12 provided false information to obtain a medical examiner's  
13 certificate; ~~or~~

14 49. Has committed a violation of subsection (b-5) of  
15 Section 12-610.2 that resulted in great bodily harm,  
16 permanent disability, or disfigurement, in which case the  
17 driving privileges shall be suspended for 12 months; or-

18 50. ~~49.~~ Has been convicted of a violation of Section  
19 11-1002 or 11-1002.5 that resulted in a Type A injury to  
20 another, in which case the person's driving privileges  
21 shall be suspended for 12 months.

22 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
23 and 27 of this subsection, license means any driver's license,  
24 any traffic ticket issued when the person's driver's license is  
25 deposited in lieu of bail, a suspension notice issued by the  
26 Secretary of State, a duplicate or corrected driver's license,

1 a probationary driver's license, or a temporary driver's  
2 license.

3 (b) If any conviction forming the basis of a suspension or  
4 revocation authorized under this Section is appealed, the  
5 Secretary of State may rescind or withhold the entry of the  
6 order of suspension or revocation, as the case may be, provided  
7 that a certified copy of a stay order of a court is filed with  
8 the Secretary of State. If the conviction is affirmed on  
9 appeal, the date of the conviction shall relate back to the  
10 time the original judgment of conviction was entered and the  
11 6-month ~~6-month~~ limitation prescribed shall not apply.

12 (c) 1. Upon suspending or revoking the driver's license or  
13 permit of any person as authorized in this Section, the  
14 Secretary of State shall immediately notify the person in  
15 writing of the revocation or suspension. The notice to be  
16 deposited in the United States mail, postage prepaid, to the  
17 last known address of the person.

18 2. If the Secretary of State suspends the driver's license  
19 of a person under subsection 2 of paragraph (a) of this  
20 Section, a person's privilege to operate a vehicle as an  
21 occupation shall not be suspended, provided an affidavit is  
22 properly completed, the appropriate fee received, and a permit  
23 issued prior to the effective date of the suspension, unless 5  
24 offenses were committed, at least 2 of which occurred while  
25 operating a commercial vehicle in connection with the driver's  
26 regular occupation. All other driving privileges shall be



1 suspended by the Secretary of State. Any driver prior to  
2 operating a vehicle for occupational purposes only must submit  
3 the affidavit on forms to be provided by the Secretary of State  
4 setting forth the facts of the person's occupation. The  
5 affidavit shall also state the number of offenses committed  
6 while operating a vehicle in connection with the driver's  
7 regular occupation. The affidavit shall be accompanied by the  
8 driver's license. Upon receipt of a properly completed  
9 affidavit, the Secretary of State shall issue the driver a  
10 permit to operate a vehicle in connection with the driver's  
11 regular occupation only. Unless the permit is issued by the  
12 Secretary of State prior to the date of suspension, the  
13 privilege to drive any motor vehicle shall be suspended as set  
14 forth in the notice that was mailed under this Section. If an  
15 affidavit is received subsequent to the effective date of this  
16 suspension, a permit may be issued for the remainder of the  
17 suspension period.

18 The provisions of this subparagraph shall not apply to any  
19 driver required to possess a CDL for the purpose of operating a  
20 commercial motor vehicle.

21 Any person who falsely states any fact in the affidavit  
22 required herein shall be guilty of perjury under Section 6-302  
23 and upon conviction thereof shall have all driving privileges  
24 revoked without further rights.

25 3. At the conclusion of a hearing under Section 2-118 of  
26 this Code, the Secretary of State shall either rescind or

1 continue an order of revocation or shall substitute an order of  
2 suspension; or, good cause appearing therefor, rescind,  
3 continue, change, or extend the order of suspension. If the  
4 Secretary of State does not rescind the order, the Secretary  
5 may upon application, to relieve undue hardship (as defined by  
6 the rules of the Secretary of State), issue a restricted  
7 driving permit granting the privilege of driving a motor  
8 vehicle between the petitioner's residence and petitioner's  
9 place of employment or within the scope of the petitioner's  
10 employment-related ~~employment-related~~ duties, or to allow the  
11 petitioner to transport himself or herself, or a family member  
12 of the petitioner's household to a medical facility, to receive  
13 necessary medical care, to allow the petitioner to transport  
14 himself or herself to and from alcohol or drug remedial or  
15 rehabilitative activity recommended by a licensed service  
16 provider, or to allow the petitioner to transport himself or  
17 herself or a family member of the petitioner's household to  
18 classes, as a student, at an accredited educational  
19 institution, or to allow the petitioner to transport children,  
20 elderly persons, or persons with disabilities who do not hold  
21 driving privileges and are living in the petitioner's household  
22 to and from daycare. The petitioner must demonstrate that no  
23 alternative means of transportation is reasonably available  
24 and that the petitioner will not endanger the public safety or  
25 welfare.

26 (A) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section  
2 11-501 of this Code or a similar provision of a local  
3 ordinance or a similar out-of-state offense, or Section 9-3  
4 of the Criminal Code of 1961 or the Criminal Code of 2012,  
5 where the use of alcohol or other drugs is recited as an  
6 element of the offense, or a similar out-of-state offense,  
7 or a combination of these offenses, arising out of separate  
8 occurrences, that person, if issued a restricted driving  
9 permit, may not operate a vehicle unless it has been  
10 equipped with an ignition interlock device as defined in  
11 Section 1-129.1.

12 (B) If a person's license or permit is revoked or  
13 suspended 2 or more times due to any combination of:

14 (i) a single conviction of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense or Section  
17 9-3 of the Criminal Code of 1961 or the Criminal Code  
18 of 2012, where the use of alcohol or other drugs is  
19 recited as an element of the offense, or a similar  
20 out-of-state offense; or

21 (ii) a statutory summary suspension or revocation  
22 under Section 11-501.1; or

23 (iii) a suspension under Section 6-203.1;

24 arising out of separate occurrences; that person, if issued  
25 a restricted driving permit, may not operate a vehicle  
26 unless it has been equipped with an ignition interlock

1 device as defined in Section 1-129.1.

2 (B-5) If a person's license or permit is revoked or  
3 suspended due to a conviction for a violation of  
4 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
5 of Section 11-501 of this Code, or a similar provision of a  
6 local ordinance or similar out-of-state offense, that  
7 person, if issued a restricted driving permit, may not  
8 operate a vehicle unless it has been equipped with an  
9 ignition interlock device as defined in Section 1-129.1.

10 (C) The person issued a permit conditioned upon the use  
11 of an ignition interlock device must pay to the Secretary  
12 of State DUI Administration Fund an amount not to exceed  
13 \$30 per month. The Secretary shall establish by rule the  
14 amount and the procedures, terms, and conditions relating  
15 to these fees.

16 (D) If the restricted driving permit is issued for  
17 employment purposes, then the prohibition against  
18 operating a motor vehicle that is not equipped with an  
19 ignition interlock device does not apply to the operation  
20 of an occupational vehicle owned or leased by that person's  
21 employer when used solely for employment purposes. For any  
22 person who, within a 5-year period, is convicted of a  
23 second or subsequent offense under Section 11-501 of this  
24 Code, or a similar provision of a local ordinance or  
25 similar out-of-state offense, this employment exemption  
26 does not apply until either a one-year period has elapsed

1 during which that person had his or her driving privileges  
2 revoked or a one-year period has elapsed during which that  
3 person had a restricted driving permit which required the  
4 use of an ignition interlock device on every motor vehicle  
5 owned or operated by that person.

6 (E) In each case the Secretary may issue a restricted  
7 driving permit for a period deemed appropriate, except that  
8 all permits shall expire no later than 2 years from the  
9 date of issuance. A restricted driving permit issued under  
10 this Section shall be subject to cancellation, revocation,  
11 and suspension by the Secretary of State in like manner and  
12 for like cause as a driver's license issued under this Code  
13 may be cancelled, revoked, or suspended; except that a  
14 conviction upon one or more offenses against laws or  
15 ordinances regulating the movement of traffic shall be  
16 deemed sufficient cause for the revocation, suspension, or  
17 cancellation of a restricted driving permit. The Secretary  
18 of State may, as a condition to the issuance of a  
19 restricted driving permit, require the applicant to  
20 participate in a designated driver remedial or  
21 rehabilitative program. The Secretary of State is  
22 authorized to cancel a restricted driving permit if the  
23 permit holder does not successfully complete the program.

24 (F) A person subject to the provisions of paragraph 4  
25 of subsection (b) of Section 6-208 of this Code may make  
26 application for a restricted driving permit at a hearing

1 conducted under Section 2-118 of this Code after the  
2 expiration of 5 years from the effective date of the most  
3 recent revocation or after 5 years from the date of release  
4 from a period of imprisonment resulting from a conviction  
5 of the most recent offense, whichever is later, provided  
6 the person, in addition to all other requirements of the  
7 Secretary, shows by clear and convincing evidence:

8 (i) a minimum of 3 years of uninterrupted  
9 abstinence from alcohol and the unlawful use or  
10 consumption of cannabis under the Cannabis Control  
11 Act, a controlled substance under the Illinois  
12 Controlled Substances Act, an intoxicating compound  
13 under the Use of Intoxicating Compounds Act, or  
14 methamphetamine under the Methamphetamine Control and  
15 Community Protection Act; and

16 (ii) the successful completion of any  
17 rehabilitative treatment and involvement in any  
18 ongoing rehabilitative activity that may be  
19 recommended by a properly licensed service provider  
20 according to an assessment of the person's alcohol or  
21 drug use under Section 11-501.01 of this Code.

22 In determining whether an applicant is eligible for a  
23 restricted driving permit under this subparagraph (F), the  
24 Secretary may consider any relevant evidence, including,  
25 but not limited to, testimony, affidavits, records, and the  
26 results of regular alcohol or drug tests. Persons subject

1 to the provisions of paragraph 4 of subsection (b) of  
2 Section 6-208 of this Code and who have been convicted of  
3 more than one violation of paragraph (3), paragraph (4), or  
4 paragraph (5) of subsection (a) of Section 11-501 of this  
5 Code shall not be eligible to apply for a restricted  
6 driving permit under this subparagraph (F).

7 A restricted driving permit issued under this  
8 subparagraph (F) shall provide that the holder may only  
9 operate motor vehicles equipped with an ignition interlock  
10 device as required under paragraph (2) of subsection (c) of  
11 Section 6-205 of this Code and subparagraph (A) of  
12 paragraph 3 of subsection (c) of this Section. The  
13 Secretary may revoke a restricted driving permit or amend  
14 the conditions of a restricted driving permit issued under  
15 this subparagraph (F) if the holder operates a vehicle that  
16 is not equipped with an ignition interlock device, or for  
17 any other reason authorized under this Code.

18 A restricted driving permit issued under this  
19 subparagraph (F) shall be revoked, and the holder barred  
20 from applying for or being issued a restricted driving  
21 permit in the future, if the holder is convicted of a  
22 violation of Section 11-501 of this Code, a similar  
23 provision of a local ordinance, or a similar offense in  
24 another state.

25 (c-3) In the case of a suspension under paragraph 43 of  
26 subsection (a), reports received by the Secretary of State

1 under this Section shall, except during the actual time the  
2 suspension is in effect, be privileged information and for use  
3 only by the courts, police officers, prosecuting authorities,  
4 the driver licensing administrator of any other state, the  
5 Secretary of State, or the parent or legal guardian of a driver  
6 under the age of 18. However, beginning January 1, 2008, if the  
7 person is a CDL holder, the suspension shall also be made  
8 available to the driver licensing administrator of any other  
9 state, the U.S. Department of Transportation, and the affected  
10 driver or motor carrier or prospective motor carrier upon  
11 request.

12 (c-4) In the case of a suspension under paragraph 43 of  
13 subsection (a), the Secretary of State shall notify the person  
14 by mail that his or her driving privileges and driver's license  
15 will be suspended one month after the date of the mailing of  
16 the notice.

17 (c-5) The Secretary of State may, as a condition of the  
18 reissuance of a driver's license or permit to an applicant  
19 whose driver's license or permit has been suspended before he  
20 or she reached the age of 21 years pursuant to any of the  
21 provisions of this Section, require the applicant to  
22 participate in a driver remedial education course and be  
23 retested under Section 6-109 of this Code.

24 (d) This Section is subject to the provisions of the Driver  
25 ~~Drivers~~ License Compact.

26 (e) The Secretary of State shall not issue a restricted



1 driving permit to a person under the age of 16 years whose  
2 driving privileges have been suspended or revoked under any  
3 provisions of this Code.

4 (f) In accordance with 49 C.F.R. 384, the Secretary of  
5 State may not issue a restricted driving permit for the  
6 operation of a commercial motor vehicle to a person holding a  
7 CDL whose driving privileges have been suspended, revoked,  
8 cancelled, or disqualified under any provisions of this Code.

9 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;  
10 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-21-20.)

11 (625 ILCS 5/6-209.1)

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

14 (a) The Secretary shall rescind the suspension or  
15 cancellation of a person's driver's license that has been  
16 suspended or canceled before July 1, 2020 (the effective date  
17 of Public Act 101-623) ~~this amendatory Act of the 101st General~~  
18 ~~Assembly~~ due to:

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

22 (2) the person, since the issuance of the driver's  
23 license, being adjudged to be afflicted with or suffering  
24 from any mental disability or disease;

25 (3) a violation of Section 6-16 of the Liquor Control

1 Act of 1934 or a similar provision of a local ordinance;

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

8 (5) the person receiving a disposition of court  
9 supervision for a violation of subsection ~~subsections~~ (a),  
10 (d), or (e) of Section 6-20 of the Liquor Control Act of  
11 1934 or a similar provision of a local ordinance, if the  
12 person presents a certified copy of a court order that  
13 includes a finding that the person was not an occupant of a  
14 motor vehicle at the time of the violation;

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

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

24 (8) the person being convicted of a violation of  
25 Section 4-102 of this Code, if the person presents a  
26 certified copy of a court order that includes a finding

1 that the person did not exercise actual physical control of  
2 the vehicle at the time of the violation; or

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

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

19 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

20 (625 ILCS 5/6-308)

21 Sec. 6-308. Procedures for traffic violations.

22 (a) Any person cited for violating this Code or a similar  
23 provision of a local ordinance for which a violation is a petty  
24 offense as defined by Section 5-1-17 of the Unified Code of  
25 Corrections, excluding business offenses as defined by Section

1 5-1-2 of the Unified Code of Corrections or a violation of  
2 Section 15-111 or subsection (d) of Section 3-401 of this Code,  
3 shall not be required to sign the citation ~~or post bond to~~  
4 ~~secure bail~~ for his or her release. All other provisions of  
5 this Code or similar provisions of local ordinances shall be  
6 governed by the pretrial release ~~bail~~ provisions of the  
7 Illinois Supreme Court Rules when it is not practical or  
8 feasible to take the person before a judge to have conditions  
9 of pretrial release ~~bail~~ set or to avoid undue delay because of  
10 the hour or circumstances.

11 (b) Whenever a person fails to appear in court, the court  
12 may continue the case for a minimum of 30 days and the clerk of  
13 the court shall send notice of the continued court date to the  
14 person's last known address. If the person does not appear in  
15 court on or before the continued court date or satisfy the  
16 court that the person's appearance in and surrender to the  
17 court is impossible for no fault of the person, the court shall  
18 enter an order of failure to appear. The clerk of the court  
19 shall notify the Secretary of State, on a report prescribed by  
20 the Secretary, of the court's order. The Secretary, when  
21 notified by the clerk of the court that an order of failure to  
22 appear has been entered, shall immediately suspend the person's  
23 driver's license, which shall be designated by the Secretary as  
24 a Failure to Appear suspension. The Secretary shall not remove  
25 the suspension, nor issue any permit or privileges to the  
26 person whose license has been suspended, until notified by the

1 ordering court that the person has appeared and resolved the  
2 violation. Upon compliance, the clerk of the court shall  
3 present the person with a notice of compliance containing the  
4 seal of the court, and shall notify the Secretary that the  
5 person has appeared and resolved the violation.

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

11 (Source: P.A. 100-674, eff. 1-1-19.)

12 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

22 (A) the number of grams of alcohol per 210 liters of  
23 breath; or

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

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

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

7 (3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.3) CDLIS driver record. "CDLIS driver record" means the  
11 electronic record of the individual CDL driver's status and  
12 history stored by the State-of-Record as part of the Commercial  
13 Driver's License Information System, or CDLIS, established  
14 under 49 U.S.C. 31309.

15 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
16 record" or "CDLIS MVR" means a report generated from the CDLIS  
17 driver record meeting the requirements for access to CDLIS  
18 information and provided by states to users authorized in 49  
19 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the  
20 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

21 (5.7) Commercial driver's license downgrade. "Commercial  
22 driver's license downgrade" or "CDL downgrade" means either:

23 (A) a state allows the driver to change his or her  
24 self-certification to interstate, but operating  
25 exclusively in transportation or operation excepted from  
26 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),

1 391.2, 391.68, or 398.3;

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

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

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

12 (6) Commercial Motor Vehicle.

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

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

23 (i-5) has a gross vehicle weight rating or gross  
24 vehicle weight of 11,794 or more kilograms (26,001  
25 pounds or more), whichever is greater; or

26 (ii) is designed to transport 16 or more persons,

1 including the driver; or

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

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

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

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

19 (iii) firefighting, police, and other emergency  
20 equipment (including, without limitation, equipment  
21 owned or operated by a HazMat or technical rescue team  
22 authorized by a county board under Section 5-1127 of  
23 the Counties Code), with audible and visual signals,  
24 owned or operated by or for a governmental entity,  
25 which is necessary to the preservation of life or  
26 property or the execution of emergency governmental



1 functions which are normally not subject to general  
2 traffic rules and regulations.

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

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

22 (8.5) Day. "Day" means calendar day.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) (Blank).

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

6           (13.5) Driver applicant. "Driver applicant" means an  
7 individual who applies to a state or other jurisdiction to  
8 obtain, transfer, upgrade, or renew a CDL or to obtain or renew  
9 a CLP.

10          (13.8) Electronic device. "Electronic device" includes,  
11 but is not limited to, a cellular telephone, personal digital  
12 assistant, pager, computer, or any other device used to input,  
13 write, send, receive, or read text.

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

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

25          (15.1) Endorsement. "Endorsement" means an authorization  
26 to an individual's CLP or CDL required to permit the individual

1 to operate certain types of commercial motor vehicles.

2 (15.2) Entry-level driver training. "Entry-level driver  
3 training" means the training an entry-level driver receives  
4 from an entity listed on the Federal Motor Carrier Safety  
5 Administration's Training Provider Registry prior to: (i)  
6 taking the CDL skills test required to receive the Class A or  
7 Class B CDL for the first time; (ii) taking the CDL skills test  
8 required to upgrade to a Class A or Class B CDL; or (iii)  
9 taking the CDL skills test required to obtain a passenger or  
10 school bus endorsement for the first time or the CDL knowledge  
11 test required to obtain a hazardous materials endorsement for  
12 the first time.

13 (15.3) Excepted interstate. "Excepted interstate" means a  
14 person who operates or expects to operate in interstate  
15 commerce, but engages exclusively in transportation or  
16 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or  
17 398.3 from all or part of the qualification requirements of 49  
18 C.F.R. Part 391 and is not required to obtain a medical  
19 examiner's certificate by 49 C.F.R. 391.45.

20 (15.5) Excepted intrastate. "Excepted intrastate" means a  
21 person who operates in intrastate commerce but engages  
22 exclusively in transportation or operations excepted from all  
23 or parts of the state driver qualification requirements.

24 (16) (Blank).

25 (16.5) Fatality. "Fatality" means the death of a person as  
26 a result of a motor vehicle accident.

1           (16.7) Foreign commercial driver. "Foreign commercial  
2 driver" means a person licensed to operate a commercial motor  
3 vehicle by an authority outside the United States, or a citizen  
4 of a foreign country who operates a commercial motor vehicle in  
5 the United States.

6           (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
7 sovereign jurisdiction that does not fall within the definition  
8 of "State".

9           (18) (Blank).

10          (19) (Blank).

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

16          (20.5) Imminent Hazard. "Imminent hazard" means the  
17 existence of any condition of a vehicle, employee, or  
18 commercial motor vehicle operations that substantially  
19 increases the likelihood of serious injury or death if not  
20 discontinued immediately; or a condition relating to hazardous  
21 material that presents a substantial likelihood that death,  
22 serious illness, severe personal injury, or a substantial  
23 endangerment to health, property, or the environment may occur  
24 before the reasonably foreseeable completion date of a formal  
25 proceeding begun to lessen the risk of that death, illness,  
26 injury or endangerment.

1 (20.6) Issuance. "Issuance" means initial issuance,  
2 transfer, renewal, or upgrade of a CLP or CDL and non-domiciled  
3 CLP or CDL.

4 (20.7) Issue. "Issue" means initial issuance, transfer,  
5 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or  
6 non-domiciled CDL.

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

10 (21.01) Manual transmission. "Manual transmission" means a  
11 transmission utilizing a driver-operated clutch that is  
12 activated by a pedal or lever and a gear-shift mechanism  
13 operated either by hand or foot including those known as a  
14 stick shift, stick, straight drive, or standard transmission.  
15 All other transmissions, whether semi-automatic or automatic,  
16 shall be considered automatic for the purposes of the  
17 standardized restriction code.

18 (21.1) Medical examiner. "Medical examiner" means an  
19 individual certified by the Federal Motor Carrier Safety  
20 Administration and listed on the National Registry of Certified  
21 Medical Examiners in accordance with Federal Motor Carrier  
22 Safety Regulations, 49 CFR 390.101 et seq.

23 (21.2) Medical examiner's certificate. "Medical examiner's  
24 certificate" means either (1) prior to June 22, 2021, a  
25 document prescribed or approved by the Secretary of State that  
26 is issued by a medical examiner to a driver to medically

1 qualify him or her to drive; or (2) beginning June 22, 2021, an  
2 electronic submission of results of an examination conducted by  
3 a medical examiner listed on the National Registry of Certified  
4 Medical Examiners to the Federal Motor Carrier Safety  
5 Administration of a driver to medically qualify him or her to  
6 drive.

7 (21.5) Medical variance. "Medical variance" means a driver  
8 has received one of the following from the Federal Motor  
9 Carrier Safety Administration which allows the driver to be  
10 issued a medical certificate: (1) an exemption letter  
11 permitting operation of a commercial motor vehicle pursuant to  
12 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
13 skill performance evaluation (SPE) certificate permitting  
14 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
15 391.49.

16 (21.7) Mobile telephone. "Mobile telephone" means a mobile  
17 communication device that falls under or uses any commercial  
18 mobile radio service, as defined in regulations of the Federal  
19 Communications Commission, 47 CFR 20.3. It does not include  
20 two-way or citizens band radio services.

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

26 (22.2) Motor vehicle record. "Motor vehicle record" means a

1 report of the driving status and history of a driver generated  
2 from the driver record provided to users, such as drivers or  
3 employers, and is subject to the provisions of the Driver  
4 Privacy Protection Act, 18 U.S.C. 2721-2725.

5 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
6 combination of motor vehicles not defined by the term  
7 "commercial motor vehicle" or "CMV" in this Section.

8 (22.7) Non-excepted interstate. "Non-excepted interstate"  
9 means a person who operates or expects to operate in interstate  
10 commerce, is subject to and meets the qualification  
11 requirements under 49 C.F.R. Part 391, and is required to  
12 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

13 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
14 means a person who operates only in intrastate commerce and is  
15 subject to State driver qualification requirements.

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

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

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

26 (24) (Blank).

1 (25) (Blank).

2 (25.5) Railroad-Highway Grade Crossing Violation.

3 "Railroad-highway grade crossing violation" means a violation,  
4 while operating a commercial motor vehicle, of any of the  
5 following:

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

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

9 (25.7) School Bus. "School bus" means a commercial motor  
10 vehicle used to transport pre-primary, primary, or secondary  
11 school students from home to school, from school to home, or to  
12 and from school-sponsored events. "School bus" does not include  
13 a bus used as a common carrier.

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

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

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

22 (ii) a violation relating to reckless driving; or

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



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

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

6 (vi) a violation relating to improper or erratic  
7 traffic lane changes; or

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

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

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

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

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

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

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

1 device.

2 (1) Texting includes, but is not limited to, short  
3 message service, emailing, instant messaging, a command or  
4 request to access a World Wide Web page, pressing more than  
5 a single button to initiate or terminate a voice  
6 communication using a mobile telephone, or engaging in any  
7 other form of electronic text retrieval or entry for  
8 present or future communication.

9 (2) Texting does not include:

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

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

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

21 (32.3) Third party skills test examiner. "Third party  
22 skills test examiner" means a person employed by a third party  
23 tester who is authorized by the State to administer the CDL  
24 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

25 (32.5) Third party tester. "Third party tester" means a  
26 person (including, but not limited to, another state, a motor

1 carrier, a private driver training facility or other private  
2 institution, or a department, agency, or instrumentality of a  
3 local government) authorized by the State to employ skills test  
4 examiners to administer the CDL skills tests specified in 49  
5 C.F.R. Part 383, subparts G and H.

6 (32.7) United States. "United States" means the 50 states  
7 and the District of Columbia.

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

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

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

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

20 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

21 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

22 Sec. 6-601. Penalties.

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

1 a felony.

2 (b) General penalties. Unless another penalty is in this  
3 Code or other laws of this State, every person convicted of a  
4 petty offense for the violation of any provision of this  
5 Chapter shall be punished by a fine of not more than \$500.

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

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

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

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

21 If a licensee under this Code is convicted of violating  
22 Section 6-303 for operating a motor vehicle during a time when  
23 such licensee's driver's license was suspended under the  
24 provisions of Section 6-306.3 or 6-308, then such act shall be  
25 a petty offense (provided the licensee has answered the charge  
26 which was the basis of the suspension under Section 6-306.3 or

1 6-308), and there shall be imposed no additional like period of  
2 suspension as provided in paragraph (b) of Section 6-303.

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

14 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;  
15 98-1134, eff. 1-1-15.)

16 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

17 Sec. 11-208.3. Administrative adjudication of violations  
18 of traffic regulations concerning the standing, parking, or  
19 condition of vehicles, automated traffic law violations, and  
20 automated speed enforcement system violations.

21 (a) Any municipality or county may provide by ordinance for  
22 a system of administrative adjudication of vehicular standing  
23 and parking violations and vehicle compliance violations as  
24 described in this subsection, automated traffic law violations  
25 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and

1 automated speed enforcement system violations as defined in  
2 Section 11-208.8. The administrative system shall have as its  
3 purpose the fair and efficient enforcement of municipal or  
4 county regulations through the administrative adjudication of  
5 automated speed enforcement system or automated traffic law  
6 violations and violations of municipal or county ordinances  
7 regulating the standing and parking of vehicles, the condition  
8 and use of vehicle equipment, and the display of municipal or  
9 county wheel tax licenses within the municipality's or county's  
10 borders. The administrative system shall only have authority to  
11 adjudicate civil offenses carrying fines not in excess of \$500  
12 or requiring the completion of a traffic education program, or  
13 both, that occur after the effective date of the ordinance  
14 adopting such a system under this Section. For purposes of this  
15 Section, "compliance violation" means a violation of a  
16 municipal or county regulation governing the condition or use  
17 of equipment on a vehicle or governing the display of a  
18 municipal or county wheel tax license.

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

21 (1) A traffic compliance administrator authorized to  
22 adopt, distribute, and process parking, compliance, and  
23 automated speed enforcement system or automated traffic  
24 law violation notices and other notices required by this  
25 Section, collect money paid as fines and penalties for  
26 violation of parking and compliance ordinances and

1 automated speed enforcement system or automated traffic  
2 law violations, and operate an administrative adjudication  
3 system. ~~The traffic compliance administrator also may make~~  
4 ~~a certified report to the Secretary of State under Section~~  
5 ~~6-306.5.~~

6 (2) A parking, standing, compliance, automated speed  
7 enforcement system, or automated traffic law violation  
8 notice that shall specify or include the date, time, and  
9 place of violation of a parking, standing, compliance,  
10 automated speed enforcement system, or automated traffic  
11 law regulation; the particular regulation violated; any  
12 requirement to complete a traffic education program; the  
13 fine and any penalty that may be assessed for late payment  
14 or failure to complete a required traffic education  
15 program, or both, when so provided by ordinance; the  
16 vehicle make or a photograph of the vehicle; the state  
17 registration number of the vehicle; and the identification  
18 number of the person issuing the notice. With regard to  
19 automated speed enforcement system or automated traffic  
20 law violations, vehicle make shall be specified on the  
21 automated speed enforcement system or automated traffic  
22 law violation notice if the notice does not include a  
23 photograph of the vehicle and the make is available and  
24 readily discernible. With regard to municipalities or  
25 counties with a population of 1 million or more, it shall  
26 be grounds for dismissal of a parking violation if the

1 state registration number or vehicle make specified is  
2 incorrect. The violation notice shall state that the  
3 completion of any required traffic education program, the  
4 payment of any indicated fine, and the payment of any  
5 applicable penalty for late payment or failure to complete  
6 a required traffic education program, or both, shall  
7 operate as a final disposition of the violation. The notice  
8 also shall contain information as to the availability of a  
9 hearing in which the violation may be contested on its  
10 merits. The violation notice shall specify the time and  
11 manner in which a hearing may be had.

12 (3) Service of a parking, standing, or compliance  
13 violation notice by: (i) affixing the original or a  
14 facsimile of the notice to an unlawfully parked or standing  
15 vehicle; (ii) handing the notice to the operator of a  
16 vehicle if he or she is present; or (iii) mailing the  
17 notice to the address of the registered owner or lessee of  
18 the cited vehicle as recorded with the Secretary of State  
19 or the lessor of the motor vehicle within 30 days after the  
20 Secretary of State or the lessor of the motor vehicle  
21 notifies the municipality or county of the identity of the  
22 owner or lessee of the vehicle, but not later than 90 days  
23 after the date of the violation, except that in the case of  
24 a lessee of a motor vehicle, service of a parking,  
25 standing, or compliance violation notice may occur no later  
26 than 210 days after the violation; and service of an



1 automated speed enforcement system or automated traffic  
2 law violation notice by mail to the address of the  
3 registered owner or lessee of the cited vehicle as recorded  
4 with the Secretary of State or the lessor of the motor  
5 vehicle within 30 days after the Secretary of State or the  
6 lessor of the motor vehicle notifies the municipality or  
7 county of the identity of the owner or lessee of the  
8 vehicle, but not later than 90 days after the violation,  
9 except that in the case of a lessee of a motor vehicle,  
10 service of an automated traffic law violation notice may  
11 occur no later than 210 days after the violation. A person  
12 authorized by ordinance to issue and serve parking,  
13 standing, and compliance violation notices shall certify  
14 as to the correctness of the facts entered on the violation  
15 notice by signing his or her name to the notice at the time  
16 of service or, in the case of a notice produced by a  
17 computerized device, by signing a single certificate to be  
18 kept by the traffic compliance administrator attesting to  
19 the correctness of all notices produced by the device while  
20 it was under his or her control. In the case of an  
21 automated traffic law violation, the ordinance shall  
22 require a determination by a technician employed or  
23 contracted by the municipality or county that, based on  
24 inspection of recorded images, the motor vehicle was being  
25 operated in violation of Section 11-208.6, 11-208.9, or  
26 11-1201.1 or a local ordinance. If the technician

1 determines that the vehicle entered the intersection as  
2 part of a funeral procession or in order to yield the  
3 right-of-way to an emergency vehicle, a citation shall not  
4 be issued. In municipalities with a population of less than  
5 1,000,000 inhabitants and counties with a population of  
6 less than 3,000,000 inhabitants, the automated traffic law  
7 ordinance shall require that all determinations by a  
8 technician that a motor vehicle was being operated in  
9 violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a  
10 local ordinance must be reviewed and approved by a law  
11 enforcement officer or retired law enforcement officer of  
12 the municipality or county issuing the violation. In  
13 municipalities with a population of 1,000,000 or more  
14 inhabitants and counties with a population of 3,000,000 or  
15 more inhabitants, the automated traffic law ordinance  
16 shall require that all determinations by a technician that  
17 a motor vehicle was being operated in violation of Section  
18 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must  
19 be reviewed and approved by a law enforcement officer or  
20 retired law enforcement officer of the municipality or  
21 county issuing the violation or by an additional fully  
22 trained ~~fully-trained~~ reviewing technician who is not  
23 employed by the contractor who employs the technician who  
24 made the initial determination. In the case of an automated  
25 speed enforcement system violation, the ordinance shall  
26 require a determination by a technician employed by the

1 municipality, based upon an inspection of recorded images,  
2 video or other documentation, including documentation of  
3 the speed limit and automated speed enforcement signage,  
4 and documentation of the inspection, calibration, and  
5 certification of the speed equipment, that the vehicle was  
6 being operated in violation of Article VI of Chapter 11 of  
7 this Code or a similar local ordinance. If the technician  
8 determines that the vehicle speed was not determined by a  
9 calibrated, certified speed equipment device based upon  
10 the speed equipment documentation, or if the vehicle was an  
11 emergency vehicle, a citation may not be issued. The  
12 automated speed enforcement ordinance shall require that  
13 all determinations by a technician that a violation  
14 occurred be reviewed and approved by a law enforcement  
15 officer or retired law enforcement officer of the  
16 municipality issuing the violation or by an additional  
17 fully trained reviewing technician who is not employed by  
18 the contractor who employs the technician who made the  
19 initial determination. Routine and independent calibration  
20 of the speeds produced by automated speed enforcement  
21 systems and equipment shall be conducted annually by a  
22 qualified technician. Speeds produced by an automated  
23 speed enforcement system shall be compared with speeds  
24 produced by lidar or other independent equipment. Radar or  
25 lidar equipment shall undergo an internal validation test  
26 no less frequently than once each week. Qualified

1 technicians shall test loop-based ~~loop-based~~ equipment no  
2 less frequently than once a year. Radar equipment shall be  
3 checked for accuracy by a qualified technician when the  
4 unit is serviced, when unusual or suspect readings persist,  
5 or when deemed necessary by a reviewing technician. Radar  
6 equipment shall be checked with the internal frequency  
7 generator and the internal circuit test whenever the radar  
8 is turned on. Technicians must be alert for any unusual or  
9 suspect readings, and if unusual or suspect readings of a  
10 radar unit persist, that unit shall immediately be removed  
11 from service and not returned to service until it has been  
12 checked by a qualified technician and determined to be  
13 functioning properly. Documentation of the annual  
14 calibration results, including the equipment tested, test  
15 date, technician performing the test, and test results,  
16 shall be maintained and available for use in the  
17 determination of an automated speed enforcement system  
18 violation and issuance of a citation. The technician  
19 performing the calibration and testing of the automated  
20 speed enforcement equipment shall be trained and certified  
21 in the use of equipment for speed enforcement purposes.  
22 Training on the speed enforcement equipment may be  
23 conducted by law enforcement, civilian, or manufacturer's  
24 personnel and if applicable may be equivalent to the  
25 equipment use and operations training included in the Speed  
26 Measuring Device Operator Program developed by the

1 National Highway Traffic Safety Administration (NHTSA).  
2 The vendor or technician who performs the work shall keep  
3 accurate records on each piece of equipment the technician  
4 calibrates and tests. As used in this paragraph, "fully  
5 trained ~~fully trained~~ reviewing technician" means a person  
6 who has received at least 40 hours of supervised training  
7 in subjects which shall include image inspection and  
8 interpretation, the elements necessary to prove a  
9 violation, license plate identification, and traffic  
10 safety and management. In all municipalities and counties,  
11 the automated speed enforcement system or automated  
12 traffic law ordinance shall require that no additional fee  
13 shall be charged to the alleged violator for exercising his  
14 or her right to an administrative hearing, and persons  
15 shall be given at least 25 days following an administrative  
16 hearing to pay any civil penalty imposed by a finding that  
17 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a  
18 similar local ordinance has been violated. The original or  
19 a facsimile of the violation notice or, in the case of a  
20 notice produced by a computerized device, a printed record  
21 generated by the device showing the facts entered on the  
22 notice, shall be retained by the traffic compliance  
23 administrator, and shall be a record kept in the ordinary  
24 course of business. A parking, standing, compliance,  
25 automated speed enforcement system, or automated traffic  
26 law violation notice issued, signed, and served in

1 accordance with this Section, a copy of the notice, or the  
2 computer-generated ~~computer-generated~~ record shall be  
3 prima facie correct and shall be prima facie evidence of  
4 the correctness of the facts shown on the notice. The  
5 notice, copy, or computer-generated ~~computer-generated~~  
6 record shall be admissible in any subsequent  
7 administrative or legal proceedings.

8 (4) An opportunity for a hearing for the registered  
9 owner of the vehicle cited in the parking, standing,  
10 compliance, automated speed enforcement system, or  
11 automated traffic law violation notice in which the owner  
12 may contest the merits of the alleged violation, and during  
13 which formal or technical rules of evidence shall not  
14 apply; provided, however, that under Section 11-1306 of  
15 this Code the lessee of a vehicle cited in the violation  
16 notice likewise shall be provided an opportunity for a  
17 hearing of the same kind afforded the registered owner. The  
18 hearings shall be recorded, and the person conducting the  
19 hearing on behalf of the traffic compliance administrator  
20 shall be empowered to administer oaths and to secure by  
21 subpoena both the attendance and testimony of witnesses and  
22 the production of relevant books and papers. Persons  
23 appearing at a hearing under this Section may be  
24 represented by counsel at their expense. The ordinance may  
25 also provide for internal administrative review following  
26 the decision of the hearing officer.

1           (5) Service of additional notices, sent by first class  
2 United States mail, postage prepaid, to the address of the  
3 registered owner of the cited vehicle as recorded with the  
4 Secretary of State or, if any notice to that address is  
5 returned as undeliverable, to the last known address  
6 recorded in a United States Post Office approved database,  
7 or, under Section 11-1306 or subsection (p) of Section  
8 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
9 of this Code, to the lessee of the cited vehicle at the  
10 last address known to the lessor of the cited vehicle at  
11 the time of lease or, if any notice to that address is  
12 returned as undeliverable, to the last known address  
13 recorded in a United States Post Office approved database.  
14 The service shall be deemed complete as of the date of  
15 deposit in the United States mail. The notices shall be in  
16 the following sequence and shall include, but not be  
17 limited to the information specified herein:

18           (i) A second notice of parking, standing, or  
19 compliance violation if the first notice of the  
20 violation was issued by affixing the original or a  
21 facsimile of the notice to the unlawfully parked  
22 vehicle or by handing the notice to the operator. This  
23 notice shall specify or include the date and location  
24 of the violation cited in the parking, standing, or  
25 compliance violation notice, the particular regulation  
26 violated, the vehicle make or a photograph of the

1 vehicle, the state registration number of the vehicle,  
2 any requirement to complete a traffic education  
3 program, the fine and any penalty that may be assessed  
4 for late payment or failure to complete a traffic  
5 education program, or both, when so provided by  
6 ordinance, the availability of a hearing in which the  
7 violation may be contested on its merits, and the time  
8 and manner in which the hearing may be had. The notice  
9 of violation shall also state that failure to complete  
10 a required traffic education program, to pay the  
11 indicated fine and any applicable penalty, or to appear  
12 at a hearing on the merits in the time and manner  
13 specified, will result in a final determination of  
14 violation liability for the cited violation in the  
15 amount of the fine or penalty indicated, and that, upon  
16 the occurrence of a final determination of violation  
17 liability for the failure, and the exhaustion of, or  
18 failure to exhaust, available administrative or  
19 judicial procedures for review, any incomplete traffic  
20 education program or any unpaid fine or penalty, or  
21 both, will constitute a debt due and owing the  
22 municipality or county.

23 (ii) A notice of final determination of parking,  
24 standing, compliance, automated speed enforcement  
25 system, or automated traffic law violation liability.  
26 This notice shall be sent following a final



1 determination of parking, standing, compliance,  
2 automated speed enforcement system, or automated  
3 traffic law violation liability and the conclusion of  
4 judicial review procedures taken under this Section.  
5 The notice shall state that the incomplete traffic  
6 education program or the unpaid fine or penalty, or  
7 both, is a debt due and owing the municipality or  
8 county. The notice shall contain warnings that failure  
9 to complete any required traffic education program or  
10 to pay any fine or penalty due and owing the  
11 municipality or county, or both, within the time  
12 specified may result in the municipality's or county's  
13 filing of a petition in the Circuit Court to have the  
14 incomplete traffic education program or unpaid fine or  
15 penalty, or both, rendered a judgment as provided by  
16 this Section, or, where applicable, may result in  
17 suspension of the person's driver's ~~drivers~~ license  
18 for failure to complete a traffic education program ~~or~~  
19 ~~to pay fines or penalties, or both, for 5 or more~~  
20 ~~automated traffic law violations under Section~~  
21 ~~11-208.6 or 11-208.9 or automated speed enforcement~~  
22 ~~system violations under Section 11-208.8.~~

23 (6) A notice of impending driver's ~~drivers~~ license  
24 suspension. This notice shall be sent to the person liable  
25 for failure to complete a required traffic education  
26 program ~~or to pay any fine or penalty that remains due and~~

1 ~~owing, or both, on 5 or more unpaid automated speed~~  
2 ~~enforcement system or automated traffic law violations.~~

3 The notice shall state that failure to complete a required  
4 traffic education program ~~or to pay the fine or penalty~~  
5 ~~owing, or both,~~ within 45 days of the notice's date will  
6 result in the municipality or county notifying the  
7 Secretary of State that the person is eligible for  
8 initiation of suspension proceedings under Section 6-306.5  
9 of this Code. The notice shall also state that the person  
10 may obtain a photostatic copy of an original ticket  
11 imposing a fine or penalty by sending a self-addressed ~~self~~  
12 ~~addressed~~, stamped envelope to the municipality or county  
13 along with a request for the photostatic copy. The notice  
14 of impending driver's ~~drivers~~ license suspension shall be  
15 sent by first class United States mail, postage prepaid, to  
16 the address recorded with the Secretary of State or, if any  
17 notice to that address is returned as undeliverable, to the  
18 last known address recorded in a United States Post Office  
19 approved database.

20 (7) Final determinations of violation liability. A  
21 final determination of violation liability shall occur  
22 following failure to complete the required traffic  
23 education program or to pay the fine or penalty, or both,  
24 after a hearing officer's determination of violation  
25 liability and the exhaustion of or failure to exhaust any  
26 administrative review procedures provided by ordinance.

1 Where a person fails to appear at a hearing to contest the  
2 alleged violation in the time and manner specified in a  
3 prior mailed notice, the hearing officer's determination  
4 of violation liability shall become final: (A) upon denial  
5 of a timely petition to set aside that determination, or  
6 (B) upon expiration of the period for filing the petition  
7 without a filing having been made.

8 (8) A petition to set aside a determination of parking,  
9 standing, compliance, automated speed enforcement system,  
10 or automated traffic law violation liability that may be  
11 filed by a person owing an unpaid fine or penalty. A  
12 petition to set aside a determination of liability may also  
13 be filed by a person required to complete a traffic  
14 education program. The petition shall be filed with and  
15 ruled upon by the traffic compliance administrator in the  
16 manner and within the time specified by ordinance. The  
17 grounds for the petition may be limited to: (A) the person  
18 not having been the owner or lessee of the cited vehicle on  
19 the date the violation notice was issued, (B) the person  
20 having already completed the required traffic education  
21 program or paid the fine or penalty, or both, for the  
22 violation in question, and (C) excusable failure to appear  
23 at or request a new date for a hearing. With regard to  
24 municipalities or counties with a population of 1 million  
25 or more, it shall be grounds for dismissal of a parking  
26 violation if the state registration number or vehicle make,

1           only if specified in the violation notice, is incorrect.  
2           After the determination of parking, standing, compliance,  
3           automated speed enforcement system, or automated traffic  
4           law violation liability has been set aside upon a showing  
5           of just cause, the registered owner shall be provided with  
6           a hearing on the merits for that violation.

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

11          (10) A schedule of civil fines for violations of  
12          vehicular standing, parking, compliance, automated speed  
13          enforcement system, or automated traffic law regulations  
14          enacted by ordinance pursuant to this Section, and a  
15          schedule of penalties for late payment of the fines or  
16          failure to complete required traffic education programs,  
17          provided, however, that the total amount of the fine and  
18          penalty for any one violation shall not exceed \$250, except  
19          as provided in subsection (c) of Section 11-1301.3 of this  
20          Code.

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

24          (c) Any municipality or county establishing vehicular  
25          standing, parking, compliance, automated speed enforcement  
26          system, or automated traffic law regulations under this Section

1 may also provide by ordinance for a program of vehicle  
2 immobilization for the purpose of facilitating enforcement of  
3 those regulations. The program of vehicle immobilization shall  
4 provide for immobilizing any eligible vehicle upon the public  
5 way by presence of a restraint in a manner to prevent operation  
6 of the vehicle. Any ordinance establishing a program of vehicle  
7 immobilization under this Section shall provide:

8 (1) Criteria for the designation of vehicles eligible  
9 for immobilization. A vehicle shall be eligible for  
10 immobilization when the registered owner of the vehicle has  
11 accumulated the number of incomplete traffic education  
12 programs or unpaid final determinations of parking,  
13 standing, compliance, automated speed enforcement system,  
14 or automated traffic law violation liability, or both, as  
15 determined by ordinance.

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

23 (3) The right to a prompt hearing after a vehicle has  
24 been immobilized or subsequently towed without the  
25 completion of the required traffic education program or  
26 payment of the outstanding fines and penalties on parking,

1 standing, compliance, automated speed enforcement system,  
2 or automated traffic law violations, or both, for which  
3 final determinations have been issued. An order issued  
4 after the hearing is a final administrative decision within  
5 the meaning of Section 3-101 of the Code of Civil  
6 Procedure.

7 (4) A post immobilization and post-towing notice  
8 advising the registered owner of the vehicle of the right  
9 to a hearing to challenge the validity of the impoundment.

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

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

1 violation.

2 (f) After the expiration of the period within which  
3 judicial review may be sought for a final determination of  
4 parking, standing, compliance, automated speed enforcement  
5 system, or automated traffic law violation, the municipality or  
6 county may commence a proceeding in the Circuit Court for  
7 purposes of obtaining a judgment on the final determination of  
8 violation. Nothing in this Section shall prevent a municipality  
9 or county from consolidating multiple final determinations of  
10 parking, standing, compliance, automated speed enforcement  
11 system, or automated traffic law violations against a person in  
12 a proceeding. Upon commencement of the action, the municipality  
13 or county shall file a certified copy or record of the final  
14 determination of parking, standing, compliance, automated  
15 speed enforcement system, or automated traffic law violation,  
16 which shall be accompanied by a certification that recites  
17 facts sufficient to show that the final determination of  
18 violation was issued in accordance with this Section and the  
19 applicable municipal or county ordinance. Service of the  
20 summons and a copy of the petition may be by any method  
21 provided by Section 2-203 of the Code of Civil Procedure or by  
22 certified mail, return receipt requested, provided that the  
23 total amount of fines and penalties for final determinations of  
24 parking, standing, compliance, automated speed enforcement  
25 system, or automated traffic law violations does not exceed  
26 \$2500. If the court is satisfied that the final determination

1 of parking, standing, compliance, automated speed enforcement  
2 system, or automated traffic law violation was entered in  
3 accordance with the requirements of this Section and the  
4 applicable municipal or county ordinance, and that the  
5 registered owner or the lessee, as the case may be, had an  
6 opportunity for an administrative hearing and for judicial  
7 review as provided in this Section, the court shall render  
8 judgment in favor of the municipality or county and against the  
9 registered owner or the lessee for the amount indicated in the  
10 final determination of parking, standing, compliance,  
11 automated speed enforcement system, or automated traffic law  
12 violation, plus costs. The judgment shall have the same effect  
13 and may be enforced in the same manner as other judgments for  
14 the recovery of money.

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

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

24 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;  
25 revised 8-4-20.)



1 (625 ILCS 5/11-208.6)

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

3 (a) As used in this Section, "automated traffic law  
4 enforcement system" means a device with one or more motor  
5 vehicle sensors working in conjunction with a red light signal  
6 to produce recorded images of motor vehicles entering an  
7 intersection against a red signal indication in violation of  
8 Section 11-306 of this Code or a similar provision of a local  
9 ordinance.

10 An automated traffic law enforcement system is a system, in  
11 a municipality or county operated by a governmental agency,  
12 that produces a recorded image of a motor vehicle's violation  
13 of a provision of this Code or a local ordinance and is  
14 designed to obtain a clear recorded image of the vehicle and  
15 the vehicle's license plate. The recorded image must also  
16 display the time, date, and location of the violation.

17 (b) As used in this Section, "recorded images" means images  
18 recorded by an automated traffic law enforcement system on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and, on  
23 at least one image or portion of the recording, clearly  
24 identifying the registration plate or digital registration  
25 plate number of the motor vehicle.

26 (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this  
2 Code or a local ordinance must make the recorded images of a  
3 violation accessible to the alleged violator by providing the  
4 alleged violator with a website address, accessible through the  
5 Internet.

6 (c) Except as provided under Section 11-208.8 of this Code,  
7 a county or municipality, including a home rule county or  
8 municipality, may not use an automated traffic law enforcement  
9 system to provide recorded images of a motor vehicle for the  
10 purpose of recording its speed. Except as provided under  
11 Section 11-208.8 of this Code, the regulation of the use of  
12 automated traffic law enforcement systems to record vehicle  
13 speeds is an exclusive power and function of the State. This  
14 subsection (c) is a denial and limitation of home rule powers  
15 and functions under subsection (h) of Section 6 of Article VII  
16 of the Illinois Constitution.

17 (c-5) A county or municipality, including a home rule  
18 county or municipality, may not use an automated traffic law  
19 enforcement system to issue violations in instances where the  
20 motor vehicle comes to a complete stop and does not enter the  
21 intersection, as defined by Section 1-132 of this Code, during  
22 the cycle of the red signal indication unless one or more  
23 pedestrians or bicyclists are present, even if the motor  
24 vehicle stops at a point past a stop line or crosswalk where a  
25 driver is required to stop, as specified in subsection (c) of  
26 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000  
3 inhabitants, including a home rule county or municipality, may  
4 not use an automated traffic law enforcement system to issue  
5 violations in instances where a motorcyclist enters an  
6 intersection against a red signal indication when the red  
7 signal fails to change to a green signal within a reasonable  
8 period of time not less than 120 seconds because of a signal  
9 malfunction or because the signal has failed to detect the  
10 arrival of the motorcycle due to the motorcycle's size or  
11 weight.

12 (d) For each violation of a provision of this Code or a  
13 local ordinance recorded by an automatic traffic law  
14 enforcement system, the county or municipality having  
15 jurisdiction shall issue a written notice of the violation to  
16 the registered owner of the vehicle as the alleged violator.  
17 The notice shall be delivered to the registered owner of the  
18 vehicle, by mail, within 30 days after the Secretary of State  
19 notifies the municipality or county of the identity of the  
20 owner of the vehicle, but in no event later than 90 days after  
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of the  
24 vehicle;

25 (2) the registration number of the motor vehicle  
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
- 6 requirements of any traffic education program imposed and
- 7 the date by which the civil penalty should be paid and the
- 8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
- 10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty, to
- 12 complete a required traffic education program, or to
- 13 contest liability in a timely manner is an admission of
- 14 liability ~~and may result in a suspension of the driving~~
- 15 ~~privileges of the registered owner of the vehicle;~~
- 16 (10) a statement that the person may elect to proceed
- 17 by:
- 18 (A) paying the fine, completing a required traffic
- 19 education program, or both; or
- 20 (B) challenging the charge in court, by mail, or by
- 21 administrative hearing; and
- 22 (11) a website address, accessible through the
- 23 Internet, where the person may view the recorded images of
- 24 the violation.
- 25 (e) (Blank). ~~If a person charged with a traffic violation,~~
- 26 ~~as a result of an automated traffic law enforcement system,~~

1 ~~does not pay the fine or complete a required traffic education~~  
2 ~~program, or both, or successfully contest the civil penalty~~  
3 ~~resulting from that violation, the Secretary of State shall~~  
4 ~~suspend the driving privileges of the registered owner of the~~  
5 ~~vehicle under Section 6 306.5 of this Code for failing to~~  
6 ~~complete a required traffic education program or to pay any~~  
7 ~~fine or penalty due and owing, or both, as a result of a~~  
8 ~~combination of 5 violations of the automated traffic law~~  
9 ~~enforcement system or the automated speed enforcement system~~  
10 ~~under Section 11-208.8 of this Code.~~

11 (f) Based on inspection of recorded images produced by an  
12 automated traffic law enforcement system, a notice alleging  
13 that the violation occurred shall be evidence of the facts  
14 contained in the notice and admissible in any proceeding  
15 alleging a violation under this Section.

16 (g) Recorded images made by an automatic traffic law  
17 enforcement system are confidential and shall be made available  
18 only to the alleged violator and governmental and law  
19 enforcement agencies for purposes of adjudicating a violation  
20 of this Section, for statistical purposes, or for other  
21 governmental purposes. Any recorded image evidencing a  
22 violation of this Section, however, may be admissible in any  
23 proceeding resulting from the issuance of the citation.

24 (h) The court or hearing officer may consider in defense of  
25 a violation:

26 (1) that the motor vehicle or registration plates or

1 digital registration plates of the motor vehicle were  
2 stolen before the violation occurred and not under the  
3 control of or in the possession of the owner at the time of  
4 the violation;

5 (2) that the driver of the vehicle passed through the  
6 intersection when the light was red either (i) in order to  
7 yield the right-of-way to an emergency vehicle or (ii) as  
8 part of a funeral procession; and

9 (3) any other evidence or issues provided by municipal  
10 or county ordinance.

11 (i) To demonstrate that the motor vehicle or the  
12 registration plates or digital registration plates were stolen  
13 before the violation occurred and were not under the control or  
14 possession of the owner at the time of the violation, the owner  
15 must submit proof that a report concerning the stolen motor  
16 vehicle or registration plates was filed with a law enforcement  
17 agency in a timely manner.

18 (j) Unless the driver of the motor vehicle received a  
19 Uniform Traffic Citation from a police officer at the time of  
20 the violation, the motor vehicle owner is subject to a civil  
21 penalty not exceeding \$100 or the completion of a traffic  
22 education program, or both, plus an additional penalty of not  
23 more than \$100 for failure to pay the original penalty or to  
24 complete a required traffic education program, or both, in a  
25 timely manner, if the motor vehicle is recorded by an automated  
26 traffic law enforcement system. A violation for which a civil

1 penalty is imposed under this Section is not a violation of a  
2 traffic regulation governing the movement of vehicles and may  
3 not be recorded on the driving record of the owner of the  
4 vehicle.

5 (j-3) A registered owner who is a holder of a valid  
6 commercial driver's license is not required to complete a  
7 traffic education program.

8 (j-5) For purposes of the required traffic education  
9 program only, a registered owner may submit an affidavit to the  
10 court or hearing officer swearing that at the time of the  
11 alleged violation, the vehicle was in the custody and control  
12 of another person. The affidavit must identify the person in  
13 custody and control of the vehicle, including the person's name  
14 and current address. The person in custody and control of the  
15 vehicle at the time of the violation is required to complete  
16 the required traffic education program. If the person in  
17 custody and control of the vehicle at the time of the violation  
18 completes the required traffic education program, the  
19 registered owner of the vehicle is not required to complete a  
20 traffic education program.

21 (k) An intersection equipped with an automated traffic law  
22 enforcement system must be posted with a sign visible to  
23 approaching traffic indicating that the intersection is being  
24 monitored by an automated traffic law enforcement system.

25 (k-3) A municipality or county that has one or more  
26 intersections equipped with an automated traffic law

1 enforcement system must provide notice to drivers by posting  
2 the locations of automated traffic law systems on the  
3 municipality or county website.

4 (k-5) An intersection equipped with an automated traffic  
5 law enforcement system must have a yellow change interval that  
6 conforms with the Illinois Manual on Uniform Traffic Control  
7 Devices (IMUTCD) published by the Illinois Department of  
8 Transportation.

9 (k-7) A municipality or county operating an automated  
10 traffic law enforcement system shall conduct a statistical  
11 analysis to assess the safety impact of each automated traffic  
12 law enforcement system at an intersection following  
13 installation of the system. The statistical analysis shall be  
14 based upon the best available crash, traffic, and other data,  
15 and shall cover a period of time before and after installation  
16 of the system sufficient to provide a statistically valid  
17 comparison of safety impact. The statistical analysis shall be  
18 consistent with professional judgment and acceptable industry  
19 practice. The statistical analysis also shall be consistent  
20 with the data required for valid comparisons of before and  
21 after conditions and shall be conducted within a reasonable  
22 period following the installation of the automated traffic law  
23 enforcement system. The statistical analysis required by this  
24 subsection (k-7) shall be made available to the public and  
25 shall be published on the website of the municipality or  
26 county. If the statistical analysis for the 36 month period



1 following installation of the system indicates that there has  
2 been an increase in the rate of accidents at the approach to  
3 the intersection monitored by the system, the municipality or  
4 county shall undertake additional studies to determine the  
5 cause and severity of the accidents, and may take any action  
6 that it determines is necessary or appropriate to reduce the  
7 number or severity of the accidents at that intersection.

8 (l) The compensation paid for an automated traffic law  
9 enforcement system must be based on the value of the equipment  
10 or the services provided and may not be based on the number of  
11 traffic citations issued or the revenue generated by the  
12 system.

13 (m) This Section applies only to the counties of Cook,  
14 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
15 to municipalities located within those counties.

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

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

25 (o) (Blank). ~~A municipality or county shall make a~~  
26 ~~certified report to the Secretary of State pursuant to Section~~

1 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~  
2 ~~has failed to pay any fine or penalty due and owing as a result~~  
3 ~~of a combination of 5 offenses for automated traffic law or~~  
4 ~~speed enforcement system violations.~~

5 (p) No person who is the lessor of a motor vehicle pursuant  
6 to a written lease agreement shall be liable for an automated  
7 speed or traffic law enforcement system violation involving  
8 such motor vehicle during the period of the lease; provided  
9 that upon the request of the appropriate authority received  
10 within 120 days after the violation occurred, the lessor  
11 provides within 60 days after such receipt the name and address  
12 of the lessee. ~~The drivers license number of a lessee may be~~  
13 ~~subsequently individually requested by the appropriate~~  
14 ~~authority if needed for enforcement of this Section.~~

15 Upon the provision of information by the lessor pursuant to  
16 this subsection, the county or municipality may issue the  
17 violation to the lessee of the vehicle in the same manner as it  
18 would issue a violation to a registered owner of a vehicle  
19 pursuant to this Section, and the lessee may be held liable for  
20 the violation.

21 (Source: P.A. 101-395, eff. 8-16-19.)

22 (625 ILCS 5/11-208.8)

23 Sec. 11-208.8. Automated speed enforcement systems in  
24 safety zones.

25 (a) As used in this Section:

1 "Automated speed enforcement system" means a photographic  
2 device, radar device, laser device, or other electrical or  
3 mechanical device or devices installed or utilized in a safety  
4 zone and designed to record the speed of a vehicle and obtain a  
5 clear photograph or other recorded image of the vehicle and the  
6 vehicle's registration plate or digital registration plate  
7 while the driver is violating Article VI of Chapter 11 of this  
8 Code or a similar provision of a local ordinance.

9 An automated speed enforcement system is a system, located  
10 in a safety zone which is under the jurisdiction of a  
11 municipality, that produces a recorded image of a motor  
12 vehicle's violation of a provision of this Code or a local  
13 ordinance and is designed to obtain a clear recorded image of  
14 the vehicle and the vehicle's license plate. The recorded image  
15 must also display the time, date, and location of the  
16 violation.

17 "Owner" means the person or entity to whom the vehicle is  
18 registered.

19 "Recorded image" means images recorded by an automated  
20 speed enforcement system on:

21 (1) 2 or more photographs;

22 (2) 2 or more microphotographs;

23 (3) 2 or more electronic images; or

24 (4) a video recording showing the motor vehicle and, on  
25 at least one image or portion of the recording, clearly  
26 identifying the registration plate or digital registration

1 plate number of the motor vehicle.

2 "Safety zone" means an area that is within one-eighth of a  
3 mile from the nearest property line of any public or private  
4 elementary or secondary school, or from the nearest property  
5 line of any facility, area, or land owned by a school district  
6 that is used for educational purposes approved by the Illinois  
7 State Board of Education, not including school district  
8 headquarters or administrative buildings. A safety zone also  
9 includes an area that is within one-eighth of a mile from the  
10 nearest property line of any facility, area, or land owned by a  
11 park district used for recreational purposes. However, if any  
12 portion of a roadway is within either one-eighth mile radius,  
13 the safety zone also shall include the roadway extended to the  
14 furthest portion of the next furthest intersection. The term  
15 "safety zone" does not include any portion of the roadway known  
16 as Lake Shore Drive or any controlled access highway with 8 or  
17 more lanes of traffic.

18 (a-5) The automated speed enforcement system shall be  
19 operational and violations shall be recorded only at the  
20 following times:

21 (i) if the safety zone is based upon the property line  
22 of any facility, area, or land owned by a school district,  
23 only on school days and no earlier than 6 a.m. and no later  
24 than 8:30 p.m. if the school day is during the period of  
25 Monday through Thursday, or 9 p.m. if the school day is a  
26 Friday; and

1           (ii) if the safety zone is based upon the property line  
2 of any facility, area, or land owned by a park district, no  
3 earlier than one hour prior to the time that the facility,  
4 area, or land is open to the public or other patrons, and  
5 no later than one hour after the facility, area, or land is  
6 closed to the public or other patrons.

7           (b) A municipality that produces a recorded image of a  
8 motor vehicle's violation of a provision of this Code or a  
9 local ordinance must make the recorded images of a violation  
10 accessible to the alleged violator by providing the alleged  
11 violator with a website address, accessible through the  
12 Internet.

13           (c) Notwithstanding any penalties for any other violations  
14 of this Code, the owner of a motor vehicle used in a traffic  
15 violation recorded by an automated speed enforcement system  
16 shall be subject to the following penalties:

17           (1) if the recorded speed is no less than 6 miles per  
18 hour and no more than 10 miles per hour over the legal  
19 speed limit, a civil penalty not exceeding \$50, plus an  
20 additional penalty of not more than \$50 for failure to pay  
21 the original penalty in a timely manner; or

22           (2) if the recorded speed is more than 10 miles per  
23 hour over the legal speed limit, a civil penalty not  
24 exceeding \$100, plus an additional penalty of not more than  
25 \$100 for failure to pay the original penalty in a timely  
26 manner.

1           A penalty may not be imposed under this Section if the  
2 driver of the motor vehicle received a Uniform Traffic Citation  
3 from a police officer for a speeding violation occurring within  
4 one-eighth of a mile and 15 minutes of the violation that was  
5 recorded by the system. A violation for which a civil penalty  
6 is imposed under this Section is not a violation of a traffic  
7 regulation governing the movement of vehicles and may not be  
8 recorded on the driving record of the owner of the vehicle. A  
9 law enforcement officer is not required to be present or to  
10 witness the violation. No penalty may be imposed under this  
11 Section if the recorded speed of a vehicle is 5 miles per hour  
12 or less over the legal speed limit. The municipality may send,  
13 in the same manner that notices are sent under this Section, a  
14 speed violation warning notice where the violation involves a  
15 speed of 5 miles per hour or less above the legal speed limit.

16           (d) The net proceeds that a municipality receives from  
17 civil penalties imposed under an automated speed enforcement  
18 system, after deducting all non-personnel and personnel costs  
19 associated with the operation and maintenance of such system,  
20 shall be expended or obligated by the municipality for the  
21 following purposes:

22           (i) public safety initiatives to ensure safe passage  
23 around schools, and to provide police protection and  
24 surveillance around schools and parks, including but not  
25 limited to: (1) personnel costs; and (2) non-personnel  
26 costs such as construction and maintenance of public safety

1 infrastructure and equipment;

2 (ii) initiatives to improve pedestrian and traffic  
3 safety;

4 (iii) construction and maintenance of infrastructure  
5 within the municipality, including but not limited to roads  
6 and bridges; and

7 (iv) after school programs.

8 (e) For each violation of a provision of this Code or a  
9 local ordinance recorded by an automated speed enforcement  
10 system, the municipality having jurisdiction shall issue a  
11 written notice of the violation to the registered owner of the  
12 vehicle as the alleged violator. The notice shall be delivered  
13 to the registered owner of the vehicle, by mail, within 30 days  
14 after the Secretary of State notifies the municipality of the  
15 identity of the owner of the vehicle, but in no event later  
16 than 90 days after the violation.

17 (f) The notice required under subsection (e) of this  
18 Section shall include:

19 (1) the name and address of the registered owner of the  
20 vehicle;

21 (2) the registration number of the motor vehicle  
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation  
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the  
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a  
4 violation of a speed restriction;

5 (8) a warning that failure to pay the civil penalty or  
6 to contest liability in a timely manner is an admission of  
7 liability ~~and may result in a suspension of the driving~~  
8 ~~privileges of the registered owner of the vehicle;~~

9 (9) a statement that the person may elect to proceed  
10 by:

11 (A) paying the fine; or

12 (B) challenging the charge in court, by mail, or by  
13 administrative hearing; and

14 (10) a website address, accessible through the  
15 Internet, where the person may view the recorded images of  
16 the violation.

17 (g) (Blank). ~~If a person charged with a traffic violation,~~  
18 ~~as a result of an automated speed enforcement system, does not~~  
19 ~~pay the fine or successfully contest the civil penalty~~  
20 ~~resulting from that violation, the Secretary of State shall~~  
21 ~~suspend the driving privileges of the registered owner of the~~  
22 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~  
23 ~~any fine or penalty due and owing, or both, as a result of a~~  
24 ~~combination of 5 violations of the automated speed enforcement~~  
25 ~~system or the automated traffic law under Section 11-208.6 of~~  
26 ~~this Code.~~



1           (h) Based on inspection of recorded images produced by an  
2 automated speed enforcement system, a notice alleging that the  
3 violation occurred shall be evidence of the facts contained in  
4 the notice and admissible in any proceeding alleging a  
5 violation under this Section.

6           (i) Recorded images made by an automated speed enforcement  
7 system are confidential and shall be made available only to the  
8 alleged violator and governmental and law enforcement agencies  
9 for purposes of adjudicating a violation of this Section, for  
10 statistical purposes, or for other governmental purposes. Any  
11 recorded image evidencing a violation of this Section, however,  
12 may be admissible in any proceeding resulting from the issuance  
13 of the citation.

14           (j) The court or hearing officer may consider in defense of  
15 a violation:

16               (1) that the motor vehicle or registration plates or  
17 digital registration plates of the motor vehicle were  
18 stolen before the violation occurred and not under the  
19 control or in the possession of the owner at the time of  
20 the violation;

21               (2) that the driver of the motor vehicle received a  
22 Uniform Traffic Citation from a police officer for a  
23 speeding violation occurring within one-eighth of a mile  
24 and 15 minutes of the violation that was recorded by the  
25 system; and

26               (3) any other evidence or issues provided by municipal

1 ordinance.

2 (k) To demonstrate that the motor vehicle or the  
3 registration plates or digital registration plates were stolen  
4 before the violation occurred and were not under the control or  
5 possession of the owner at the time of the violation, the owner  
6 must submit proof that a report concerning the stolen motor  
7 vehicle or registration plates was filed with a law enforcement  
8 agency in a timely manner.

9 (l) A roadway equipped with an automated speed enforcement  
10 system shall be posted with a sign conforming to the national  
11 Manual on Uniform Traffic Control Devices that is visible to  
12 approaching traffic stating that vehicle speeds are being  
13 photo-enforced and indicating the speed limit. The  
14 municipality shall install such additional signage as it  
15 determines is necessary to give reasonable notice to drivers as  
16 to where automated speed enforcement systems are installed.

17 (m) A roadway where a new automated speed enforcement  
18 system is installed shall be posted with signs providing 30  
19 days notice of the use of a new automated speed enforcement  
20 system prior to the issuance of any citations through the  
21 automated speed enforcement system.

22 (n) The compensation paid for an automated speed  
23 enforcement system must be based on the value of the equipment  
24 or the services provided and may not be based on the number of  
25 traffic citations issued or the revenue generated by the  
26 system.

1           (o) (Blank). ~~A municipality shall make a certified report~~  
2 ~~to the Secretary of State pursuant to Section 6-306.5 of this~~  
3 ~~Code whenever a registered owner of a vehicle has failed to pay~~  
4 ~~any fine or penalty due and owing as a result of a combination~~  
5 ~~of 5 offenses for automated speed or traffic law enforcement~~  
6 ~~system violations.~~

7           (p) No person who is the lessor of a motor vehicle pursuant  
8 to a written lease agreement shall be liable for an automated  
9 speed or traffic law enforcement system violation involving  
10 such motor vehicle during the period of the lease; provided  
11 that upon the request of the appropriate authority received  
12 within 120 days after the violation occurred, the lessor  
13 provides within 60 days after such receipt the name and address  
14 of the lessee. The drivers license number of a lessee may be  
15 subsequently individually requested by the appropriate  
16 authority if needed for enforcement of this Section.

17           Upon the provision of information by the lessor pursuant to  
18 this subsection, the municipality may issue the violation to  
19 the lessee of the vehicle in the same manner as it would issue  
20 a violation to a registered owner of a vehicle pursuant to this  
21 Section, and the lessee may be held liable for the violation.

22           (q) A municipality using an automated speed enforcement  
23 system must provide notice to drivers by publishing the  
24 locations of all safety zones where system equipment is  
25 installed on the website of the municipality.

26           (r) A municipality operating an automated speed

1 enforcement system shall conduct a statistical analysis to  
2 assess the safety impact of the system. The statistical  
3 analysis shall be based upon the best available crash, traffic,  
4 and other data, and shall cover a period of time before and  
5 after installation of the system sufficient to provide a  
6 statistically valid comparison of safety impact. The  
7 statistical analysis shall be consistent with professional  
8 judgment and acceptable industry practice. The statistical  
9 analysis also shall be consistent with the data required for  
10 valid comparisons of before and after conditions and shall be  
11 conducted within a reasonable period following the  
12 installation of the automated traffic law enforcement system.  
13 The statistical analysis required by this subsection shall be  
14 made available to the public and shall be published on the  
15 website of the municipality.

16 (s) This Section applies only to municipalities with a  
17 population of 1,000,000 or more inhabitants.

18 (Source: P.A. 101-395, eff. 8-16-19.)

19 (625 ILCS 5/11-208.9)

20 Sec. 11-208.9. Automated traffic law enforcement system;  
21 approaching, overtaking, and passing a school bus.

22 (a) As used in this Section, "automated traffic law  
23 enforcement system" means a device with one or more motor  
24 vehicle sensors working in conjunction with the visual signals  
25 on a school bus, as specified in Sections 12-803 and 12-805 of

1 this Code, to produce recorded images of motor vehicles that  
2 fail to stop before meeting or overtaking, from either  
3 direction, any school bus stopped at any location for the  
4 purpose of receiving or discharging pupils in violation of  
5 Section 11-1414 of this Code or a similar provision of a local  
6 ordinance.

7 An automated traffic law enforcement system is a system, in  
8 a municipality or county operated by a governmental agency,  
9 that produces a recorded image of a motor vehicle's violation  
10 of a provision of this Code or a local ordinance and is  
11 designed to obtain a clear recorded image of the vehicle and  
12 the vehicle's license plate. The recorded image must also  
13 display the time, date, and location of the violation.

14 (b) As used in this Section, "recorded images" means images  
15 recorded by an automated traffic law enforcement system on:

16 (1) 2 or more photographs;

17 (2) 2 or more microphotographs;

18 (3) 2 or more electronic images; or

19 (4) a video recording showing the motor vehicle and, on  
20 at least one image or portion of the recording, clearly  
21 identifying the registration plate or digital registration  
22 plate number of the motor vehicle.

23 (c) A municipality or county that produces a recorded image  
24 of a motor vehicle's violation of a provision of this Code or a  
25 local ordinance must make the recorded images of a violation  
26 accessible to the alleged violator by providing the alleged

1 violator with a website address, accessible through the  
2 Internet.

3 (d) For each violation of a provision of this Code or a  
4 local ordinance recorded by an automated traffic law  
5 enforcement system, the county or municipality having  
6 jurisdiction shall issue a written notice of the violation to  
7 the registered owner of the vehicle as the alleged violator.  
8 The notice shall be delivered to the registered owner of the  
9 vehicle, by mail, within 30 days after the Secretary of State  
10 notifies the municipality or county of the identity of the  
11 owner of the vehicle, but in no event later than 90 days after  
12 the violation.

13 (e) The notice required under subsection (d) shall include:

14 (1) the name and address of the registered owner of the  
15 vehicle;

16 (2) the registration number of the motor vehicle  
17 involved in the violation;

18 (3) the violation charged;

19 (4) the location where the violation occurred;

20 (5) the date and time of the violation;

21 (6) a copy of the recorded images;

22 (7) the amount of the civil penalty imposed and the  
23 date by which the civil penalty should be paid;

24 (8) a statement that recorded images are evidence of a  
25 violation of overtaking or passing a school bus stopped for  
26 the purpose of receiving or discharging pupils;

1 (9) a warning that failure to pay the civil penalty or  
2 to contest liability in a timely manner is an admission of  
3 liability ~~and may result in a suspension of the driving~~  
4 ~~privileges of the registered owner of the vehicle;~~

5 (10) a statement that the person may elect to proceed  
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or by  
9 administrative hearing; and

10 (11) a website address, accessible through the  
11 Internet, where the person may view the recorded images of  
12 the violation.

13 (f) (Blank). ~~If a person charged with a traffic violation,~~  
14 ~~as a result of an automated traffic law enforcement system~~  
15 ~~under this Section, does not pay the fine or successfully~~  
16 ~~contest the civil penalty resulting from that violation, the~~  
17 ~~Secretary of State shall suspend the driving privileges of the~~  
18 ~~registered owner of the vehicle under Section 6-306.5 of this~~  
19 ~~Code for failing to pay any fine or penalty due and owing as a~~  
20 ~~result of a combination of 5 violations of the automated~~  
21 ~~traffic law enforcement system or the automated speed~~  
22 ~~enforcement system under Section 11-208.8 of this Code.~~

23 (g) Based on inspection of recorded images produced by an  
24 automated traffic law enforcement system, a notice alleging  
25 that the violation occurred shall be evidence of the facts  
26 contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

2 (h) Recorded images made by an automated traffic law  
3 enforcement system are confidential and shall be made available  
4 only to the alleged violator and governmental and law  
5 enforcement agencies for purposes of adjudicating a violation  
6 of this Section, for statistical purposes, or for other  
7 governmental purposes. Any recorded image evidencing a  
8 violation of this Section, however, may be admissible in any  
9 proceeding resulting from the issuance of the citation.

10 (i) The court or hearing officer may consider in defense of  
11 a violation:

12 (1) that the motor vehicle or registration plates or  
13 digital registration plates of the motor vehicle were  
14 stolen before the violation occurred and not under the  
15 control of or in the possession of the owner at the time of  
16 the violation;

17 (2) that the driver of the motor vehicle received a  
18 Uniform Traffic Citation from a police officer for a  
19 violation of Section 11-1414 of this Code within one-eighth  
20 of a mile and 15 minutes of the violation that was recorded  
21 by the system;

22 (3) that the visual signals required by Sections 12-803  
23 and 12-805 of this Code were damaged, not activated, not  
24 present in violation of Sections 12-803 and 12-805, or  
25 inoperable; and

26 (4) any other evidence or issues provided by municipal



1 or county ordinance.

2 (j) To demonstrate that the motor vehicle or the  
3 registration plates or digital registration plates were stolen  
4 before the violation occurred and were not under the control or  
5 possession of the owner at the time of the violation, the owner  
6 must submit proof that a report concerning the stolen motor  
7 vehicle or registration plates was filed with a law enforcement  
8 agency in a timely manner.

9 (k) Unless the driver of the motor vehicle received a  
10 Uniform Traffic Citation from a police officer at the time of  
11 the violation, the motor vehicle owner is subject to a civil  
12 penalty not exceeding \$150 for a first time violation or \$500  
13 for a second or subsequent violation, plus an additional  
14 penalty of not more than \$100 for failure to pay the original  
15 penalty in a timely manner, if the motor vehicle is recorded by  
16 an automated traffic law enforcement system. A violation for  
17 which a civil penalty is imposed under this Section is not a  
18 violation of a traffic regulation governing the movement of  
19 vehicles and may not be recorded on the driving record of the  
20 owner of the vehicle, but may be recorded by the municipality  
21 or county for the purpose of determining if a person is subject  
22 to the higher fine for a second or subsequent offense.

23 (l) A school bus equipped with an automated traffic law  
24 enforcement system must be posted with a sign indicating that  
25 the school bus is being monitored by an automated traffic law  
26 enforcement system.

1 (m) A municipality or county that has one or more school  
2 buses equipped with an automated traffic law enforcement system  
3 must provide notice to drivers by posting a list of school  
4 districts using school buses equipped with an automated traffic  
5 law enforcement system on the municipality or county website.  
6 School districts that have one or more school buses equipped  
7 with an automated traffic law enforcement system must provide  
8 notice to drivers by posting that information on their  
9 websites.

10 (n) A municipality or county operating an automated traffic  
11 law enforcement system shall conduct a statistical analysis to  
12 assess the safety impact in each school district using school  
13 buses equipped with an automated traffic law enforcement system  
14 following installation of the system. The statistical analysis  
15 shall be based upon the best available crash, traffic, and  
16 other data, and shall cover a period of time before and after  
17 installation of the system sufficient to provide a  
18 statistically valid comparison of safety impact. The  
19 statistical analysis shall be consistent with professional  
20 judgment and acceptable industry practice. The statistical  
21 analysis also shall be consistent with the data required for  
22 valid comparisons of before and after conditions and shall be  
23 conducted within a reasonable period following the  
24 installation of the automated traffic law enforcement system.  
25 The statistical analysis required by this subsection shall be  
26 made available to the public and shall be published on the

1 website of the municipality or county. If the statistical  
2 analysis for the 36-month period following installation of the  
3 system indicates that there has been an increase in the rate of  
4 accidents at the approach to school buses monitored by the  
5 system, the municipality or county shall undertake additional  
6 studies to determine the cause and severity of the accidents,  
7 and may take any action that it determines is necessary or  
8 appropriate to reduce the number or severity of the accidents  
9 involving school buses equipped with an automated traffic law  
10 enforcement system.

11 (o) The compensation paid for an automated traffic law  
12 enforcement system must be based on the value of the equipment  
13 or the services provided and may not be based on the number of  
14 traffic citations issued or the revenue generated by the  
15 system.

16 (p) No person who is the lessor of a motor vehicle pursuant  
17 to a written lease agreement shall be liable for an automated  
18 speed or traffic law enforcement system violation involving  
19 such motor vehicle during the period of the lease; provided  
20 that upon the request of the appropriate authority received  
21 within 120 days after the violation occurred, the lessor  
22 provides within 60 days after such receipt the name and address  
23 of the lessee. ~~The drivers license number of a lessee may be~~  
24 ~~subsequently individually requested by the appropriate~~  
25 ~~authority if needed for enforcement of this Section.~~

26 Upon the provision of information by the lessor pursuant to

1 this subsection, the county or municipality may issue the  
2 violation to the lessee of the vehicle in the same manner as it  
3 would issue a violation to a registered owner of a vehicle  
4 pursuant to this Section, and the lessee may be held liable for  
5 the violation.

6 (q) (Blank). ~~A municipality or county shall make a~~  
7 ~~certified report to the Secretary of State pursuant to Section~~  
8 ~~6-306.5 of this Code whenever a registered owner of a vehicle~~  
9 ~~has failed to pay any fine or penalty due and owing as a result~~  
10 ~~of a combination of 5 offenses for automated traffic law or~~  
11 ~~speed enforcement system violations.~~

12 (r) After a municipality or county enacts an ordinance  
13 providing for automated traffic law enforcement systems under  
14 this Section, each school district within that municipality or  
15 county's jurisdiction may implement an automated traffic law  
16 enforcement system under this Section. The elected school board  
17 for that district must approve the implementation of an  
18 automated traffic law enforcement system. The school district  
19 shall be responsible for entering into a contract, approved by  
20 the elected school board of that district, with vendors for the  
21 installation, maintenance, and operation of the automated  
22 traffic law enforcement system. The school district must enter  
23 into an intergovernmental agreement, approved by the elected  
24 school board of that district, with the municipality or county  
25 with jurisdiction over that school district for the  
26 administration of the automated traffic law enforcement

1 system. The proceeds from a school district's automated traffic  
2 law enforcement system's fines shall be divided equally between  
3 the school district and the municipality or county  
4 administering the automated traffic law enforcement system.

5 (Source: P.A. 101-395, eff. 8-16-19.)

6 (625 ILCS 5/11-1201.1)

7 Sec. 11-1201.1. Automated Railroad Crossing Enforcement  
8 System.

9 (a) For the purposes of this Section, an automated railroad  
10 grade crossing enforcement system is a system in a municipality  
11 or county operated by a governmental agency that produces a  
12 recorded image of a motor vehicle's violation of a provision of  
13 this Code or local ordinance and is designed to obtain a clear  
14 recorded image of the vehicle and vehicle's license plate. The  
15 recorded image must also display the time, date, and location  
16 of the violation.

17 As used in this Section, "recorded images" means images  
18 recorded by an automated railroad grade crossing enforcement  
19 system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and, on  
24 at least one image or portion of the recording, clearly  
25 identifying the registration plate or digital registration

1 plate number of the motor vehicle.

2 (b) The Illinois Commerce Commission may, in cooperation  
3 with a local law enforcement agency, establish in any county or  
4 municipality an automated railroad grade crossing enforcement  
5 system at any railroad grade crossing equipped with a crossing  
6 gate designated by local authorities. Local authorities  
7 desiring the establishment of an automated railroad crossing  
8 enforcement system must initiate the process by enacting a  
9 local ordinance requesting the creation of such a system. After  
10 the ordinance has been enacted, and before any additional steps  
11 toward the establishment of the system are undertaken, the  
12 local authorities and the Commission must agree to a plan for  
13 obtaining, from any combination of federal, State, and local  
14 funding sources, the moneys required for the purchase and  
15 installation of any necessary equipment.

16 (b-1) (Blank.)

17 (c) For each violation of Section 11-1201 of this Code or a  
18 local ordinance recorded by an automated railroad grade  
19 crossing enforcement system, the county or municipality having  
20 jurisdiction shall issue a written notice of the violation to  
21 the registered owner of the vehicle as the alleged violator.  
22 The notice shall be delivered to the registered owner of the  
23 vehicle, by mail, no later than 90 days after the violation.

24 The notice shall include:

25 (1) the name and address of the registered owner of the  
26 vehicle;

1 (2) the registration number of the motor vehicle  
2 involved in the violation;

3 (3) the violation charged;

4 (4) the location where the violation occurred;

5 (5) the date and time of the violation;

6 (6) a copy of the recorded images;

7 (7) the amount of the civil penalty imposed and the  
8 date by which the civil penalty should be paid;

9 (8) a statement that recorded images are evidence of a  
10 violation of a railroad grade crossing;

11 (9) a warning that failure to pay the civil penalty or  
12 to contest liability in a timely manner is an admission of  
13 liability ~~and may result in a suspension of the driving~~  
14 ~~privileges of the registered owner of the vehicle;~~ and

15 (10) a statement that the person may elect to proceed  
16 by:

17 (A) paying the fine; or

18 (B) challenging the charge in court, by mail, or by  
19 administrative hearing.

20 (d) (Blank). ~~If a person charged with a traffic violation,~~  
21 ~~as a result of an automated railroad grade crossing enforcement~~  
22 ~~system, does not pay or successfully contest the civil penalty~~  
23 ~~resulting from that violation, the Secretary of State shall~~  
24 ~~suspend the driving privileges of the registered owner of the~~  
25 ~~vehicle under Section 6-306.5 of this Code for failing to pay~~  
26 ~~any fine or penalty due and owing as a result of 5 violations~~

1 ~~of the automated railroad grade crossing enforcement system.~~

2 (d-1) (Blank.)

3 (d-2) (Blank.)

4 (e) Based on inspection of recorded images produced by an  
5 automated railroad grade crossing enforcement system, a notice  
6 alleging that the violation occurred shall be evidence of the  
7 facts contained in the notice and admissible in any proceeding  
8 alleging a violation under this Section.

9 (e-1) Recorded images made by an automated railroad grade  
10 crossing enforcement system are confidential and shall be made  
11 available only to the alleged violator and governmental and law  
12 enforcement agencies for purposes of adjudicating a violation  
13 of this Section, for statistical purposes, or for other  
14 governmental purposes. Any recorded image evidencing a  
15 violation of this Section, however, may be admissible in any  
16 proceeding resulting from the issuance of the citation.

17 (e-2) The court or hearing officer may consider the  
18 following in the defense of a violation:

19 (1) that the motor vehicle or registration plates or  
20 digital registration plates of the motor vehicle were  
21 stolen before the violation occurred and not under the  
22 control of or in the possession of the owner at the time of  
23 the violation;

24 (2) that the driver of the motor vehicle received a  
25 Uniform Traffic Citation from a police officer at the time  
26 of the violation for the same offense;



1           (3) any other evidence or issues provided by municipal  
2           or county ordinance.

3           (e-3) To demonstrate that the motor vehicle or the  
4           registration plates or digital registration plates were stolen  
5           before the violation occurred and were not under the control or  
6           possession of the owner at the time of the violation, the owner  
7           must submit proof that a report concerning the stolen motor  
8           vehicle or registration plates was filed with a law enforcement  
9           agency in a timely manner.

10          (f) Rail crossings equipped with an automatic railroad  
11          grade crossing enforcement system shall be posted with a sign  
12          visible to approaching traffic stating that the railroad grade  
13          crossing is being monitored, that citations will be issued, and  
14          the amount of the fine for violation.

15          (g) The compensation paid for an automated railroad grade  
16          crossing enforcement system must be based on the value of the  
17          equipment or the services provided and may not be based on the  
18          number of citations issued or the revenue generated by the  
19          system.

20          (h) (Blank.)

21          (i) If any part or parts of this Section are held by a  
22          court of competent jurisdiction to be unconstitutional, the  
23          unconstitutionality shall not affect the validity of the  
24          remaining parts of this Section. The General Assembly hereby  
25          declares that it would have passed the remaining parts of this  
26          Section if it had known that the other part or parts of this

1 Section would be declared unconstitutional.

2 (j) Penalty. A civil fine of \$250 shall be imposed for a  
3 first violation of this Section, and a civil fine of \$500 shall  
4 be imposed for a second or subsequent violation of this  
5 Section.

6 (Source: P.A. 101-395, eff. 8-16-19.)

7 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

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

10 Whenever a defendant is arrested upon a warrant charging a  
11 violation of this Act in a county other than that in which such  
12 warrant was issued, the arresting officer, immediately upon the  
13 request of the defendant, shall take such defendant before a  
14 circuit judge or associate circuit judge in the county in which  
15 the arrest was made who shall admit the defendant to pretrial  
16 release ~~bail~~ for his appearance before the court named in the  
17 warrant. On setting the conditions of pretrial release ~~taking~~  
18 ~~such bail~~ the circuit judge or associate circuit judge shall  
19 certify such fact on the warrant and deliver the warrant and  
20 conditions of pretrial release ~~undertaking of bail or other~~  
21 ~~security~~, or the drivers license of such defendant if  
22 deposited, under the law relating to such licenses, in lieu of  
23 such security, to the officer having charge of the defendant.  
24 Such officer shall then immediately discharge the defendant  
25 from arrest and without delay deliver such warrant and such

1 acknowledgment by the defendant of his or her receiving the  
2 conditions of pretrial release ~~undertaking of bail, or other~~  
3 ~~security~~ or drivers license to the court before which the  
4 defendant is required to appear.

5 (Source: P.A. 77-1280.)

6 (625 ILCS 5/4-214.1 rep.)

7 (625 ILCS 5/6-306.5 rep.)

8 (625 ILCS 5/6-306.6 rep.)

9 Section 10-193. The Illinois Vehicle Code is amended by  
10 repealing Sections 4-214.1, 6-306.5, and 6-306.6.

11 Section 10-195. The Snowmobile Registration and Safety Act  
12 is amended by changing Section 5-7 as follows:

13 (625 ILCS 40/5-7)

14 Sec. 5-7. Operating a snowmobile while under the influence  
15 of alcohol or other drug or drugs, intoxicating compound or  
16 compounds, or a combination of them; criminal penalties;  
17 suspension of operating privileges.

18 (a) A person may not operate or be in actual physical  
19 control of a snowmobile within this State while:

- 20 1. The alcohol concentration in that person's blood,  
21 other bodily substance, or breath is a concentration at  
22 which driving a motor vehicle is prohibited under  
23 subdivision (1) of subsection (a) of Section 11-501 of the

1 Illinois Vehicle Code;

2 2. The person is under the influence of alcohol;

3 3. The person is under the influence of any other drug  
4 or combination of drugs to a degree that renders that  
5 person incapable of safely operating a snowmobile;

6 3.1. The person is under the influence of any  
7 intoxicating compound or combination of intoxicating  
8 compounds to a degree that renders the person incapable of  
9 safely operating a snowmobile;

10 4. The person is under the combined influence of  
11 alcohol and any other drug or drugs or intoxicating  
12 compound or compounds to a degree that renders that person  
13 incapable of safely operating a snowmobile;

14 4.3. The person who is not a CDL holder has a  
15 tetrahydrocannabinol concentration in the person's whole  
16 blood or other bodily substance at which driving a motor  
17 vehicle is prohibited under subdivision (7) of subsection  
18 (a) of Section 11-501 of the Illinois Vehicle Code;

19 4.5. The person who is a CDL holder has any amount of a  
20 drug, substance, or compound in the person's breath, blood,  
21 other bodily substance, or urine resulting from the  
22 unlawful use or consumption of cannabis listed in the  
23 Cannabis Control Act; or

24 5. There is any amount of a drug, substance, or  
25 compound in that person's breath, blood, other bodily  
26 substance, or urine resulting from the unlawful use or

1 consumption of a controlled substance listed in the  
2 Illinois Controlled Substances Act, methamphetamine as  
3 listed in the Methamphetamine Control and Community  
4 Protection Act, or intoxicating compound listed in the use  
5 of Intoxicating Compounds Act.

6 (b) The fact that a person charged with violating this  
7 Section is or has been legally entitled to use alcohol, other  
8 drug or drugs, any intoxicating compound or compounds, or any  
9 combination of them does not constitute a defense against a  
10 charge of violating this Section.

11 (c) Every person convicted of violating this Section or a  
12 similar provision of a local ordinance is guilty of a Class A  
13 misdemeanor, except as otherwise provided in this Section.

14 (c-1) As used in this Section, "first time offender" means  
15 any person who has not had a previous conviction or been  
16 assigned supervision for violating this Section or a similar  
17 provision of a local ordinance, or any person who has not had a  
18 suspension imposed under subsection (e) of Section 5-7.1.

19 (c-2) For purposes of this Section, the following are  
20 equivalent to a conviction:

21 (1) a violation of the terms of pretrial release when  
22 the court has not relieved the defendant of complying with  
23 the terms of pretrial release ~~forfeiture of bail or~~  
24 ~~collateral deposited to secure a defendant's appearance in~~  
25 ~~court when forfeiture has not been vacated; or~~

26 (2) the failure of a defendant to appear for trial.

1 (d) Every person convicted of violating this Section is  
2 guilty of a Class 4 felony if:

3 1. The person has a previous conviction under this  
4 Section;

5 2. The offense results in personal injury where a  
6 person other than the operator suffers great bodily harm or  
7 permanent disability or disfigurement, when the violation  
8 was a proximate cause of the injuries. A person guilty of a  
9 Class 4 felony under this paragraph 2, if sentenced to a  
10 term of imprisonment, shall be sentenced to not less than  
11 one year nor more than 12 years; or

12 3. The offense occurred during a period in which the  
13 person's privileges to operate a snowmobile are revoked or  
14 suspended, and the revocation or suspension was for a  
15 violation of this Section or was imposed under Section  
16 5-7.1.

17 (e) Every person convicted of violating this Section is  
18 guilty of a Class 2 felony if the offense results in the death  
19 of a person. A person guilty of a Class 2 felony under this  
20 subsection (e), if sentenced to a term of imprisonment, shall  
21 be sentenced to a term of not less than 3 years and not more  
22 than 14 years.

23 (e-1) Every person convicted of violating this Section or a  
24 similar provision of a local ordinance who had a child under  
25 the age of 16 on board the snowmobile at the time of offense  
26 shall be subject to a mandatory minimum fine of \$500 and shall

1 be subject to a mandatory minimum of 5 days of community  
2 service in a program benefiting children. The assignment under  
3 this subsection shall not be subject to suspension nor shall  
4 the person be eligible for probation in order to reduce the  
5 assignment.

6 (e-2) Every person found guilty of violating this Section,  
7 whose operation of a snowmobile while in violation of this  
8 Section proximately caused any incident resulting in an  
9 appropriate emergency response, shall be liable for the expense  
10 of an emergency response as provided in subsection (i) of  
11 Section 11-501.01 of the Illinois Vehicle Code.

12 (e-3) In addition to any other penalties and liabilities, a  
13 person who is found guilty of violating this Section, including  
14 any person placed on court supervision, shall be fined \$100,  
15 payable to the circuit clerk, who shall distribute the money to  
16 the law enforcement agency that made the arrest. In the event  
17 that more than one agency is responsible for the arrest, the  
18 \$100 shall be shared equally. Any moneys received by a law  
19 enforcement agency under this subsection (e-3) shall be used to  
20 purchase law enforcement equipment or to provide law  
21 enforcement training that will assist in the prevention of  
22 alcohol related criminal violence throughout the State. Law  
23 enforcement equipment shall include, but is not limited to,  
24 in-car video cameras, radar and laser speed detection devices,  
25 and alcohol breath testers.

26 (f) In addition to any criminal penalties imposed, the

1 Department of Natural Resources shall suspend the snowmobile  
2 operation privileges of a person convicted or found guilty of a  
3 misdemeanor under this Section for a period of one year, except  
4 that first-time offenders are exempt from this mandatory one  
5 year suspension.

6 (g) In addition to any criminal penalties imposed, the  
7 Department of Natural Resources shall suspend for a period of 5  
8 years the snowmobile operation privileges of any person  
9 convicted or found guilty of a felony under this Section.

10 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

11 Section 10-200. The Clerks of Courts Act is amended by  
12 changing Section 27.3b as follows:

13 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

14 Sec. 27.3b. The clerk of court may accept payment of fines,  
15 penalties, or costs by credit card or debit card approved by  
16 the clerk from an offender who has been convicted of or placed  
17 on court supervision for a traffic offense, petty offense,  
18 ordinance offense, or misdemeanor or who has been convicted of  
19 a felony offense. The clerk of the circuit court may accept  
20 credit card payments over the Internet for fines, penalties, or  
21 costs from offenders on voluntary electronic pleas of guilty in  
22 minor traffic and conservation offenses to satisfy the  
23 requirement of written pleas of guilty as provided in Illinois  
24 Supreme Court Rule 529. The clerk of the court may also accept



1 payment of statutory fees by a credit card or debit card. ~~The~~  
2 ~~clerk of the court may also accept the credit card or debit~~  
3 ~~card for the cash deposit of bail bond fees.~~

4 The Clerk of the circuit court is authorized to enter into  
5 contracts with credit card or debit card companies approved by  
6 the clerk and to negotiate the payment of convenience and  
7 administrative fees normally charged by those companies for  
8 allowing the clerk of the circuit court to accept their credit  
9 cards or debit cards in payment as authorized herein. The clerk  
10 of the circuit court is authorized to enter into contracts with  
11 third party fund guarantors, facilitators, and service  
12 providers under which those entities may contract directly with  
13 customers of the clerk of the circuit court and guarantee and  
14 remit the payments to the clerk of the circuit court. Where the  
15 offender pays fines, penalties, or costs by credit card or  
16 debit card or through a third party fund guarantor,  
17 facilitator, or service provider, or anyone paying statutory  
18 fees of the circuit court clerk ~~or the posting of cash bail,~~  
19 the clerk shall collect a service fee of up to \$5 or the amount  
20 charged to the clerk for use of its services by the credit card  
21 or debit card issuer, third party fund guarantor, facilitator,  
22 or service provider. This service fee shall be in addition to  
23 any other fines, penalties, or costs. The clerk of the circuit  
24 court is authorized to negotiate the assessment of convenience  
25 and administrative fees by the third party fund guarantors,  
26 facilitators, and service providers with the revenue earned by

1 the clerk of the circuit court to be remitted to the county  
2 general revenue fund.

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 Section 10-205. The Attorney Act is amended by changing  
5 Section 9 as follows:

6 (705 ILCS 205/9) (from Ch. 13, par. 9)

7 Sec. 9. All attorneys and counselors at law, judges, clerks  
8 and sheriffs, and all other officers of the several courts  
9 within this state, shall be liable to be arrested and held to  
10 terms of pretrial release ~~bail~~, and shall be subject to the  
11 same legal process, and may in all respects be prosecuted and  
12 proceeded against in the same courts and in the same manner as  
13 other persons are, any law, usage or custom to the contrary  
14 notwithstanding: Provided, nevertheless, said judges,  
15 counselors or attorneys, clerks, sheriffs and other officers of  
16 said courts, shall be privileged from arrest while attending  
17 courts, and whilst going to and returning from court.

18 (Source: R.S. 1874, p. 169.)

19 Section 10-210. The Juvenile Court Act of 1987 is amended  
20 by changing Sections 1-7, 1-8, and 5-150 as follows:

21 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

22 Sec. 1-7. Confidentiality of juvenile law enforcement and

1 municipal ordinance violation records.

2 (A) All juvenile law enforcement records which have not  
3 been expunged are confidential and may never be disclosed to  
4 the general public or otherwise made widely available. Juvenile  
5 law enforcement records may be obtained only under this Section  
6 and Section 1-8 and Part 9 of Article V of this Act, when their  
7 use is needed for good cause and with an order from the  
8 juvenile court, as required by those not authorized to retain  
9 them. Inspection, copying, and disclosure of juvenile law  
10 enforcement records maintained by law enforcement agencies or  
11 records of municipal ordinance violations maintained by any  
12 State, local, or municipal agency that relate to a minor who  
13 has been investigated, arrested, or taken into custody before  
14 his or her 18th birthday shall be restricted to the following:

15 (0.05) The minor who is the subject of the juvenile law  
16 enforcement record, his or her parents, guardian, and  
17 counsel.

18 (0.10) Judges of the circuit court and members of the  
19 staff of the court designated by the judge.

20 (0.15) An administrative adjudication hearing officer  
21 or members of the staff designated to assist in the  
22 administrative adjudication process.

23 (1) Any local, State, or federal law enforcement  
24 officers or designated law enforcement staff of any  
25 jurisdiction or agency when necessary for the discharge of  
26 their official duties during the investigation or

1 prosecution of a crime or relating to a minor who has been  
2 adjudicated delinquent and there has been a previous  
3 finding that the act which constitutes the previous offense  
4 was committed in furtherance of criminal activities by a  
5 criminal street gang, or, when necessary for the discharge  
6 of its official duties in connection with a particular  
7 investigation of the conduct of a law enforcement officer,  
8 an independent agency or its staff created by ordinance and  
9 charged by a unit of local government with the duty of  
10 investigating the conduct of law enforcement officers. For  
11 purposes of this Section, "criminal street gang" has the  
12 meaning ascribed to it in Section 10 of the Illinois  
13 Streetgang Terrorism Omnibus Prevention Act.

14 (2) Prosecutors, public defenders, probation officers,  
15 social workers, or other individuals assigned by the court  
16 to conduct a pre-adjudication or pre-disposition  
17 investigation, and individuals responsible for supervising  
18 or providing temporary or permanent care and custody for  
19 minors under the order of the juvenile court, when  
20 essential to performing their responsibilities.

21 (3) Federal, State, or local prosecutors, public  
22 defenders, probation officers, and designated staff:

23 (a) in the course of a trial when institution of  
24 criminal proceedings has been permitted or required  
25 under Section 5-805;

26 (b) when institution of criminal proceedings has

1           been permitted or required under Section 5-805 and the  
2           minor is the subject of a proceeding to determine the  
3           conditions of pretrial release ~~amount of bail~~;

4           (c) when criminal proceedings have been permitted  
5           or required under Section 5-805 and the minor is the  
6           subject of a pre-trial investigation, pre-sentence  
7           investigation, fitness hearing, or proceedings on an  
8           application for probation; or

9           (d) in the course of prosecution or administrative  
10          adjudication of a violation of a traffic, boating, or  
11          fish and game law, or a county or municipal ordinance.

12          (4) Adult and Juvenile Prisoner Review Board.

13          (5) Authorized military personnel.

14          (5.5) Employees of the federal government authorized  
15          by law.

16          (6) Persons engaged in bona fide research, with the  
17          permission of the Presiding Judge and the chief executive  
18          of the respective law enforcement agency; provided that  
19          publication of such research results in no disclosure of a  
20          minor's identity and protects the confidentiality of the  
21          minor's record.

22          (7) Department of Children and Family Services child  
23          protection investigators acting in their official  
24          capacity.

25          (8) The appropriate school official only if the agency  
26          or officer believes that there is an imminent threat of

1 physical harm to students, school personnel, or others who  
2 are present in the school or on school grounds.

3 (A) Inspection and copying shall be limited to  
4 juvenile law enforcement records transmitted to the  
5 appropriate school official or officials whom the  
6 school has determined to have a legitimate educational  
7 or safety interest by a local law enforcement agency  
8 under a reciprocal reporting system established and  
9 maintained between the school district and the local  
10 law enforcement agency under Section 10-20.14 of the  
11 School Code concerning a minor enrolled in a school  
12 within the school district who has been arrested or  
13 taken into custody for any of the following offenses:

14 (i) any violation of Article 24 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012;

16 (ii) a violation of the Illinois Controlled  
17 Substances Act;

18 (iii) a violation of the Cannabis Control Act;

19 (iv) a forcible felony as defined in Section  
20 2-8 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012;

22 (v) a violation of the Methamphetamine Control  
23 and Community Protection Act;

24 (vi) a violation of Section 1-2 of the  
25 Harassing and Obscene Communications Act;

26 (vii) a violation of the Hazing Act; or

1 (viii) a violation of Section 12-1, 12-2,  
2 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
3 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 The information derived from the juvenile law  
6 enforcement records shall be kept separate from and  
7 shall not become a part of the official school record  
8 of that child and shall not be a public record. The  
9 information shall be used solely by the appropriate  
10 school official or officials whom the school has  
11 determined to have a legitimate educational or safety  
12 interest to aid in the proper rehabilitation of the  
13 child and to protect the safety of students and  
14 employees in the school. If the designated law  
15 enforcement and school officials deem it to be in the  
16 best interest of the minor, the student may be referred  
17 to in-school or community-based social services if  
18 those services are available. "Rehabilitation  
19 services" may include interventions by school support  
20 personnel, evaluation for eligibility for special  
21 education, referrals to community-based agencies such  
22 as youth services, behavioral healthcare service  
23 providers, drug and alcohol prevention or treatment  
24 programs, and other interventions as deemed  
25 appropriate for the student.

26 (B) Any information provided to appropriate school

1 officials whom the school has determined to have a  
2 legitimate educational or safety interest by local law  
3 enforcement officials about a minor who is the subject  
4 of a current police investigation that is directly  
5 related to school safety shall consist of oral  
6 information only, and not written juvenile law  
7 enforcement records, and shall be used solely by the  
8 appropriate school official or officials to protect  
9 the safety of students and employees in the school and  
10 aid in the proper rehabilitation of the child. The  
11 information derived orally from the local law  
12 enforcement officials shall be kept separate from and  
13 shall not become a part of the official school record  
14 of the child and shall not be a public record. This  
15 limitation on the use of information about a minor who  
16 is the subject of a current police investigation shall  
17 in no way limit the use of this information by  
18 prosecutors in pursuing criminal charges arising out  
19 of the information disclosed during a police  
20 investigation of the minor. For purposes of this  
21 paragraph, "investigation" means an official  
22 systematic inquiry by a law enforcement agency into  
23 actual or suspected criminal activity.

24 (9) Mental health professionals on behalf of the  
25 Department of Corrections or the Department of Human  
26 Services or prosecutors who are evaluating, prosecuting,



1 or investigating a potential or actual petition brought  
2 under the Sexually Violent Persons Commitment Act relating  
3 to a person who is the subject of juvenile law enforcement  
4 records or the respondent to a petition brought under the  
5 Sexually Violent Persons Commitment Act who is the subject  
6 of the juvenile law enforcement records sought. Any  
7 juvenile law enforcement records and any information  
8 obtained from those juvenile law enforcement records under  
9 this paragraph (9) may be used only in sexually violent  
10 persons commitment proceedings.

11 (10) The president of a park district. Inspection and  
12 copying shall be limited to juvenile law enforcement  
13 records transmitted to the president of the park district  
14 by the Department of State Police under Section 8-23 of the  
15 Park District Code or Section 16a-5 of the Chicago Park  
16 District Act concerning a person who is seeking employment  
17 with that park district and who has been adjudicated a  
18 juvenile delinquent for any of the offenses listed in  
19 subsection (c) of Section 8-23 of the Park District Code or  
20 subsection (c) of Section 16a-5 of the Chicago Park  
21 District Act.

22 (11) Persons managing and designated to participate in  
23 a court diversion program as designated in subsection (6)  
24 of Section 5-105.

25 (12) The Public Access Counselor of the Office of the  
26 Attorney General, when reviewing juvenile law enforcement

1 records under its powers and duties under the Freedom of  
2 Information Act.

3 (13) Collection agencies, contracted or otherwise  
4 engaged by a governmental entity, to collect any debts due  
5 and owing to the governmental entity.

6 (B)(1) Except as provided in paragraph (2), no law  
7 enforcement officer or other person or agency may knowingly  
8 transmit to the Department of Corrections, Department of State  
9 Police, or to the Federal Bureau of Investigation any  
10 fingerprint or photograph relating to a minor who has been  
11 arrested or taken into custody before his or her 18th birthday,  
12 unless the court in proceedings under this Act authorizes the  
13 transmission or enters an order under Section 5-805 permitting  
14 or requiring the institution of criminal proceedings.

15 (2) Law enforcement officers or other persons or agencies  
16 shall transmit to the Department of State Police copies of  
17 fingerprints and descriptions of all minors who have been  
18 arrested or taken into custody before their 18th birthday for  
19 the offense of unlawful use of weapons under Article 24 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012, a Class X  
21 or Class 1 felony, a forcible felony as defined in Section 2-8  
22 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
23 Class 2 or greater felony under the Cannabis Control Act, the  
24 Illinois Controlled Substances Act, the Methamphetamine  
25 Control and Community Protection Act, or Chapter 4 of the  
26 Illinois Vehicle Code, pursuant to Section 5 of the Criminal

1 Identification Act. Information reported to the Department  
2 pursuant to this Section may be maintained with records that  
3 the Department files pursuant to Section 2.1 of the Criminal  
4 Identification Act. Nothing in this Act prohibits a law  
5 enforcement agency from fingerprinting a minor taken into  
6 custody or arrested before his or her 18th birthday for an  
7 offense other than those listed in this paragraph (2).

8 (C) The records of law enforcement officers, or of an  
9 independent agency created by ordinance and charged by a unit  
10 of local government with the duty of investigating the conduct  
11 of law enforcement officers, concerning all minors under 18  
12 years of age must be maintained separate from the records of  
13 arrests and may not be open to public inspection or their  
14 contents disclosed to the public. For purposes of obtaining  
15 documents under this Section, a civil subpoena is not an order  
16 of the court.

17 (1) In cases where the law enforcement, or independent  
18 agency, records concern a pending juvenile court case, the  
19 party seeking to inspect the records shall provide actual  
20 notice to the attorney or guardian ad litem of the minor  
21 whose records are sought.

22 (2) In cases where the records concern a juvenile court  
23 case that is no longer pending, the party seeking to  
24 inspect the records shall provide actual notice to the  
25 minor or the minor's parent or legal guardian, and the  
26 matter shall be referred to the chief judge presiding over

1 matters pursuant to this Act.

2 (3) In determining whether the records should be  
3 available for inspection, the court shall consider the  
4 minor's interest in confidentiality and rehabilitation  
5 over the moving party's interest in obtaining the  
6 information. Any records obtained in violation of this  
7 subsection (C) shall not be admissible in any criminal or  
8 civil proceeding, or operate to disqualify a minor from  
9 subsequently holding public office or securing employment,  
10 or operate as a forfeiture of any public benefit, right,  
11 privilege, or right to receive any license granted by  
12 public authority.

13 (D) Nothing contained in subsection (C) of this Section  
14 shall prohibit the inspection or disclosure to victims and  
15 witnesses of photographs contained in the records of law  
16 enforcement agencies when the inspection and disclosure is  
17 conducted in the presence of a law enforcement officer for the  
18 purpose of the identification or apprehension of any person  
19 subject to the provisions of this Act or for the investigation  
20 or prosecution of any crime.

21 (E) Law enforcement officers, and personnel of an  
22 independent agency created by ordinance and charged by a unit  
23 of local government with the duty of investigating the conduct  
24 of law enforcement officers, may not disclose the identity of  
25 any minor in releasing information to the general public as to  
26 the arrest, investigation or disposition of any case involving

1 a minor.

2 (F) Nothing contained in this Section shall prohibit law  
3 enforcement agencies from communicating with each other by  
4 letter, memorandum, teletype, or intelligence alert bulletin  
5 or other means the identity or other relevant information  
6 pertaining to a person under 18 years of age if there are  
7 reasonable grounds to believe that the person poses a real and  
8 present danger to the safety of the public or law enforcement  
9 officers. The information provided under this subsection (F)  
10 shall remain confidential and shall not be publicly disclosed,  
11 except as otherwise allowed by law.

12 (G) Nothing in this Section shall prohibit the right of a  
13 Civil Service Commission or appointing authority of any federal  
14 government, state, county or municipality examining the  
15 character and fitness of an applicant for employment with a law  
16 enforcement agency, correctional institution, or fire  
17 department from obtaining and examining the records of any law  
18 enforcement agency relating to any record of the applicant  
19 having been arrested or taken into custody before the  
20 applicant's 18th birthday.

21 (G-5) Information identifying victims and alleged victims  
22 of sex offenses shall not be disclosed or open to the public  
23 under any circumstances. Nothing in this Section shall prohibit  
24 the victim or alleged victim of any sex offense from  
25 voluntarily disclosing his or her own identity.

26 (H) The changes made to this Section by Public Act 98-61

1 apply to law enforcement records of a minor who has been  
2 arrested or taken into custody on or after January 1, 2014 (the  
3 effective date of Public Act 98-61).

4 (H-5) Nothing in this Section shall require any court or  
5 adjudicative proceeding for traffic, boating, fish and game  
6 law, or municipal and county ordinance violations to be closed  
7 to the public.

8 (I) Willful violation of this Section is a Class C  
9 misdemeanor and each violation is subject to a fine of \$1,000.  
10 This subsection (I) shall not apply to the person who is the  
11 subject of the record.

12 (J) A person convicted of violating this Section is liable  
13 for damages in the amount of \$1,000 or actual damages,  
14 whichever is greater.

15 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;  
16 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.  
17 12-20-18.)

18 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

19 Sec. 1-8. Confidentiality and accessibility of juvenile  
20 court records.

21 (A) A juvenile adjudication shall never be considered a  
22 conviction nor shall an adjudicated individual be considered a  
23 criminal. Unless expressly allowed by law, a juvenile  
24 adjudication shall not operate to impose upon the individual  
25 any of the civil disabilities ordinarily imposed by or

1 resulting from conviction. Unless expressly allowed by law,  
2 adjudications shall not prejudice or disqualify the individual  
3 in any civil service application or appointment, from holding  
4 public office, or from receiving any license granted by public  
5 authority. All juvenile court records which have not been  
6 expunged are sealed and may never be disclosed to the general  
7 public or otherwise made widely available. Sealed juvenile  
8 court records may be obtained only under this Section and  
9 Section 1-7 and Part 9 of Article V of this Act, when their use  
10 is needed for good cause and with an order from the juvenile  
11 court. Inspection and copying of juvenile court records  
12 relating to a minor who is the subject of a proceeding under  
13 this Act shall be restricted to the following:

14 (1) The minor who is the subject of record, his or her  
15 parents, guardian, and counsel.

16 (2) Law enforcement officers and law enforcement  
17 agencies when such information is essential to executing an  
18 arrest or search warrant or other compulsory process, or to  
19 conducting an ongoing investigation or relating to a minor  
20 who has been adjudicated delinquent and there has been a  
21 previous finding that the act which constitutes the  
22 previous offense was committed in furtherance of criminal  
23 activities by a criminal street gang.

24 Before July 1, 1994, for the purposes of this Section,  
25 "criminal street gang" means any ongoing organization,  
26 association, or group of 3 or more persons, whether formal

1 or informal, having as one of its primary activities the  
2 commission of one or more criminal acts and that has a  
3 common name or common identifying sign, symbol or specific  
4 color apparel displayed, and whose members individually or  
5 collectively engage in or have engaged in a pattern of  
6 criminal activity.

7 Beginning July 1, 1994, for purposes of this Section,  
8 "criminal street gang" has the meaning ascribed to it in  
9 Section 10 of the Illinois Streetgang Terrorism Omnibus  
10 Prevention Act.

11 (3) Judges, hearing officers, prosecutors, public  
12 defenders, probation officers, social workers, or other  
13 individuals assigned by the court to conduct a  
14 pre-adjudication or pre-disposition investigation, and  
15 individuals responsible for supervising or providing  
16 temporary or permanent care and custody for minors under  
17 the order of the juvenile court when essential to  
18 performing their responsibilities.

19 (4) Judges, federal, State, and local prosecutors,  
20 public defenders, probation officers, and designated  
21 staff:

22 (a) in the course of a trial when institution of  
23 criminal proceedings has been permitted or required  
24 under Section 5-805;

25 (b) when criminal proceedings have been permitted  
26 or required under Section 5-805 and a minor is the



1 subject of a proceeding to determine the conditions of  
2 pretrial release ~~amount of bail~~;

3 (c) when criminal proceedings have been permitted  
4 or required under Section 5-805 and a minor is the  
5 subject of a pre-trial investigation, pre-sentence  
6 investigation or fitness hearing, or proceedings on an  
7 application for probation; or

8 (d) when a minor becomes 18 years of age or older,  
9 and is the subject of criminal proceedings, including a  
10 hearing to determine the conditions of pretrial  
11 release ~~amount of bail~~, a pre-trial investigation, a  
12 pre-sentence investigation, a fitness hearing, or  
13 proceedings on an application for probation.

14 (5) Adult and Juvenile Prisoner Review Boards.

15 (6) Authorized military personnel.

16 (6.5) Employees of the federal government authorized  
17 by law.

18 (7) Victims, their subrogees and legal  
19 representatives; however, such persons shall have access  
20 only to the name and address of the minor and information  
21 pertaining to the disposition or alternative adjustment  
22 plan of the juvenile court.

23 (8) Persons engaged in bona fide research, with the  
24 permission of the presiding judge of the juvenile court and  
25 the chief executive of the agency that prepared the  
26 particular records; provided that publication of such

1 research results in no disclosure of a minor's identity and  
2 protects the confidentiality of the record.

3 (9) The Secretary of State to whom the Clerk of the  
4 Court shall report the disposition of all cases, as  
5 required in Section 6-204 of the Illinois Vehicle Code.  
6 However, information reported relative to these offenses  
7 shall be privileged and available only to the Secretary of  
8 State, courts, and police officers.

9 (10) The administrator of a bonafide substance abuse  
10 student assistance program with the permission of the  
11 presiding judge of the juvenile court.

12 (11) Mental health professionals on behalf of the  
13 Department of Corrections or the Department of Human  
14 Services or prosecutors who are evaluating, prosecuting,  
15 or investigating a potential or actual petition brought  
16 under the Sexually Violent Persons Commitment Act relating  
17 to a person who is the subject of juvenile court records or  
18 the respondent to a petition brought under the Sexually  
19 Violent Persons Commitment Act, who is the subject of  
20 juvenile court records sought. Any records and any  
21 information obtained from those records under this  
22 paragraph (11) may be used only in sexually violent persons  
23 commitment proceedings.

24 (12) Collection agencies, contracted or otherwise  
25 engaged by a governmental entity, to collect any debts due  
26 and owing to the governmental entity.

1 (A-1) Findings and exclusions of paternity entered in  
2 proceedings occurring under Article II of this Act shall be  
3 disclosed, in a manner and form approved by the Presiding Judge  
4 of the Juvenile Court, to the Department of Healthcare and  
5 Family Services when necessary to discharge the duties of the  
6 Department of Healthcare and Family Services under Article X of  
7 the Illinois Public Aid Code.

8 (B) A minor who is the victim in a juvenile proceeding  
9 shall be provided the same confidentiality regarding  
10 disclosure of identity as the minor who is the subject of  
11 record.

12 (C) (0.1) In cases where the records concern a pending  
13 juvenile court case, the requesting party seeking to inspect  
14 the juvenile court records shall provide actual notice to the  
15 attorney or guardian ad litem of the minor whose records are  
16 sought.

17 (0.2) In cases where the juvenile court records concern a  
18 juvenile court case that is no longer pending, the requesting  
19 party seeking to inspect the juvenile court records shall  
20 provide actual notice to the minor or the minor's parent or  
21 legal guardian, and the matter shall be referred to the chief  
22 judge presiding over matters pursuant to this Act.

23 (0.3) In determining whether juvenile court records should  
24 be made available for inspection and whether inspection should  
25 be limited to certain parts of the file, the court shall  
26 consider the minor's interest in confidentiality and

1 rehabilitation over the requesting party's interest in  
2 obtaining the information. The State's Attorney, the minor, and  
3 the minor's parents, guardian, and counsel shall at all times  
4 have the right to examine court files and records.

5 (0.4) Any records obtained in violation of this Section  
6 shall not be admissible in any criminal or civil proceeding, or  
7 operate to disqualify a minor from subsequently holding public  
8 office, or operate as a forfeiture of any public benefit,  
9 right, privilege, or right to receive any license granted by  
10 public authority.

11 (D) Pending or following any adjudication of delinquency  
12 for any offense defined in Sections 11-1.20 through 11-1.60 or  
13 12-13 through 12-16 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, the victim of any such offense shall  
15 receive the rights set out in Sections 4 and 6 of the Bill of  
16 Rights for Victims and Witnesses of Violent Crime Act; and the  
17 juvenile who is the subject of the adjudication,  
18 notwithstanding any other provision of this Act, shall be  
19 treated as an adult for the purpose of affording such rights to  
20 the victim.

21 (E) Nothing in this Section shall affect the right of a  
22 Civil Service Commission or appointing authority of the federal  
23 government, or any state, county, or municipality examining the  
24 character and fitness of an applicant for employment with a law  
25 enforcement agency, correctional institution, or fire  
26 department to ascertain whether that applicant was ever

1 adjudicated to be a delinquent minor and, if so, to examine the  
2 records of disposition or evidence which were made in  
3 proceedings under this Act.

4 (F) Following any adjudication of delinquency for a crime  
5 which would be a felony if committed by an adult, or following  
6 any adjudication of delinquency for a violation of Section  
7 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, the State's Attorney shall ascertain  
9 whether the minor respondent is enrolled in school and, if so,  
10 shall provide a copy of the dispositional order to the  
11 principal or chief administrative officer of the school. Access  
12 to the dispositional order shall be limited to the principal or  
13 chief administrative officer of the school and any guidance  
14 counselor designated by him or her.

15 (G) Nothing contained in this Act prevents the sharing or  
16 disclosure of information or records relating or pertaining to  
17 juveniles subject to the provisions of the Serious Habitual  
18 Offender Comprehensive Action Program when that information is  
19 used to assist in the early identification and treatment of  
20 habitual juvenile offenders.

21 (H) When a court hearing a proceeding under Article II of  
22 this Act becomes aware that an earlier proceeding under Article  
23 II had been heard in a different county, that court shall  
24 request, and the court in which the earlier proceedings were  
25 initiated shall transmit, an authenticated copy of the juvenile  
26 court record, including all documents, petitions, and orders

1 filed and the minute orders, transcript of proceedings, and  
2 docket entries of the court.

3 (I) The Clerk of the Circuit Court shall report to the  
4 Department of State Police, in the form and manner required by  
5 the Department of State Police, the final disposition of each  
6 minor who has been arrested or taken into custody before his or  
7 her 18th birthday for those offenses required to be reported  
8 under Section 5 of the Criminal Identification Act. Information  
9 reported to the Department under this Section may be maintained  
10 with records that the Department files under Section 2.1 of the  
11 Criminal Identification Act.

12 (J) The changes made to this Section by Public Act 98-61  
13 apply to juvenile law enforcement records of a minor who has  
14 been arrested or taken into custody on or after January 1, 2014  
15 (the effective date of Public Act 98-61).

16 (K) Willful violation of this Section is a Class C  
17 misdemeanor and each violation is subject to a fine of \$1,000.  
18 This subsection (K) shall not apply to the person who is the  
19 subject of the record.

20 (L) A person convicted of violating this Section is liable  
21 for damages in the amount of \$1,000 or actual damages,  
22 whichever is greater.

23 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;  
24 100-1162, eff. 12-20-18.)

25 (705 ILCS 405/5-150)

1           Sec. 5-150. Admissibility of evidence and adjudications in  
2 other proceedings.

3           (1) Evidence and adjudications in proceedings under this  
4 Act shall be admissible:

5           (a) in subsequent proceedings under this Act  
6 concerning the same minor; or

7           (b) in criminal proceedings when the court is to  
8 determine the conditions of pretrial release ~~amount of~~  
9 ~~bail~~, fitness of the defendant or in sentencing under the  
10 Unified Code of Corrections; or

11           (c) in proceedings under this Act or in criminal  
12 proceedings in which anyone who has been adjudicated  
13 delinquent under Section 5-105 is to be a witness including  
14 the minor or defendant if he or she testifies, and then  
15 only for purposes of impeachment and pursuant to the rules  
16 of evidence for criminal trials; or

17           (d) in civil proceedings concerning causes of action  
18 arising out of the incident or incidents which initially  
19 gave rise to the proceedings under this Act.

20           (2) No adjudication or disposition under this Act shall  
21 operate to disqualify a minor from subsequently holding public  
22 office nor shall operate as a forfeiture of any right,  
23 privilege or right to receive any license granted by public  
24 authority.

25           (3) The court which adjudicated that a minor has committed  
26 any offense relating to motor vehicles prescribed in Sections

1 4-102 and 4-103 of the Illinois Vehicle Code shall notify the  
2 Secretary of State of that adjudication and the notice shall  
3 constitute sufficient grounds for revoking that minor's  
4 driver's license or permit as provided in Section 6-205 of the  
5 Illinois Vehicle Code; no minor shall be considered a criminal  
6 by reason thereof, nor shall any such adjudication be  
7 considered a conviction.

8 (Source: P.A. 90-590, eff. 1-1-99.)

9 Section 10-215. The Criminal Code of 2012 is amended by  
10 changing Sections 7-5, 7-5.5, 7-9, 9-1, 26.5-5, 31-1, 31A-0.1,  
11 32-10, 32-15, and 33-3 and by adding Sections 7-15, 7-16, and  
12 33-9 as follows:

13 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

14 Sec. 7-5. Peace officer's use of force in making arrest.  
15 (a) A peace officer, or any person whom he has summoned or  
16 directed to assist him, need not retreat or desist from efforts  
17 to make a lawful arrest because of resistance or threatened  
18 resistance to the arrest. He is justified in the use of any  
19 force which he reasonably believes, based on the totality of  
20 the circumstances, to be necessary to effect the arrest and of  
21 any force which he reasonably believes, based on the totality  
22 of the circumstances, to be necessary to defend himself or  
23 another from bodily harm while making the arrest. However, he  
24 is justified in using force likely to cause death or great



1 bodily harm only when he reasonably believes, based on the  
2 totality of the circumstances, that such force is necessary to  
3 prevent death or great bodily harm to himself or such other  
4 person, or when he reasonably believes, based on the totality  
5 of the circumstances, both that:

6 (1) Such force is necessary to prevent the arrest from  
7 being defeated by resistance or escape; the officer  
8 reasonably believes that the person to be arrested cannot  
9 be apprehended at a later date, and the officer reasonably  
10 believes that the person to be arrested is likely to cause  
11 great bodily harm to another; and

12 (2) The person to be arrested just ~~has~~ committed or  
13 attempted a forcible felony which involves the infliction  
14 or threatened infliction of great bodily harm or is  
15 attempting to escape by use of a deadly weapon, or  
16 otherwise indicates that he will endanger human life or  
17 inflict great bodily harm unless arrested without delay.

18 As used in this subsection, "retreat" does not mean  
19 tactical repositioning or other de-escalation tactics.

20 (a-5) Where feasible, a peace officer shall, prior to the  
21 use of force, make reasonable efforts to identify himself or  
22 herself as a peace officer and to warn that deadly force may be  
23 used, unless the officer has reasonable grounds to believe that  
24 the person is aware of those facts.

25 (a-10) A peace officer shall not use deadly force against a  
26 person based on the danger that the person poses to himself or

1 herself if an reasonable officer would believe the person does  
2 not pose an imminent threat of death or serious bodily injury  
3 to the peace officer or to another person.

4 (a-15) A peace officer shall not use deadly force against a  
5 person who is suspected of committing a property offense,  
6 unless that offense is terrorism or unless deadly force is  
7 otherwise authorized by law.

8 (b) A peace officer making an arrest pursuant to an invalid  
9 warrant is justified in the use of any force which he would be  
10 justified in using if the warrant were valid, unless he knows  
11 that the warrant is invalid.

12 (c) The authority to use physical force conferred on peace  
13 officers by this Article is a serious responsibility that shall  
14 be exercised judiciously and with respect for human rights and  
15 dignity and for the sanctity of every human life.

16 (d) Peace officers shall use deadly force only when  
17 reasonably necessary in defense of human life. In determining  
18 whether deadly force is reasonably necessary, officers shall  
19 evaluate each situation in light of the particular  
20 circumstances of each case and shall use other available  
21 resources and techniques, if reasonably safe and feasible to a  
22 reasonable officer.

23 (e) The decision by a peace officer to use force shall be  
24 evaluated carefully and thoroughly, in a manner that reflects  
25 the gravity of that authority and the serious consequences of  
26 the use of force by peace officers, in order to ensure that

1 officers use force consistent with law and agency policies.

2 (f) The decision by a peace officer to use force shall be  
3 evaluated from the perspective of a reasonable officer in the  
4 same situation, based on the totality of the circumstances  
5 known to or perceived by the officer at the time of the  
6 decision, rather than with the benefit of hindsight, and that  
7 the totality of the circumstances shall account for occasions  
8 when officers may be forced to make quick judgments about using  
9 force.

10 (g) Law enforcement agencies are encouraged to adopt and  
11 develop policies designed to protect individuals with  
12 physical, mental health, developmental, or intellectual  
13 disabilities, who are significantly more likely to experience  
14 greater levels of physical force during police interactions, as  
15 these disabilities may affect the ability of a person to  
16 understand or comply with commands from peace officers.

17 (h) As used in this Section:

18 (1) "Deadly force" means any use of force that creates  
19 a substantial risk of causing death or serious bodily  
20 injury, including, but not limited to, the discharge of a  
21 firearm.

22 (2) A threat of death or serious bodily injury is  
23 "imminent" when, based on the totality of the  
24 circumstances, a reasonable officer in the same situation  
25 would believe that a person has the present ability,  
26 opportunity, and apparent intent to immediately cause

1        death or serious bodily injury to the peace officer or  
2        another person. An imminent harm is not merely a fear of  
3        future harm, no matter how great the fear and no matter how  
4        great the likelihood of the harm, but is one that, from  
5        appearances, must be instantly confronted and addressed.

6        (3) "Totality of the circumstances" means all facts  
7        known to the peace officer at the time, or that would be  
8        known to a reasonable officer in the same situation,  
9        including the conduct of the officer and the subject  
10       leading up to the use of deadly force.

11       (Source: P.A. 84-1426.)

12       (720 ILCS 5/7-5.5)

13       Sec. 7-5.5. Prohibited use of force by a peace officer.

14       (a) A peace officer, or any person acting on behalf of a  
15       peace officer, shall not use a chokehold or restraint above the  
16       shoulders with risk of asphyxiation in the performance of his  
17       or her duties, ~~unless deadly force is justified under Article 7~~  
18       ~~of this Code.~~

19       (b) A peace officer, or any person acting on behalf of a  
20       peace officer, shall not use a chokehold or restraint above the  
21       shoulders with risk of asphyxiation, or any lesser contact with  
22       the throat or neck area of another, in order to prevent the  
23       destruction of evidence by ingestion.

24       (c) As used in this Section, "chokehold" means applying any  
25       direct pressure to the throat, windpipe, or airway of another

1 ~~with the intent to reduce or prevent the intake of air.~~  
2 ~~"Chokehold" does not include any holding involving contact with~~  
3 ~~the neck that is not intended to reduce the intake of air.~~

4 (d) As used in this Section, "restraint above the shoulders  
5 with risk of positional asphyxiation" means a use of a  
6 technique used to restrain a person above the shoulders,  
7 including the neck or head, in a position which interferes with  
8 the person's ability to breathe after the person no longer  
9 poses a threat to the officer or any other person.

10 (e) A peace officer, or any person acting on behalf of a  
11 peace officer, shall not:

12 (i) use force as punishment or retaliation;

13 (ii) discharge kinetic impact projectiles and all  
14 other non-or less-lethal projectiles in a manner that  
15 targets the head, pelvis, or back;

16 (iii) discharge kinetic impact projectiles  
17 indiscriminately into a crowd; or

18 (iv) use chemical agents or irritants, including  
19 pepper spray and tear gas, prior to issuing an order to  
20 disperse in a sufficient manner to ensure the order is  
21 heard and repeated if necessary, followed by sufficient  
22 time and space to allow compliance with the order.

23 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

24 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

25 Sec. 7-9. Use of force to prevent escape.

1 (a) A peace officer or other person who has an arrested  
2 person in his custody is justified in the use of ~~such~~ force,  
3 except deadly force, to prevent the escape of the arrested  
4 person from custody as he would be justified in using if he  
5 were arresting such person.

6 (b) A guard or other peace officer is justified in the use  
7 of force, ~~including force likely to cause death or great bodily~~  
8 ~~harm,~~ which he reasonably believes to be necessary to prevent  
9 the escape from a penal institution of a person whom the  
10 officer reasonably believes to be lawfully detained in such  
11 institution under sentence for an offense or awaiting trial or  
12 commitment for an offense.

13 (c) Deadly force shall not be used to prevent escape under  
14 this Section unless, based on the totality of the  
15 circumstances, deadly force is necessary to prevent death or  
16 great bodily harm to himself or such other person.

17 (Source: Laws 1961, p. 1983.)

18 (720 ILCS 5/7-15 new)

19 Sec. 7-15. Duty to render aid. It is the policy of the  
20 State of Illinois that all law enforcement officers must, as  
21 soon as reasonably practical, determine if a person is injured,  
22 whether as a result of a use of force or otherwise, and render  
23 medical aid and assistance consistent with training and request  
24 emergency medical assistance if necessary. "Render medical aid  
25 and assistance" includes, but is not limited to, (i) performing

1 emergency life-saving procedures such as cardiopulmonary  
2 resuscitation or the administration of an automated external  
3 defibrillator; and (ii) the carrying, or the making of  
4 arrangements for the carrying, of such person to a physician,  
5 surgeon, or hospital for medical or surgical treatment if it is  
6 apparent that treatment is necessary, or if such carrying is  
7 requested by the injured person.

8 (720 ILCS 5/7-16 new)

9 Sec. 7-16. Duty to intervene.

10 (a) A peace officer, or any person acting on behalf of a  
11 peace officer, shall have an affirmative duty to intervene to  
12 prevent or stop another peace officer in his or her presence  
13 from using any unauthorized force or force that exceeds the  
14 degree of force permitted, if any without regard for chain of  
15 command.

16 (b) A peace officer, or any person acting on behalf of a  
17 peace officer, who intervenes as required by this Section shall  
18 report the intervention to the person designated/identified by  
19 the law enforcement entity in a manner prescribed by the  
20 agency. The report required by this Section must include the  
21 date, time, and place of the occurrence; the identity, if  
22 known, and description of the participants; and a description  
23 of the intervention actions taken and whether they were  
24 successful. In no event shall the report be submitted more than  
25 5 days after the incident.

1       (c) A member of a law enforcement agency shall not  
2 discipline nor retaliate in any way against a peace officer for  
3 intervening as required in this Section or for reporting  
4 unconstitutional or unlawful conduct, or for failing to follow  
5 what the officer reasonably believes is an unconstitutional or  
6 unlawful directive.

7           (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

8           Sec. 9-1. First degree murder; death penalties;  
9 exceptions; separate hearings; proof; findings; appellate  
10 procedures; reversals.

11          (a) A person who kills an individual without lawful  
12 justification commits first degree murder if, in performing the  
13 acts which cause the death:

14           (1) he or she either intends to kill or do great bodily  
15 harm to that individual or another, or knows that such acts  
16 will cause death to that individual or another; or

17           (2) he or she knows that such acts create a strong  
18 probability of death or great bodily harm to that  
19 individual or another; ~~or~~

20           (3) he or she commits or attempts to commit ~~is~~  
21 ~~attempting or committing~~ a forcible felony other than  
22 second degree murder and, in the course of and in  
23 furtherance of the crime, he or she personally causes the  
24 death of an individual; or-

25           (4) he or she, when acting with one or more



1       participants, commits or attempts to commit a forcible  
2       felony other than second degree murder, and in the course  
3       of and in furtherance of the offense, another participant  
4       in the offense causes the death of an individual, and he or  
5       she knew that the other participant would engage in conduct  
6       that would result in death or great bodily harm.

7       (b) Aggravating Factors. A defendant who at the time of the  
8       commission of the offense has attained the age of 18 or more  
9       and who has been found guilty of first degree murder may be  
10      sentenced to death if:

11           (1) the murdered individual was a peace officer or  
12           fireman killed in the course of performing his official  
13           duties, to prevent the performance of his or her official  
14           duties, or in retaliation for performing his or her  
15           official duties, and the defendant knew or should have  
16           known that the murdered individual was a peace officer or  
17           fireman; or

18           (2) the murdered individual was an employee of an  
19           institution or facility of the Department of Corrections,  
20           or any similar local correctional agency, killed in the  
21           course of performing his or her official duties, to prevent  
22           the performance of his or her official duties, or in  
23           retaliation for performing his or her official duties, or  
24           the murdered individual was an inmate at such institution  
25           or facility and was killed on the grounds thereof, or the  
26           murdered individual was otherwise present in such

1 institution or facility with the knowledge and approval of  
2 the chief administrative officer thereof; or

3 (3) the defendant has been convicted of murdering two  
4 or more individuals under subsection (a) of this Section or  
5 under any law of the United States or of any state which is  
6 substantially similar to subsection (a) of this Section  
7 regardless of whether the deaths occurred as the result of  
8 the same act or of several related or unrelated acts so  
9 long as the deaths were the result of either an intent to  
10 kill more than one person or of separate acts which the  
11 defendant knew would cause death or create a strong  
12 probability of death or great bodily harm to the murdered  
13 individual or another; or

14 (4) the murdered individual was killed as a result of  
15 the hijacking of an airplane, train, ship, bus, or other  
16 public conveyance; or

17 (5) the defendant committed the murder pursuant to a  
18 contract, agreement, or understanding by which he or she  
19 was to receive money or anything of value in return for  
20 committing the murder or procured another to commit the  
21 murder for money or anything of value; or

22 (6) the murdered individual was killed in the course of  
23 another felony if:

24 (a) the murdered individual:

25 (i) was actually killed by the defendant, or

26 (ii) received physical injuries personally

1           inflicted by the defendant substantially  
2           contemporaneously with physical injuries caused by  
3           one or more persons for whose conduct the defendant  
4           is legally accountable under Section 5-2 of this  
5           Code, and the physical injuries inflicted by  
6           either the defendant or the other person or persons  
7           for whose conduct he is legally accountable caused  
8           the death of the murdered individual; and

9           (b) in performing the acts which caused the death  
10          of the murdered individual or which resulted in  
11          physical injuries personally inflicted by the  
12          defendant on the murdered individual under the  
13          circumstances of subdivision (ii) of subparagraph (a)  
14          of paragraph (6) of subsection (b) of this Section, the  
15          defendant acted with the intent to kill the murdered  
16          individual or with the knowledge that his acts created  
17          a strong probability of death or great bodily harm to  
18          the murdered individual or another; and

19          (c) the other felony was an inherently violent  
20          crime or the attempt to commit an inherently violent  
21          crime. In this subparagraph (c), "inherently violent  
22          crime" includes, but is not limited to, armed robbery,  
23          robbery, predatory criminal sexual assault of a child,  
24          aggravated criminal sexual assault, aggravated  
25          kidnapping, aggravated vehicular hijacking, aggravated  
26          arson, aggravated stalking, residential burglary, and

1 home invasion; or

2 (7) the murdered individual was under 12 years of age  
3 and the death resulted from exceptionally brutal or heinous  
4 behavior indicative of wanton cruelty; or

5 (8) the defendant committed the murder with intent to  
6 prevent the murdered individual from testifying or  
7 participating in any criminal investigation or prosecution  
8 or giving material assistance to the State in any  
9 investigation or prosecution, either against the defendant  
10 or another; or the defendant committed the murder because  
11 the murdered individual was a witness in any prosecution or  
12 gave material assistance to the State in any investigation  
13 or prosecution, either against the defendant or another;  
14 for purposes of this paragraph (8), "participating in any  
15 criminal investigation or prosecution" is intended to  
16 include those appearing in the proceedings in any capacity  
17 such as trial judges, prosecutors, defense attorneys,  
18 investigators, witnesses, or jurors; or

19 (9) the defendant, while committing an offense  
20 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
21 407 or 407.1 or subsection (b) of Section 404 of the  
22 Illinois Controlled Substances Act, or while engaged in a  
23 conspiracy or solicitation to commit such offense,  
24 intentionally killed an individual or counseled,  
25 commanded, induced, procured or caused the intentional  
26 killing of the murdered individual; or

1           (10) the defendant was incarcerated in an institution  
2 or facility of the Department of Corrections at the time of  
3 the murder, and while committing an offense punishable as a  
4 felony under Illinois law, or while engaged in a conspiracy  
5 or solicitation to commit such offense, intentionally  
6 killed an individual or counseled, commanded, induced,  
7 procured or caused the intentional killing of the murdered  
8 individual; or

9           (11) the murder was committed in a cold, calculated and  
10 premeditated manner pursuant to a preconceived plan,  
11 scheme or design to take a human life by unlawful means,  
12 and the conduct of the defendant created a reasonable  
13 expectation that the death of a human being would result  
14 therefrom; or

15           (12) the murdered individual was an emergency medical  
16 technician - ambulance, emergency medical technician -  
17 intermediate, emergency medical technician - paramedic,  
18 ambulance driver, or other medical assistance or first aid  
19 personnel, employed by a municipality or other  
20 governmental unit, killed in the course of performing his  
21 official duties, to prevent the performance of his official  
22 duties, or in retaliation for performing his official  
23 duties, and the defendant knew or should have known that  
24 the murdered individual was an emergency medical  
25 technician - ambulance, emergency medical technician -  
26 intermediate, emergency medical technician - paramedic,

1 ambulance driver, or other medical assistance or first aid  
2 personnel; or

3 (13) the defendant was a principal administrator,  
4 organizer, or leader of a calculated criminal drug  
5 conspiracy consisting of a hierarchical position of  
6 authority superior to that of all other members of the  
7 conspiracy, and the defendant counseled, commanded,  
8 induced, procured, or caused the intentional killing of the  
9 murdered person; or

10 (14) the murder was intentional and involved the  
11 infliction of torture. For the purpose of this Section  
12 torture means the infliction of or subjection to extreme  
13 physical pain, motivated by an intent to increase or  
14 prolong the pain, suffering or agony of the victim; or

15 (15) the murder was committed as a result of the  
16 intentional discharge of a firearm by the defendant from a  
17 motor vehicle and the victim was not present within the  
18 motor vehicle; or

19 (16) the murdered individual was 60 years of age or  
20 older and the death resulted from exceptionally brutal or  
21 heinous behavior indicative of wanton cruelty; or

22 (17) the murdered individual was a person with a  
23 disability and the defendant knew or should have known that  
24 the murdered individual was a person with a disability. For  
25 purposes of this paragraph (17), "person with a disability"  
26 means a person who suffers from a permanent physical or

1 mental impairment resulting from disease, an injury, a  
2 functional disorder, or a congenital condition that  
3 renders the person incapable of adequately providing for  
4 his or her own health or personal care; or

5 (18) the murder was committed by reason of any person's  
6 activity as a community policing volunteer or to prevent  
7 any person from engaging in activity as a community  
8 policing volunteer; or

9 (19) the murdered individual was subject to an order of  
10 protection and the murder was committed by a person against  
11 whom the same order of protection was issued under the  
12 Illinois Domestic Violence Act of 1986; or

13 (20) the murdered individual was known by the defendant  
14 to be a teacher or other person employed in any school and  
15 the teacher or other employee is upon the grounds of a  
16 school or grounds adjacent to a school, or is in any part  
17 of a building used for school purposes; or

18 (21) the murder was committed by the defendant in  
19 connection with or as a result of the offense of terrorism  
20 as defined in Section 29D-14.9 of this Code; or

21 (22) the murdered individual was a member of a  
22 congregation engaged in prayer or other religious  
23 activities at a church, synagogue, mosque, or other  
24 building, structure, or place used for religious worship.

25 (b-5) Aggravating Factor; Natural Life Imprisonment. A  
26 defendant who has been found guilty of first degree murder and

1 who at the time of the commission of the offense had attained  
2 the age of 18 years or more may be sentenced to natural life  
3 imprisonment if (i) the murdered individual was a physician,  
4 physician assistant, psychologist, nurse, or advanced practice  
5 registered nurse, (ii) the defendant knew or should have known  
6 that the murdered individual was a physician, physician  
7 assistant, psychologist, nurse, or advanced practice  
8 registered nurse, and (iii) the murdered individual was killed  
9 in the course of acting in his or her capacity as a physician,  
10 physician assistant, psychologist, nurse, or advanced practice  
11 registered nurse, or to prevent him or her from acting in that  
12 capacity, or in retaliation for his or her acting in that  
13 capacity.

14 (c) Consideration of factors in Aggravation and  
15 Mitigation.

16 The court shall consider, or shall instruct the jury to  
17 consider any aggravating and any mitigating factors which are  
18 relevant to the imposition of the death penalty. Aggravating  
19 factors may include but need not be limited to those factors  
20 set forth in subsection (b). Mitigating factors may include but  
21 need not be limited to the following:

22 (1) the defendant has no significant history of prior  
23 criminal activity;

24 (2) the murder was committed while the defendant was  
25 under the influence of extreme mental or emotional  
26 disturbance, although not such as to constitute a defense



1 to prosecution;

2 (3) the murdered individual was a participant in the  
3 defendant's homicidal conduct or consented to the  
4 homicidal act;

5 (4) the defendant acted under the compulsion of threat  
6 or menace of the imminent infliction of death or great  
7 bodily harm;

8 (5) the defendant was not personally present during  
9 commission of the act or acts causing death;

10 (6) the defendant's background includes a history of  
11 extreme emotional or physical abuse;

12 (7) the defendant suffers from a reduced mental  
13 capacity.

14 Provided, however, that an action that does not otherwise  
15 mitigate first degree murder cannot qualify as a mitigating  
16 factor for first degree murder because of the discovery,  
17 knowledge, or disclosure of the victim's sexual orientation as  
18 defined in Section 1-103 of the Illinois Human Rights Act.

19 (d) Separate sentencing hearing.

20 Where requested by the State, the court shall conduct a  
21 separate sentencing proceeding to determine the existence of  
22 factors set forth in subsection (b) and to consider any  
23 aggravating or mitigating factors as indicated in subsection  
24 (c). The proceeding shall be conducted:

25 (1) before the jury that determined the defendant's  
26 guilt; or

1           (2) before a jury impanelled for the purpose of the  
2 proceeding if:

3           A. the defendant was convicted upon a plea of  
4 guilty; or

5           B. the defendant was convicted after a trial before  
6 the court sitting without a jury; or

7           C. the court for good cause shown discharges the  
8 jury that determined the defendant's guilt; or

9           (3) before the court alone if the defendant waives a  
10 jury for the separate proceeding.

11           (e) Evidence and Argument.

12           During the proceeding any information relevant to any of  
13 the factors set forth in subsection (b) may be presented by  
14 either the State or the defendant under the rules governing the  
15 admission of evidence at criminal trials. Any information  
16 relevant to any additional aggravating factors or any  
17 mitigating factors indicated in subsection (c) may be presented  
18 by the State or defendant regardless of its admissibility under  
19 the rules governing the admission of evidence at criminal  
20 trials. The State and the defendant shall be given fair  
21 opportunity to rebut any information received at the hearing.

22           (f) Proof.

23           The burden of proof of establishing the existence of any of  
24 the factors set forth in subsection (b) is on the State and  
25 shall not be satisfied unless established beyond a reasonable  
26 doubt.

1 (g) Procedure - Jury.

2 If at the separate sentencing proceeding the jury finds  
3 that none of the factors set forth in subsection (b) exists,  
4 the court shall sentence the defendant to a term of  
5 imprisonment under Chapter V of the Unified Code of  
6 Corrections. If there is a unanimous finding by the jury that  
7 one or more of the factors set forth in subsection (b) exist,  
8 the jury shall consider aggravating and mitigating factors as  
9 instructed by the court and shall determine whether the  
10 sentence of death shall be imposed. If the jury determines  
11 unanimously, after weighing the factors in aggravation and  
12 mitigation, that death is the appropriate sentence, the court  
13 shall sentence the defendant to death. If the court does not  
14 concur with the jury determination that death is the  
15 appropriate sentence, the court shall set forth reasons in  
16 writing including what facts or circumstances the court relied  
17 upon, along with any relevant documents, that compelled the  
18 court to non-concur with the sentence. This document and any  
19 attachments shall be part of the record for appellate review.  
20 The court shall be bound by the jury's sentencing  
21 determination.

22 If after weighing the factors in aggravation and  
23 mitigation, one or more jurors determines that death is not the  
24 appropriate sentence, the court shall sentence the defendant to  
25 a term of imprisonment under Chapter V of the Unified Code of  
26 Corrections.

1 (h) Procedure - No Jury.

2 In a proceeding before the court alone, if the court finds  
3 that none of the factors found in subsection (b) exists, the  
4 court shall sentence the defendant to a term of imprisonment  
5 under Chapter V of the Unified Code of Corrections.

6 If the Court determines that one or more of the factors set  
7 forth in subsection (b) exists, the Court shall consider any  
8 aggravating and mitigating factors as indicated in subsection  
9 (c). If the Court determines, after weighing the factors in  
10 aggravation and mitigation, that death is the appropriate  
11 sentence, the Court shall sentence the defendant to death.

12 If the court finds that death is not the appropriate  
13 sentence, the court shall sentence the defendant to a term of  
14 imprisonment under Chapter V of the Unified Code of  
15 Corrections.

16 (h-5) Decertification as a capital case.

17 In a case in which the defendant has been found guilty of  
18 first degree murder by a judge or jury, or a case on remand for  
19 resentencing, and the State seeks the death penalty as an  
20 appropriate sentence, on the court's own motion or the written  
21 motion of the defendant, the court may decertify the case as a  
22 death penalty case if the court finds that the only evidence  
23 supporting the defendant's conviction is the uncorroborated  
24 testimony of an informant witness, as defined in Section 115-21  
25 of the Code of Criminal Procedure of 1963, concerning the  
26 confession or admission of the defendant or that the sole

1 evidence against the defendant is a single eyewitness or single  
2 accomplice without any other corroborating evidence. If the  
3 court decertifies the case as a capital case under either of  
4 the grounds set forth above, the court shall issue a written  
5 finding. The State may pursue its right to appeal the  
6 decertification pursuant to Supreme Court Rule 604(a)(1). If  
7 the court does not decertify the case as a capital case, the  
8 matter shall proceed to the eligibility phase of the sentencing  
9 hearing.

10 (i) Appellate Procedure.

11 The conviction and sentence of death shall be subject to  
12 automatic review by the Supreme Court. Such review shall be in  
13 accordance with rules promulgated by the Supreme Court. The  
14 Illinois Supreme Court may overturn the death sentence, and  
15 order the imposition of imprisonment under Chapter V of the  
16 Unified Code of Corrections if the court finds that the death  
17 sentence is fundamentally unjust as applied to the particular  
18 case. If the Illinois Supreme Court finds that the death  
19 sentence is fundamentally unjust as applied to the particular  
20 case, independent of any procedural grounds for relief, the  
21 Illinois Supreme Court shall issue a written opinion explaining  
22 this finding.

23 (j) Disposition of reversed death sentence.

24 In the event that the death penalty in this Act is held to  
25 be unconstitutional by the Supreme Court of the United States  
26 or of the State of Illinois, any person convicted of first

1 degree murder shall be sentenced by the court to a term of  
2 imprisonment under Chapter V of the Unified Code of  
3 Corrections.

4 In the event that any death sentence pursuant to the  
5 sentencing provisions of this Section is declared  
6 unconstitutional by the Supreme Court of the United States or  
7 of the State of Illinois, the court having jurisdiction over a  
8 person previously sentenced to death shall cause the defendant  
9 to be brought before the court, and the court shall sentence  
10 the defendant to a term of imprisonment under Chapter V of the  
11 Unified Code of Corrections.

12 (k) Guidelines for seeking the death penalty.

13 The Attorney General and State's Attorneys Association  
14 shall consult on voluntary guidelines for procedures governing  
15 whether or not to seek the death penalty. The guidelines do not  
16 have the force of law and are only advisory in nature.

17 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;  
18 100-863, eff. 8-14-18; 101-223, eff. 1-1-20.)

19 (720 ILCS 5/26.5-5)

20 Sec. 26.5-5. Sentence.

21 (a) Except as provided in subsection (b), a person who  
22 violates any of the provisions of Section 26.5-1, 26.5-2, or  
23 26.5-3 of this Article is guilty of a Class B misdemeanor.  
24 Except as provided in subsection (b), a second or subsequent  
25 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article

1 is a Class A misdemeanor, for which the court shall impose a  
2 minimum of 14 days in jail or, if public or community service  
3 is established in the county in which the offender was  
4 convicted, 240 hours of public or community service.

5 (b) In any of the following circumstances, a person who  
6 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
7 shall be guilty of a Class 4 felony:

8 (1) The person has 3 or more prior violations in the  
9 last 10 years of harassment by telephone, harassment  
10 through electronic communications, or any similar offense  
11 of any other state;

12 (2) The person has previously violated the harassment  
13 by telephone provisions, or the harassment through  
14 electronic communications provisions, or committed any  
15 similar offense in any other state with the same victim or  
16 a member of the victim's family or household;

17 (3) At the time of the offense, the offender was under  
18 conditions of pretrial release ~~bail~~, probation,  
19 conditional discharge, mandatory supervised release or was  
20 the subject of an order of protection, in this or any other  
21 state, prohibiting contact with the victim or any member of  
22 the victim's family or household;

23 (4) In the course of the offense, the offender  
24 threatened to kill the victim or any member of the victim's  
25 family or household;

26 (5) The person has been convicted in the last 10 years

1 of a forcible felony as defined in Section 2-8 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012;

3 (6) The person violates paragraph (5) of Section 26.5-2  
4 or paragraph (4) of Section 26.5-3; or

5 (7) The person was at least 18 years of age at the time  
6 of the commission of the offense and the victim was under  
7 18 years of age at the time of the commission of the  
8 offense.

9 (c) The court may order any person convicted under this  
10 Article to submit to a psychiatric examination.

11 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

12 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

13 Sec. 31-1. Resisting or obstructing a peace officer,  
14 firefighter, or correctional institution employee.

15 (a) A person who knowingly resists or obstructs the  
16 performance by one known to the person to be a peace officer,  
17 firefighter, or correctional institution employee of any  
18 authorized act within his or her official capacity commits a  
19 Class A misdemeanor.

20 (a-5) In addition to any other sentence that may be  
21 imposed, a court shall order any person convicted of resisting  
22 or obstructing a peace officer, firefighter, or correctional  
23 institution employee to be sentenced to a minimum of 48  
24 consecutive hours of imprisonment or ordered to perform  
25 community service for not less than 100 hours as may be



1 determined by the court. The person shall not be eligible for  
2 probation in order to reduce the sentence of imprisonment or  
3 community service.

4 (a-7) A person convicted for a violation of this Section  
5 whose violation was the proximate cause of an injury to a peace  
6 officer, firefighter, or correctional institution employee is  
7 guilty of a Class 4 felony.

8 (b) For purposes of this Section, "correctional  
9 institution employee" means any person employed to supervise  
10 and control inmates incarcerated in a penitentiary, State farm,  
11 reformatory, prison, jail, house of correction, police  
12 detention area, half-way house, or other institution or place  
13 for the incarceration or custody of persons under sentence for  
14 offenses or awaiting trial or sentence for offenses, under  
15 arrest for an offense, a violation of probation, a violation of  
16 parole, a violation of aftercare release, a violation of  
17 mandatory supervised release, or awaiting a ~~bail setting~~  
18 hearing or preliminary hearing on setting the conditions of  
19 pretrial release, or who are sexually dangerous persons or who  
20 are sexually violent persons; and "firefighter" means any  
21 individual, either as an employee or volunteer, of a regularly  
22 constituted fire department of a municipality or fire  
23 protection district who performs fire fighting duties,  
24 including, but not limited to, the fire chief, assistant fire  
25 chief, captain, engineer, driver, ladder person, hose person,  
26 pipe person, and any other member of a regularly constituted

1 fire department. "Firefighter" also means a person employed by  
2 the Office of the State Fire Marshal to conduct arson  
3 investigations.

4 (c) It is an affirmative defense to a violation of this  
5 Section if a person resists or obstructs the performance of one  
6 known by the person to be a firefighter by returning to or  
7 remaining in a dwelling, residence, building, or other  
8 structure to rescue or to attempt to rescue any person.

9 (d) A person shall not be subject to arrest under this  
10 Section unless there is an underlying offense for which the  
11 person was initially subject to arrest.

12 (Source: P.A. 98-558, eff. 1-1-14.)

13 (720 ILCS 5/31A-0.1)

14 Sec. 31A-0.1. Definitions. For the purposes of this  
15 Article:

16 "Deliver" or "delivery" means the actual, constructive or  
17 attempted transfer of possession of an item of contraband, with  
18 or without consideration, whether or not there is an agency  
19 relationship.

20 "Employee" means any elected or appointed officer, trustee  
21 or employee of a penal institution or of the governing  
22 authority of the penal institution, or any person who performs  
23 services for the penal institution pursuant to contract with  
24 the penal institution or its governing authority.

25 "Item of contraband" means any of the following:

1 (i) "Alcoholic liquor" as that term is defined in  
2 Section 1-3.05 of the Liquor Control Act of 1934.

3 (ii) "Cannabis" as that term is defined in subsection  
4 (a) of Section 3 of the Cannabis Control Act.

5 (iii) "Controlled substance" as that term is defined in  
6 the Illinois Controlled Substances Act.

7 (iii-a) "Methamphetamine" as that term is defined in  
8 the Illinois Controlled Substances Act or the  
9 Methamphetamine Control and Community Protection Act.

10 (iv) "Hypodermic syringe" or hypodermic needle, or any  
11 instrument adapted for use of controlled substances or  
12 cannabis by subcutaneous injection.

13 (v) "Weapon" means any knife, dagger, dirk, billy,  
14 razor, stiletto, broken bottle, or other piece of glass  
15 which could be used as a dangerous weapon. This term  
16 includes any of the devices or implements designated in  
17 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of  
18 this Code, or any other dangerous weapon or instrument of  
19 like character.

20 (vi) "Firearm" means any device, by whatever name  
21 known, which is designed to expel a projectile or  
22 projectiles by the action of an explosion, expansion of gas  
23 or escape of gas, including but not limited to:

24 (A) any pneumatic gun, spring gun, or B-B gun which  
25 expels a single globular projectile not exceeding .18  
26 inch in diameter; or

1 (B) any device used exclusively for signaling or  
2 safety and required as recommended by the United States  
3 Coast Guard or the Interstate Commerce Commission; or

4 (C) any device used exclusively for the firing of  
5 stud cartridges, explosive rivets or industrial  
6 ammunition; or

7 (D) any device which is powered by electrical  
8 charging units, such as batteries, and which fires one  
9 or several barbs attached to a length of wire and  
10 which, upon hitting a human, can send out current  
11 capable of disrupting the person's nervous system in  
12 such a manner as to render him or her incapable of  
13 normal functioning, commonly referred to as a stun gun  
14 or taser.

15 (vii) "Firearm ammunition" means any self-contained  
16 cartridge or shotgun shell, by whatever name known, which  
17 is designed to be used or adaptable to use in a firearm,  
18 including but not limited to:

19 (A) any ammunition exclusively designed for use  
20 with a device used exclusively for signaling or safety  
21 and required or recommended by the United States Coast  
22 Guard or the Interstate Commerce Commission; or

23 (B) any ammunition designed exclusively for use  
24 with a stud or rivet driver or other similar industrial  
25 ammunition.

26 (viii) "Explosive" means, but is not limited to, bomb,

1 bombshell, grenade, bottle or other container containing  
2 an explosive substance of over one-quarter ounce for like  
3 purposes such as black powder bombs and Molotov cocktails  
4 or artillery projectiles.

5 (ix) "Tool to defeat security mechanisms" means, but is  
6 not limited to, handcuff or security restraint key, tool  
7 designed to pick locks, popper, or any device or instrument  
8 used to or capable of unlocking or preventing from locking  
9 any handcuff or security restraints, doors to cells, rooms,  
10 gates or other areas of the penal institution.

11 (x) "Cutting tool" means, but is not limited to,  
12 hacksaw blade, wirecutter, or device, instrument or file  
13 capable of cutting through metal.

14 (xi) "Electronic contraband" for the purposes of  
15 Section 31A-1.1 of this Article means, but is not limited  
16 to, any electronic, video recording device, computer, or  
17 cellular communications equipment, including, but not  
18 limited to, cellular telephones, cellular telephone  
19 batteries, videotape recorders, pagers, computers, and  
20 computer peripheral equipment brought into or possessed in  
21 a penal institution without the written authorization of  
22 the Chief Administrative Officer. "Electronic contraband"  
23 for the purposes of Section 31A-1.2 of this Article, means,  
24 but is not limited to, any electronic, video recording  
25 device, computer, or cellular communications equipment,  
26 including, but not limited to, cellular telephones,

1 cellular telephone batteries, videotape recorders, pagers,  
2 computers, and computer peripheral equipment.

3 "Penal institution" means any penitentiary, State farm,  
4 reformatory, prison, jail, house of correction, police  
5 detention area, half-way house or other institution or place  
6 for the incarceration or custody of persons under sentence for  
7 offenses awaiting trial or sentence for offenses, under arrest  
8 for an offense, a violation of probation, a violation of  
9 parole, a violation of aftercare release, or a violation of  
10 mandatory supervised release, or awaiting a ~~bail setting~~  
11 hearing on the setting of conditions of pretrial release or  
12 preliminary hearing; provided that where the place for  
13 incarceration or custody is housed within another public  
14 building this Article shall not apply to that part of the  
15 building unrelated to the incarceration or custody of persons.  
16 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

17 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

18 Sec. 32-10. Violation of conditions of pretrial release  
19 ~~bail bond~~.

20 (a) Whoever, having been released pretrial under  
21 conditions ~~admitted to bail~~ for appearance before any court of  
22 this State, incurs a violation of conditions of pretrial  
23 release ~~forfeiture of the bail~~ and knowingly fails to surrender  
24 himself or herself within 30 days following the date of the  
25 violation ~~forfeiture~~, commits, if the conditions of pretrial

1 release ~~bail~~ was given in connection with a charge of felony  
2 or pending appeal or certiorari after conviction of any  
3 offense, ~~a felony of the next lower Class or a Class A~~  
4 misdemeanor if the underlying offense was a ~~Class 4~~ felony . If  
5 the violation of pretrial conditions were made, ~~or, if the bail~~  
6 ~~was given~~ in connection with a charge of committing a  
7 misdemeanor, or for appearance as a witness, commits ~~a~~  
8 ~~misdemeanor of the next lower Class, but not less than a Class~~  
9 C misdemeanor.

10 (a-5) Any person who knowingly violates a condition of  
11 pretrial release ~~bail bond~~ by possessing a firearm in violation  
12 of his or her conditions of pretrial release ~~bail~~ commits a  
13 Class 4 felony for a first violation and a Class 3 felony for a  
14 second or subsequent violation.

15 (b) Whoever, having been released pretrial under  
16 conditions ~~admitted to bail~~ for appearance before any court of  
17 this State, while charged with a criminal offense in which the  
18 victim is a family or household member as defined in Article  
19 112A of the Code of Criminal Procedure of 1963, knowingly  
20 violates a condition of that release as set forth in Section  
21 110-10, subsection (d) of the Code of Criminal Procedure of  
22 1963, commits a Class A misdemeanor.

23 (c) Whoever, having been released pretrial under  
24 conditions ~~admitted to bail~~ for appearance before any court of  
25 this State for a felony, Class A misdemeanor or a criminal  
26 offense in which the victim is a family or household member as

1 defined in Article 112A of the Code of Criminal Procedure of  
2 1963, is charged with any other felony, Class A misdemeanor, or  
3 a criminal offense in which the victim is a family or household  
4 member as defined in Article 112A of the Code of Criminal  
5 Procedure of 1963 while on this release, must appear before the  
6 court ~~before bail is statutorily set.~~

7 (d) Nothing in this Section shall interfere with or prevent  
8 the exercise by any court of its power to punishment for  
9 contempt. Any sentence imposed for violation of this Section  
10 ~~may shall~~ be served consecutive to the sentence imposed for the  
11 charge for which pretrial release ~~bail~~ had been granted and  
12 with respect to which the defendant has been convicted.

13 (Source: P.A. 97-1108, eff. 1-1-13.)

14 (720 ILCS 5/32-15)

15 Sec. 32-15. Pretrial release ~~Bail bond~~ false statement. Any  
16 person who in any affidavit, document, schedule or other  
17 application to ensure compliance of another with the terms of  
18 pretrial release ~~become surety or bail for another on any bail~~  
19 ~~bond or recognizance~~ in any civil or criminal proceeding then  
20 pending or about to be started against the other person, having  
21 taken a lawful oath or made affirmation, shall swear or affirm  
22 wilfully, corruptly and falsely as to the factors the court  
23 relied on to approve the conditions of the other person's  
24 pretrial release ~~ownership or liens or incumbrances upon or the~~  
25 ~~value of any real or personal property alleged to be owned by~~



1 the person proposed to ensure those conditions ~~as surety or~~  
2 ~~bail, the financial worth or standing of the person proposed as~~  
3 ~~surety or bail, or as to the number or total penalties of all~~  
4 ~~other bonds or recognizances signed by and standing against the~~  
5 ~~proposed surety or bail, or any person who, having taken a~~  
6 lawful oath or made affirmation, shall testify wilfully,  
7 corruptly and falsely as to any of said matters for the purpose  
8 of inducing the approval of any such conditions of pretrial  
9 release ~~bail bond~~ or recognizance; or for the purpose of  
10 justifying on any such conditions of pretrial release ~~bail bond~~  
11 or recognizance, or who shall suborn any other person to so  
12 swear, affirm or testify as aforesaid, shall be deemed and  
13 adjudged guilty of perjury or subornation of perjury (as the  
14 case may be) and punished accordingly.

15 (Source: P.A. 97-1108, eff. 1-1-13.)

16 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

17 Sec. 33-3. Official misconduct.

18 (a) A public officer or employee or special government  
19 agent commits misconduct when, in his official capacity or  
20 capacity as a special government agent, he or she commits any  
21 of the following acts:

22 (1) Intentionally or recklessly fails to perform any  
23 mandatory duty as required by law; or

24 (2) Knowingly performs an act which he knows he is  
25 forbidden by law to perform; or

1           (3) With intent to obtain a personal advantage for  
2 himself or another, he performs an act in excess of his  
3 lawful authority; or

4           (4) Solicits or knowingly accepts for the performance  
5 of any act a fee or reward which he knows is not authorized  
6 by law.

7           (b) An employee of a law enforcement agency commits  
8 misconduct when he or she knowingly uses or communicates,  
9 directly or indirectly, information acquired in the course of  
10 employment, with the intent to obstruct, impede, or prevent the  
11 investigation, apprehension, or prosecution of any criminal  
12 offense or person. Nothing in this subsection (b) shall be  
13 construed to impose liability for communicating to a  
14 confidential resource, who is participating or aiding law  
15 enforcement, in an ongoing investigation.

16           (c) A public officer or employee or special government  
17 agent convicted of violating any provision of this Section  
18 forfeits his or her office or employment or position as a  
19 special government agent. In addition, he or she commits a  
20 Class 3 felony.

21           (d) For purposes of this Section:

22                 "Special ~~,"special~~ government agent" has the meaning  
23 ascribed to it in subsection (1) of Section 4A-101 of the  
24 Illinois Governmental Ethics Act.

25 (Source: P.A. 98-867, eff. 1-1-15.)

1 (720 ILCS 5/33-9 new)

2 Sec. 33-9. Law enforcement misconduct.

3 (a) A law enforcement officer or a person acting on behalf  
4 of a law enforcement officer commits law enforcement misconduct  
5 when, in the performance of his or her official duties, he or  
6 she knowingly and intentionally:

7 (1) misrepresents facts describing an incident in any  
8 report or during any investigations regarding the law  
9 enforcement employee's conduct;

10 (2) withholds any knowledge of the misrepresentations  
11 of another law enforcement officer from the law enforcement  
12 employee's supervisor, investigator, or other person or  
13 entity tasked with holding the law enforcement officer  
14 accountable;

15 (3) fails to comply with the provisions of Section  
16 10-20 of the Law Enforcement Officer-Worn Body Camera Act;  
17 or

18 (4) commits any other act with intent to avoid  
19 culpability or liability for himself or another.

20 (b) Sentence. Law enforcement misconduct is a Class 3  
21 felony.

22 Section 10-255. The Code of Criminal Procedure of 1963 is  
23 amended by changing the heading of Article 110 by changing  
24 Sections 102-6, 102-7, 103-2, 103-3, 103-5, 103-7, 103-9,  
25 104-13, 104-17, 106D-1, 107-4, 107-9, 108-8, 109-1, 109-2,

1 109-3, 109-3.1, 110-1, 110-2, 110-3, 110-4, 110-5, 110-5.2,  
2 110-6, 110-6.1, 110-6.2, 110-6.4, 110-10, 110-11, 110-12,  
3 111-2, 112A-23, 114-1, 115-4.1, and 122-6 and by adding Section  
4 110-1.5 as follows:

5 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

6 Sec. 102-6. Pretrial release "Bail".

7 "Pretrial release" "Bail" has the meaning ascribed to bail  
8 in Section 9 of Article I of the Illinois Constitution that is  
9 non-monetary ~~means the amount of money set by the court which~~  
10 ~~is required to be obligated and secured as provided by law for~~  
11 ~~the release of a person in custody in order that he will appear~~  
12 ~~before the court in which his appearance may be required and~~  
13 ~~that he will comply with such conditions as set forth in the~~  
14 ~~bail bond.~~

15 (Source: Laws 1963, p. 2836.)

16 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

17 Sec. 102-7. Conditions of pretrial release "Bail bond".

18 "Conditions of pretrial release" "Bail bond" means the  
19 conditions established by the court ~~an undertaking secured by~~  
20 ~~bail~~ entered into by a person in custody by which he binds  
21 himself to comply with such conditions as are set forth  
22 therein.

23 (Source: Laws 1963, p. 2836.)

1 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

2 Sec. 103-2. Treatment while in custody.

3 (a) On being taken into custody every person shall have the  
4 right to remain silent.

5 (b) No unlawful means of any kind shall be used to obtain a  
6 statement, admission or confession from any person in custody.

7 (c) Persons in custody shall be treated humanely and  
8 provided with proper food, shelter and, if required, medical  
9 treatment without unreasonable delay if the need for the 15  
10 treatment is apparent.

11 (Source: Laws 1963, p. 2836.)

12 (725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

13 Sec. 103-3. Right to communicate with attorney and family;  
14 transfers.

15 (a) (Blank). ~~Persons who are arrested shall have the right~~  
16 ~~to communicate with an attorney of their choice and a member of~~  
17 ~~their family by making a reasonable number of telephone calls~~  
18 ~~or in any other reasonable manner. Such communication shall be~~  
19 ~~permitted within a reasonable time after arrival at the first~~  
20 ~~place of custody.~~

21 (a-5) Persons who are in police custody have the right to  
22 communicate free of charge with an attorney of their choice and  
23 members of their family as soon as possible upon being taken  
24 18into police custody, but no later than one hour after arrival  
25 at the first place of custody and before any questioning by law

1 enforcement occurs. Persons in police custody must be given:

2 (1) access to use a telephone via a land line or  
3 cellular phone to make three phone calls; and

4 (2) the ability to retrieve phone numbers contained in  
5 his or her contact list on his or her cellular phone prior  
6 to the phone being placed into inventory.

7 (a-10) In accordance with Section 103-7, at every facility  
8 where a person is in police custody a sign containing, at  
9 minimum, the following information in bold block type must be  
10 posted in a conspicuous place:

11 (1) a short statement notifying persons who are in  
12 police custody of their right to have access to a phone  
13 within one hour after being taken into police custody; and

14 (2) persons who are in police custody have the right to  
15 make three phone calls within one hour after being taken  
16 into custody, at no charge.

17 (a-15) In addition to the information listed in subsection  
18 (a-10), if the place of custody is located in a jurisdiction  
19 where the court has appointed the public defender or other  
20 attorney to represent persons who are in police custody, the  
21 telephone number to the public defender or appointed attorney's  
22 office must also be displayed. The telephone call to the public  
23 defender or other attorney must not be monitored, eavesdropped  
24 upon, or recorded.

25 (b) (Blank). ~~In the event the accused is transferred to a~~  
26 ~~new place of custody his right to communicate with an attorney~~

1 ~~and a member of his family is renewed.~~

2 (c) In the event a person who is in police custody is  
3 transferred to a new place of custody, his or her right to make  
4 telephone calls under this Section within one hour after  
5 arrival is renewed.

6 (d) In this Section "custody" means the restriction of a  
7 person's freedom of movement by a law enforcement officer's  
8 exercise of his or her lawful authority.

9 (e) The one hour requirement shall not apply while the  
10 person in police custody is asleep, unconscious, or otherwise  
11 incapacitated.

12 (Source: Laws 1963, p. 2836.)

13 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

14 Sec. 103-5. Speedy trial.)

15 (a) Every person in custody in this State for an alleged  
16 offense shall be tried by the court having jurisdiction within  
17 120 days from the date he or she was taken into custody unless  
18 delay is occasioned by the defendant, by an examination for  
19 fitness ordered pursuant to Section 104-13 of this Act, by a  
20 fitness hearing, by an adjudication of unfitness to stand  
21 trial, by a continuance allowed pursuant to Section 114-4 of  
22 this Act after a court's determination of the defendant's  
23 physical incapacity for trial, or by an interlocutory appeal.  
24 Delay shall be considered to be agreed to by the defendant  
25 unless he or she objects to the delay by making a written

1 demand for trial or an oral demand for trial on the record. The  
2 provisions of this subsection (a) do not apply to a person on  
3 pretrial release ~~bail~~ or recognizance for an offense but who is  
4 in custody for a violation of his or her parole, aftercare  
5 release, or mandatory supervised release for another offense.

6 The 120-day term must be one continuous period of  
7 incarceration. In computing the 120-day term, separate periods  
8 of incarceration may not be combined. If a defendant is taken  
9 into custody a second (or subsequent) time for the same  
10 offense, the term will begin again at day zero.

11 (b) Every person on pretrial release ~~bail~~ or recognizance  
12 shall be tried by the court having jurisdiction within 160 days  
13 from the date defendant demands trial unless delay is  
14 occasioned by the defendant, by an examination for fitness  
15 ordered pursuant to Section 104-13 of this Act, by a fitness  
16 hearing, by an adjudication of unfitness to stand trial, by a  
17 continuance allowed pursuant to Section 114-4 of this Act after  
18 a court's determination of the defendant's physical incapacity  
19 for trial, or by an interlocutory appeal. The defendant's  
20 failure to appear for any court date set by the court operates  
21 to waive the defendant's demand for trial made under this  
22 subsection.

23 For purposes of computing the 160 day period under this  
24 subsection (b), every person who was in custody for an alleged  
25 offense and demanded trial and is subsequently released on  
26 pretrial release ~~bail~~ or recognizance and demands trial, shall



1 be given credit for time spent in custody following the making  
2 of the demand while in custody. Any demand for trial made under  
3 this subsection (b) shall be in writing; and in the case of a  
4 defendant not in custody, the demand for trial shall include  
5 the date of any prior demand made under this provision while  
6 the defendant was in custody.

7 (c) If the court determines that the State has exercised  
8 without success due diligence to obtain evidence material to  
9 the case and that there are reasonable grounds to believe that  
10 such evidence may be obtained at a later day the court may  
11 continue the cause on application of the State for not more  
12 than an additional 60 days. If the court determines that the  
13 State has exercised without success due diligence to obtain  
14 results of DNA testing that is material to the case and that  
15 there are reasonable grounds to believe that such results may  
16 be obtained at a later day, the court may continue the cause on  
17 application of the State for not more than an additional 120  
18 days.

19 (d) Every person not tried in accordance with subsections  
20 (a), (b) and (c) of this Section shall be discharged from  
21 custody or released from the obligations of his pretrial  
22 release ~~bail~~ or recognizance.

23 (e) If a person is simultaneously in custody upon more than  
24 one charge pending against him in the same county, or  
25 simultaneously demands trial upon more than one charge pending  
26 against him in the same county, he shall be tried, or adjudged

1 guilty after waiver of trial, upon at least one such charge  
2 before expiration relative to any of such pending charges of  
3 the period prescribed by subsections (a) and (b) of this  
4 Section. Such person shall be tried upon all of the remaining  
5 charges thus pending within 160 days from the date on which  
6 judgment relative to the first charge thus prosecuted is  
7 rendered pursuant to the Unified Code of Corrections or, if  
8 such trial upon such first charge is terminated without  
9 judgment and there is no subsequent trial of, or adjudication  
10 of guilt after waiver of trial of, such first charge within a  
11 reasonable time, the person shall be tried upon all of the  
12 remaining charges thus pending within 160 days from the date on  
13 which such trial is terminated; if either such period of 160  
14 days expires without the commencement of trial of, or  
15 adjudication of guilt after waiver of trial of, any of such  
16 remaining charges thus pending, such charge or charges shall be  
17 dismissed and barred for want of prosecution unless delay is  
18 occasioned by the defendant, by an examination for fitness  
19 ordered pursuant to Section 104-13 of this Act, by a fitness  
20 hearing, by an adjudication of unfitness for trial, by a  
21 continuance allowed pursuant to Section 114-4 of this Act after  
22 a court's determination of the defendant's physical incapacity  
23 for trial, or by an interlocutory appeal; provided, however,  
24 that if the court determines that the State has exercised  
25 without success due diligence to obtain evidence material to  
26 the case and that there are reasonable grounds to believe that

1 such evidence may be obtained at a later day the court may  
2 continue the cause on application of the State for not more  
3 than an additional 60 days.

4 (f) Delay occasioned by the defendant shall temporarily  
5 suspend for the time of the delay the period within which a  
6 person shall be tried as prescribed by subsections (a), (b), or  
7 (e) of this Section and on the day of expiration of the delay  
8 the said period shall continue at the point at which it was  
9 suspended. Where such delay occurs within 21 days of the end of  
10 the period within which a person shall be tried as prescribed  
11 by subsections (a), (b), or (e) of this Section, the court may  
12 continue the cause on application of the State for not more  
13 than an additional 21 days beyond the period prescribed by  
14 subsections (a), (b), or (e). This subsection (f) shall become  
15 effective on, and apply to persons charged with alleged  
16 offenses committed on or after, March 1, 1977.

17 (Source: P.A. 98-558, eff. 1-1-14.)

18 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

19 Sec. 103-7. Posting notice of rights.

20 Every sheriff, chief of police or other person who is in  
21 charge of any jail, police station or other building where  
22 persons under arrest are held in custody pending investigation,  
23 pretrial release ~~bail~~ or other criminal proceedings, shall post  
24 in every room, other than cells, of such buildings where  
25 persons are held in custody, in conspicuous places where it may

1 be seen and read by persons in custody and others, a poster,  
2 printed in large type, containing a verbatim copy in the  
3 English language of the provisions of Sections 103-2, 103-3,  
4 103-4, 109-1, 110-2, 110-4, ~~and sub-parts (a) and (b) of~~  
5 ~~Sections 110-7~~ and 113-3 of this Code. Each person who is in  
6 charge of any courthouse or other building in which any trial  
7 of an offense is conducted shall post in each room primarily  
8 used for such trials and in each room in which defendants are  
9 confined or wait, pending trial, in conspicuous places where it  
10 may be seen and read by persons in custody and others, a  
11 poster, printed in large type, containing a verbatim copy in  
12 the English language of the provisions of Sections 103-6,  
13 113-1, 113-4 and 115-1 and of subparts (a) and (b) of Section  
14 113-3 of this Code.

15 (Source: Laws 1965, p. 2622.)

16 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

17 Sec. 103-9. Bail bondsmen. No bail bondsman from any state  
18 may seize or transport unwillingly any person found in this  
19 State who is allegedly in violation of a bail bond posted in  
20 some other state or conditions of pretrial release. The return  
21 of any such person to another state may be accomplished only as  
22 provided by the laws of this State. Any bail bondsman who  
23 violates this Section is fully subject to the criminal and  
24 civil penalties provided by the laws of this State for his  
25 actions.

1 (Source: P.A. 84-694.)

2 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

3 Sec. 104-13. Fitness Examination.

4 (a) When the issue of fitness involves the defendant's  
5 mental condition, the court shall order an examination of the  
6 defendant by one or more licensed physicians, clinical  
7 psychologists, or psychiatrists chosen by the court. No  
8 physician, clinical psychologist or psychiatrist employed by  
9 the Department of Human Services shall be ordered to perform,  
10 in his official capacity, an examination under this Section.

11 (b) If the issue of fitness involves the defendant's  
12 physical condition, the court shall appoint one or more  
13 physicians and in addition, such other experts as it may deem  
14 appropriate to examine the defendant and to report to the court  
15 regarding the defendant's condition.

16 (c) An examination ordered under this Section shall be  
17 given at the place designated by the person who will conduct  
18 the examination, except that if the defendant is being held in  
19 custody, the examination shall take place at such location as  
20 the court directs. No examinations under this Section shall be  
21 ordered to take place at mental health or developmental  
22 disabilities facilities operated by the Department of Human  
23 Services. If the defendant fails to keep appointments without  
24 reasonable cause or if the person conducting the examination  
25 reports to the court that diagnosis requires hospitalization or

1 extended observation, the court may order the defendant  
2 admitted to an appropriate facility for an examination, other  
3 than a screening examination, for not more than 7 days. The  
4 court may, upon a showing of good cause, grant an additional 7  
5 days to complete the examination.

6 (d) Release on pretrial release ~~bail~~ or on recognizance  
7 shall not be revoked and an application therefor shall not be  
8 denied on the grounds that an examination has been ordered.

9 (e) Upon request by the defense and if the defendant is  
10 indigent, the court may appoint, in addition to the expert or  
11 experts chosen pursuant to subsection (a) of this Section, a  
12 qualified expert selected by the defendant to examine him and  
13 to make a report as provided in Section 104-15. Upon the filing  
14 with the court of a verified statement of services rendered,  
15 the court shall enter an order on the county board to pay such  
16 expert a reasonable fee stated in the order.

17 (Source: P.A. 89-507, eff. 7-1-97.)

18 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

19 Sec. 104-17. Commitment for treatment; treatment plan.

20 (a) If the defendant is eligible to be or has been released  
21 on pretrial release ~~bail~~ or on his own recognizance, the court  
22 shall select the least physically restrictive form of treatment  
23 therapeutically appropriate and consistent with the treatment  
24 plan. The placement may be ordered either on an inpatient or an  
25 outpatient basis.

1 (b) If the defendant's disability is mental, the court may  
2 order him placed for treatment in the custody of the Department  
3 of Human Services, or the court may order him placed in the  
4 custody of any other appropriate public or private mental  
5 health facility or treatment program which has agreed to  
6 provide treatment to the defendant. If the court orders the  
7 defendant placed in the custody of the Department of Human  
8 Services, the Department shall evaluate the defendant to  
9 determine to which secure facility the defendant shall be  
10 transported and, within 20 days of the transmittal by the clerk  
11 of the circuit court of the placement court order, notify the  
12 sheriff of the designated facility. Upon receipt of that  
13 notice, the sheriff shall promptly transport the defendant to  
14 the designated facility. If the defendant is placed in the  
15 custody of the Department of Human Services, the defendant  
16 shall be placed in a secure setting. During the period of time  
17 required to determine the appropriate placement the defendant  
18 shall remain in jail. If during the course of evaluating the  
19 defendant for placement, the Department of Human Services  
20 determines that the defendant is currently fit to stand trial,  
21 it shall immediately notify the court and shall submit a  
22 written report within 7 days. In that circumstance the  
23 placement shall be held pending a court hearing on the  
24 Department's report. Otherwise, upon completion of the  
25 placement process, the sheriff shall be notified and shall  
26 transport the defendant to the designated facility. If, within

1 20 days of the transmittal by the clerk of the circuit court of  
2 the placement court order, the Department fails to notify the  
3 sheriff of the identity of the facility to which the defendant  
4 shall be transported, the sheriff shall contact a designated  
5 person within the Department to inquire about when a placement  
6 will become available at the designated facility and bed  
7 availability at other facilities. If, within 20 days of the  
8 transmittal by the clerk of the circuit court of the placement  
9 court order, the Department fails to notify the sheriff of the  
10 identity of the facility to which the defendant shall be  
11 transported, the sheriff shall notify the Department of its  
12 intent to transfer the defendant to the nearest secure mental  
13 health facility operated by the Department and inquire as to  
14 the status of the placement evaluation and availability for  
15 admission to such facility operated by the Department by  
16 contacting a designated person within the Department. The  
17 Department shall respond to the sheriff within 2 business days  
18 of the notice and inquiry by the sheriff seeking the transfer  
19 and the Department shall provide the sheriff with the status of  
20 the evaluation, information on bed and placement availability,  
21 and an estimated date of admission for the defendant and any  
22 changes to that estimated date of admission. If the Department  
23 notifies the sheriff during the 2 business day period of a  
24 facility operated by the Department with placement  
25 availability, the sheriff shall promptly transport the  
26 defendant to that facility. The placement may be ordered either



1 on an inpatient or an outpatient basis.

2 (c) If the defendant's disability is physical, the court  
3 may order him placed under the supervision of the Department of  
4 Human Services which shall place and maintain the defendant in  
5 a suitable treatment facility or program, or the court may  
6 order him placed in an appropriate public or private facility  
7 or treatment program which has agreed to provide treatment to  
8 the defendant. The placement may be ordered either on an  
9 inpatient or an outpatient basis.

10 (d) The clerk of the circuit court shall within 5 days of  
11 the entry of the order transmit to the Department, agency or  
12 institution, if any, to which the defendant is remanded for  
13 treatment, the following:

14 (1) a certified copy of the order to undergo treatment.  
15 Accompanying the certified copy of the order to undergo  
16 treatment shall be the complete copy of any report prepared  
17 under Section 104-15 of this Code or other report prepared  
18 by a forensic examiner for the court;

19 (2) the county and municipality in which the offense  
20 was committed;

21 (3) the county and municipality in which the arrest  
22 took place;

23 (4) a copy of the arrest report, criminal charges,  
24 arrest record; and

25 (5) all additional matters which the Court directs the  
26 clerk to transmit.

1           (e) Within 30 days of entry of an order to undergo  
2 treatment, the person supervising the defendant's treatment  
3 shall file with the court, the State, and the defense a report  
4 assessing the facility's or program's capacity to provide  
5 appropriate treatment for the defendant and indicating his  
6 opinion as to the probability of the defendant's attaining  
7 fitness within a period of time from the date of the finding of  
8 unfitness. For a defendant charged with a felony, the period of  
9 time shall be one year. For a defendant charged with a  
10 misdemeanor, the period of time shall be no longer than the  
11 sentence if convicted of the most serious offense. If the  
12 report indicates that there is a substantial probability that  
13 the defendant will attain fitness within the time period, the  
14 treatment supervisor shall also file a treatment plan which  
15 shall include:

16           (1) A diagnosis of the defendant's disability;

17           (2) A description of treatment goals with respect to  
18 rendering the defendant fit, a specification of the  
19 proposed treatment modalities, and an estimated timetable  
20 for attainment of the goals;

21           (3) An identification of the person in charge of  
22 supervising the defendant's treatment.

23 (Source: P.A. 99-140, eff. 1-1-16; 100-27, eff. 1-1-18.)

24 (725 ILCS 5/106D-1)

25 Sec. 106D-1. Defendant's appearance by closed circuit

1 television and video conference.

2 (a) Whenever the appearance in person in court, in either a  
3 civil or criminal proceeding, is required of anyone held in a  
4 place of custody or confinement operated by the State or any of  
5 its political subdivisions, including counties and  
6 municipalities, the chief judge of the circuit by rule may  
7 permit the personal appearance to be made by means of two-way  
8 audio-visual communication, including closed circuit  
9 television and computerized video conference, in the following  
10 proceedings:

11 (1) the initial appearance before a judge on a criminal  
12 complaint, at which the conditions of pretrial release ~~bail~~  
13 will be set;

14 (2) the waiver of a preliminary hearing;

15 (3) the arraignment on an information or indictment at  
16 which a plea of not guilty will be entered;

17 (4) the presentation of a jury waiver;

18 (5) any status hearing;

19 (6) any hearing conducted under the Sexually Violent  
20 Persons Commitment Act at which no witness testimony will  
21 be taken; and

22 (7) at any hearing conducted under the Sexually Violent  
23 Persons Commitment Act at which no witness testimony will  
24 be taken.

25 (b) The two-way audio-visual communication facilities must  
26 provide two-way audio-visual communication between the court

1 and the place of custody or confinement, and must include a  
2 secure line over which the person in custody and his or her  
3 counsel, if any, may communicate.

4 (c) Nothing in this Section shall be construed to prohibit  
5 other court appearances through the use of two-way audio-visual  
6 communication, upon waiver of any right the person in custody  
7 or confinement may have to be present physically.

8 (d) Nothing in this Section shall be construed to establish  
9 a right of any person held in custody or confinement to appear  
10 in court through two-way audio-visual communication or to  
11 require that any governmental entity, or place of custody or  
12 confinement, provide two-way audio-visual communication.

13 (Source: P.A. 95-263, eff. 8-17-07.)

14 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

15 Sec. 107-4. Arrest by peace officer from other  
16 jurisdiction.

17 (a) As used in this Section:

18 (1) "State" means any State of the United States and  
19 the District of Columbia.

20 (2) "Peace Officer" means any peace officer or member  
21 of any duly organized State, County, or Municipal peace  
22 unit, any police force of another State, the United States  
23 Department of Defense, or any police force whose members,  
24 by statute, are granted and authorized to exercise powers  
25 similar to those conferred upon any peace officer employed

1 by a law enforcement agency of this State.

2 (3) "Fresh pursuit" means the immediate pursuit of a  
3 person who is endeavoring to avoid arrest.

4 (4) "Law enforcement agency" means a municipal police  
5 department or county sheriff's office of this State.

6 (a-3) Any peace officer employed by a law enforcement  
7 agency of this State may conduct temporary questioning pursuant  
8 to Section 107-14 of this Code and may make arrests in any  
9 jurisdiction within this State: (1) if the officer is engaged  
10 in the investigation of criminal activity that occurred in the  
11 officer's primary jurisdiction and the temporary questioning  
12 or arrest relates to, arises from, or is conducted pursuant to  
13 that investigation; or (2) if the officer, while on duty as a  
14 peace officer, becomes personally aware of the immediate  
15 commission of a felony or misdemeanor violation of the laws of  
16 this State; or (3) if the officer, while on duty as a peace  
17 officer, is requested by an appropriate State or local law  
18 enforcement official to render aid or assistance to the  
19 requesting law enforcement agency that is outside the officer's  
20 primary jurisdiction; or (4) in accordance with Section  
21 2605-580 of the Department of State Police Law of the Civil  
22 Administrative Code of Illinois. While acting pursuant to this  
23 subsection, an officer has the same authority as within his or  
24 her own jurisdiction.

25 (a-7) The law enforcement agency of the county or  
26 municipality in which any arrest is made under this Section

1 shall be immediately notified of the arrest.

2 (b) Any peace officer of another State who enters this  
3 State in fresh pursuit and continues within this State in fresh  
4 pursuit of a person in order to arrest him on the ground that  
5 he has committed an offense in the other State has the same  
6 authority to arrest and hold the person in custody as peace  
7 officers of this State have to arrest and hold a person in  
8 custody on the ground that he has committed an offense in this  
9 State.

10 (c) If an arrest is made in this State by a peace officer  
11 of another State in accordance with the provisions of this  
12 Section he shall without unnecessary delay take the person  
13 arrested before the circuit court of the county in which the  
14 arrest was made. Such court shall conduct a hearing for the  
15 purpose of determining the lawfulness of the arrest. If the  
16 court determines that the arrest was lawful it shall commit the  
17 person arrested, to await for a reasonable time the issuance of  
18 an extradition warrant by the Governor of this State, or admit  
19 him to pretrial release ~~bail~~ for such purpose. If the court  
20 determines that the arrest was unlawful it shall discharge the  
21 person arrested.

22 (Source: P.A. 98-576, eff. 1-1-14.)

23 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

24 Sec. 107-9. Issuance of arrest warrant upon complaint.

25 (a) When a complaint is presented to a court charging that

1 an offense has been committed it shall examine upon oath or  
2 affirmation the complainant or any witnesses.

3 (b) The complaint shall be in writing and shall:

4 (1) State the name of the accused if known, and if not  
5 known the accused may be designated by any name or  
6 description by which he can be identified with reasonable  
7 certainty;

8 (2) State the offense with which the accused is  
9 charged;

10 (3) State the time and place of the offense as  
11 definitely as can be done by the complainant; and

12 (4) Be subscribed and sworn to by the complainant.

13 (b-5) If an arrest warrant is sought and the request is  
14 made by electronic means that has a simultaneous video and  
15 audio transmission between the requester and a judge, the judge  
16 may issue an arrest warrant based upon a sworn complaint or  
17 sworn testimony communicated in the transmission.

18 (c) A warrant shall be issued by the court for the arrest  
19 of the person complained against if it appears from the  
20 contents of the complaint and the examination of the  
21 complainant or other witnesses, if any, that the person against  
22 whom the complaint was made has committed an offense.

23 (d) The warrant of arrest shall:

24 (1) Be in writing;

25 (2) Specify the name, sex and birth date of the person  
26 to be arrested or if his name, sex or birth date is

1 unknown, shall designate such person by any name or  
2 description by which he can be identified with reasonable  
3 certainty;

4 (3) Set forth the nature of the offense;

5 (4) State the date when issued and the municipality or  
6 county where issued;

7 (5) Be signed by the judge of the court with the title  
8 of his office;

9 (6) Command that the person against whom the complaint  
10 was made be arrested and brought before the court issuing  
11 the warrant or if he is absent or unable to act before the  
12 nearest or most accessible court in the same county;

13 (7) Specify the conditions of pretrial release ~~amount~~  
14 ~~of bail~~; and

15 (8) Specify any geographical limitation placed on the  
16 execution of the warrant, but such limitation shall not be  
17 expressed in mileage.

18 (e) The warrant shall be directed to all peace officers in  
19 the State. It shall be executed by the peace officer, or by a  
20 private person specially named therein, at any location within  
21 the geographic limitation for execution placed on the warrant.  
22 If no geographic limitation is placed on the warrant, then it  
23 may be executed anywhere in the State.

24 (f) The arrest warrant may be issued electronically or  
25 electromagnetically by use of electronic mail or a facsimile  
26 transmission machine and any arrest warrant shall have the same



1 validity as a written warrant.

2 (Source: P.A. 101-239, eff. 1-1-20.)

3 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

4 Sec. 108-8. Use of force in execution of search warrant.

5 (a) All necessary and reasonable force may be used to  
6 effect an entry into any building or property or part thereof  
7 to execute a search warrant.

8 (b) The court issuing a warrant may authorize the officer  
9 executing the warrant to make entry without first knocking and  
10 announcing his or her office if it finds, based upon a showing  
11 of specific facts, the existence of the following exigent  
12 circumstances:

13 (1) That the officer reasonably believes that if notice  
14 were given a weapon would be used:

15 (i) against the officer executing the search  
16 warrant; or

17 (ii) against another person.

18 (2) That if notice were given there is an imminent  
19 "danger" that evidence will be destroyed.

20 (c) Prior to the issuing of a warrant, the officer must  
21 attest that:

22 (1) Prior to entering the location described in the  
23 search warrant, a supervising officer will ensure that each  
24 participating member is assigned a body worn camera and is  
25 following policies and procedures in accordance with

1       Section 10-20 of the Law Enforcement Officer-Worn Body  
2       Camera Act; and

3           (2) Steps are taken in planning the search to ensure  
4       accuracy and plan for children or other vulnerable people  
5       on-site.

6           (3) If an officer becomes aware the search warrant was  
7       executed at an address, unit, or apartment different from  
8       the location listed on the search warrant, that member will  
9       immediately notify a supervisor who will ensure an internal  
10       investigation ensues.

11       (Source: P.A. 92-502, eff. 12-19-01.)

12           (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

13       Sec. 109-1. Person arrested; release from law enforcement  
14       custody and court appearance.

15           (a) A person arrested with or without a warrant for an  
16       offense for which pretrial release may be denied under  
17       paragraphs (1) through (6) of Section 110-6.1 shall be taken  
18       without unnecessary delay before the nearest and most  
19       accessible judge in that county, except when such county is a  
20       participant in a regional jail authority, in which event such  
21       person may be taken to the nearest and most accessible judge,  
22       irrespective of the county where such judge presides, and a  
23       charge shall be filed. Whenever a person arrested either with  
24       or without a warrant is required to be taken before a judge, a  
25       charge may be filed against such person by way of a two-way

1 closed circuit television system, except that a hearing to deny  
2 pretrial release bail to the defendant may not be conducted by  
3 way of closed circuit television.

4 (a-1) Law enforcement shall issue a citation in lieu of  
5 custodial arrest, upon proper identification, for those  
6 accused of traffic and Class B and C criminal misdemeanor  
7 offenses, or of petty and business offenses, who pose no  
8 obvious threat to the community or any person, or who have no  
9 obvious medical or mental health issues that pose a risk to  
10 their own safety. Those released on citation shall be scheduled  
11 into court within 21 days.

12 (a-3) A person arrested with or without a warrant for an  
13 offense for which pretrial release may not be denied may,  
14 except as otherwise provided in this Code, be released by the  
15 officer without appearing before a judge. The releasing officer  
16 shall issue the person a summons to appear within 21 days. A  
17 presumption in favor of pretrial release shall be applied by an  
18 arresting officer in the exercise of his or her discretion  
19 under this Section.

20 (a-5) A person charged with an offense shall be allowed  
21 counsel at the hearing at which pretrial release bail is  
22 determined under Article 110 of this Code. If the defendant  
23 desires counsel for his or her initial appearance but is unable  
24 to obtain counsel, the court shall appoint a public defender or  
25 licensed attorney at law of this State to represent him or her  
26 for purposes of that hearing.

1           (b) Upon initial appearance of a person before the court,  
2 the ~~The~~ judge shall:

3           (1) inform ~~Inform~~ the defendant of the charge against  
4 him and shall provide him with a copy of the charge;

5           (2) advise ~~Advise~~ the defendant of his right to counsel  
6 and if indigent shall appoint a public defender or licensed  
7 attorney at law of this State to represent him in  
8 accordance with the provisions of Section 113-3 of this  
9 Code;

10           (3) schedule ~~Schedule~~ a preliminary hearing in  
11 appropriate cases;

12           (4) admit ~~Admit~~ the defendant to pretrial release ~~bail~~  
13 in accordance with the provisions of Article 110/5 ~~110~~ of  
14 this Code, or upon verified petition of the State, proceed  
15 with the setting of a detention hearing as provided in  
16 Section 110-6.1; and

17           (5) Order the confiscation of the person's passport or  
18 impose travel restrictions on a defendant arrested for  
19 first degree murder or other violent crime as defined in  
20 Section 3 of the Rights of Crime Victims and Witnesses Act,  
21 if the judge determines, based on the factors in Section  
22 110-5 of this Code, that this will reasonably ensure the  
23 appearance of the defendant and compliance by the defendant  
24 with all conditions of release.

25           (c) The court may issue an order of protection in  
26 accordance with the provisions of Article 112A of this Code.

1 Crime victims shall be given notice by the State's Attorney's  
2 office of this hearing as required in paragraph (2) of  
3 subsection (b) of the Rights of Crime Victims and Witnesses Act  
4 and shall be informed of their opportunity at this hearing to  
5 obtain an order of protection under Article 112A of this Code.

6 (d) At the initial appearance of a defendant in any  
7 criminal proceeding, the court must advise the defendant in  
8 open court that any foreign national who is arrested or  
9 detained has the right to have notice of the arrest or  
10 detention given to his or her country's consular  
11 representatives and the right to communicate with those  
12 consular representatives if the notice has not already been  
13 provided. The court must make a written record of so advising  
14 the defendant.

15 (e) If consular notification is not provided to a defendant  
16 before his or her first appearance in court, the court shall  
17 grant any reasonable request for a continuance of the  
18 proceedings to allow contact with the defendant's consulate.  
19 Any delay caused by the granting of the request by a defendant  
20 shall temporarily suspend for the time of the delay the period  
21 within which a person shall be tried as prescribed by  
22 subsections (a), (b), or (e) of Section 103-5 of this Code and  
23 on the day of the expiration of delay the period shall continue  
24 at the point at which it was suspended.

25 (f) At the hearing at which conditions of pretrial release  
26 are determined, the person charged shall be present in person

1 rather than by video phone or any other form of electronic  
2 communication, unless the physical health and safety of the  
3 person would be endangered by appearing in court or the accused  
4 waives the right to be present in person.

5 (g) Defense counsel shall be given adequate opportunity to  
6 confer with Defendant prior to any hearing in which conditions  
7 of release or the detention of the Defendant is to be  
8 considered, with a physical accommodation made to facilitate  
9 attorney/client consultation.

10 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,  
11 eff. 1-1-18.)

12 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

13 Sec. 109-2. Person arrested in another county. (a) Any  
14 person arrested in a county other than the one in which a  
15 warrant for his arrest was issued shall be taken without  
16 unnecessary delay before the nearest and most accessible judge  
17 in the county where the arrest was made or, if no additional  
18 delay is created, before the nearest and most accessible judge  
19 in the county from which the warrant was issued. Upon arrival  
20 in the county in which the warrant was issued, the status of  
21 the arrested person's release status shall be determined by the  
22 release revocation process described in Section 110-6. ~~He shall~~  
23 ~~be admitted to bail in the amount specified in the warrant or,~~  
24 ~~for offenses other than felonies, in an amount as set by the~~  
25 ~~judge, and such bail shall be conditioned on his appearing in~~

1 ~~the court issuing the warrant on a certain date.~~ The judge may  
2 hold a hearing to determine if the defendant is the same person  
3 as named in the warrant.

4 (b) Notwithstanding the provisions of subsection (a), any  
5 person arrested in a county other than the one in which a  
6 warrant for his arrest was issued, may waive the right to be  
7 taken before a judge in the county where the arrest was made.  
8 If a person so arrested waives such right, the arresting agency  
9 shall surrender such person to a law enforcement agency of the  
10 county that issued the warrant without unnecessary delay. The  
11 provisions of Section 109-1 shall then apply to the person so  
12 arrested.

13 (c) If a defendant is charged with a felony offense, but  
14 has a warrant in another county, the defendant shall be taken  
15 to the county that issued the warrant within 72 hours of the  
16 completion of condition or detention hearing, so that release  
17 or detention status can be resolved.

18 (Source: P.A. 86-298.)

19 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

20 Sec. 109-3. Preliminary examination.)

21 (a) The judge shall hold the defendant to answer to the  
22 court having jurisdiction of the offense if from the evidence  
23 it appears there is probable cause to believe an offense has  
24 been committed by the defendant, as provided in Section 109-3.1  
25 of this Code, if the offense is a felony.

1 (b) If the defendant waives preliminary examination the  
2 judge shall hold him to answer and may, or on the demand of the  
3 prosecuting attorney shall, cause the witnesses for the State  
4 to be examined. After hearing the testimony if it appears that  
5 there is not probable cause to believe the defendant guilty of  
6 any offense the judge shall discharge him.

7 (c) During the examination of any witness or when the  
8 defendant is making a statement or testifying the judge may and  
9 on the request of the defendant or State shall exclude all  
10 other witnesses. He may also cause the witnesses to be kept  
11 separate and to be prevented from communicating with each other  
12 until all are examined.

13 (d) If the defendant is held to answer the judge may  
14 require any material witness for the State or defendant to  
15 enter into a written undertaking to appear at the trial, and  
16 may provide for the forfeiture of a sum certain in the event  
17 the witness does not appear at the trial. Any witness who  
18 refuses to execute a recognizance may be committed by the judge  
19 to the custody of the sheriff until trial or further order of  
20 the court having jurisdiction of the cause. Any witness who  
21 executes a recognizance and fails to comply with its terms  
22 shall, in addition to any forfeiture provided in the  
23 recognizance, be subject to the penalty provided in Section  
24 32-10 of the Criminal Code of 2012 for violation of the  
25 conditions of pretrial release ~~bail bond~~.

26 (e) During preliminary hearing or examination the



1 defendant may move for an order of suppression of evidence  
2 pursuant to Section 114-11 or 114-12 of this Act or for other  
3 reasons, and may move for dismissal of the charge pursuant to  
4 Section 114-1 of this Act or for other reasons.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

7 Sec. 109-3.1. Persons Charged with Felonies. (a) In any  
8 case involving a person charged with a felony in this State,  
9 alleged to have been committed on or after January 1, 1984, the  
10 provisions of this Section shall apply.

11 (b) Every person in custody in this State for the alleged  
12 commission of a felony shall receive either a preliminary  
13 examination as provided in Section 109-3 or an indictment by  
14 Grand Jury as provided in Section 111-2, within 30 days from  
15 the date he or she was taken into custody. Every person on  
16 pretrial release ~~bail~~ or recognizance for the alleged  
17 commission of a felony shall receive either a preliminary  
18 examination as provided in Section 109-3 or an indictment by  
19 Grand Jury as provided in Section 111-2, within 60 days from  
20 the date he or she was arrested.

21 The provisions of this paragraph shall not apply in the  
22 following situations:

23 (1) when delay is occasioned by the defendant; or

24 (2) when the defendant has been indicted by the Grand Jury  
25 on the felony offense for which he or she was initially taken

1 into custody or on an offense arising from the same transaction  
2 or conduct of the defendant that was the basis for the felony  
3 offense or offenses initially charged; or

4 (3) when a competency examination is ordered by the court;  
5 or

6 (4) when a competency hearing is held; or

7 (5) when an adjudication of incompetency for trial has been  
8 made; or

9 (6) when the case has been continued by the court under  
10 Section 114-4 of this Code after a determination that the  
11 defendant is physically incompetent to stand trial.

12 (c) Delay occasioned by the defendant shall temporarily  
13 suspend, for the time of the delay, the period within which the  
14 preliminary examination must be held. On the day of expiration  
15 of the delay the period in question shall continue at the point  
16 at which it was suspended.

17 (Source: P.A. 83-644.)

18 (725 ILCS 5/Art. 110 heading)

19 ARTICLE 110. PRETRIAL RELEASE ~~BAIL~~

20 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

21 Sec. 110-1. Definitions. (a) (Blank). ~~"Security" is that~~  
22 ~~which is required to be pledged to insure the payment of bail.~~

23 (b) "Sureties" encompasses the monetary and nonmonetary  
24 requirements set by the court as conditions for release either

1 before or after conviction. ~~"Surety" is one who executes a bail~~  
2 ~~bond and binds himself to pay the bail if the person in custody~~  
3 ~~fails to comply with all conditions of the bail bond.~~

4 (c) The phrase "for which a sentence of imprisonment,  
5 without conditional and revocable release, shall be imposed by  
6 law as a consequence of conviction" means an offense for which  
7 a sentence of imprisonment, without probation, periodic  
8 imprisonment or conditional discharge, is required by law upon  
9 conviction.

10 (d) "Specific identifiable person or persons" means a named  
11 person other than the defendant. The person may be identified  
12 by name, initials, or description. "Real and present threat to  
13 the physical safety of any person or persons", as used in this  
14 Article, includes a threat to the community, person, persons or  
15 class of persons.

16 (e) Willful flight means planning or attempting to  
17 intentionally evade prosecution by concealing oneself. Simple  
18 past non-appearance in court alone is not evidence of future  
19 intent to evade prosecution.

20 (Source: P.A. 85-892.)

21 (725 ILCS 5/110-1.5 new)

22 Sec. 110-1.5. Abolition of monetary bail. On and after the  
23 effective date of this amendatory Act of the 101st General  
24 Assembly, the requirement of posting monetary bail is  
25 abolished, except as provided in the Uniform Criminal

1 Extradition Act, the Driver License Compact, or the Nonresident  
2 Violator Compact which are compacts that have been entered into  
3 between this State and its sister states.

4 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

5 Sec. 110-2. Release on own recognizance.

6 (a) It is presumed that a defendant is entitled to release  
7 on personal recognizance on the condition that the defendant  
8 attend all required court proceedings and the defendant does  
9 not commit any criminal offense, and complies with all terms of  
10 pretrial release, including, but not limited to, orders of  
11 protection under both Section 112A-4 of this Code and Section  
12 214 of the Illinois Domestic Violence Act of 1986, all civil no  
13 contact orders, and all stalking no contact orders.

14 (b) Additional conditions of release, including those  
15 highlighted above, shall be set only when it is determined that  
16 they are necessary to assure the defendant's appearance in  
17 court, assure the defendant does not commit any criminal  
18 offense, and complies with all conditions of pretrial release.

19 (c) Detention only shall be imposed when it is determined  
20 that the defendant poses a danger to a specific, identifiable  
21 person or persons, or has a high likelihood of willful flight.  
22 ~~When from all the circumstances the court is of the opinion~~  
23 ~~that the defendant will appear as required either before or~~  
24 ~~after conviction and the defendant will not pose a danger to~~  
25 ~~any person or the community and that the defendant will comply~~

1 ~~with all conditions of bond, which shall include the~~  
2 ~~defendant's current address with a written admonishment to the~~  
3 defendant requiring that he or she must comply with the  
4 provisions of Section 110-12 of this Code regarding any change  
5 in his or her address. ~~The,~~ the defendant may be released on  
6 his or her own recognizance upon signature. The defendant's  
7 address shall at all times remain a matter of public record  
8 with the clerk of the court. A failure to appear as required by  
9 such recognizance shall constitute an offense subject to the  
10 penalty provided in Section 32-10 of the Criminal Code of 2012  
11 for violation of the conditions of pretrial release ~~bail bond,~~  
12 ~~and any obligated sum fixed in the recognizance shall be~~  
13 ~~forfeited and collected in accordance with subsection (g) of~~  
14 ~~Section 110-7 of this Code.~~

15 (d) If, after the procedures set out in 5/110-6.1, the  
16 court decides to detain the Defendant, the Court must make a  
17 written finding as to why less restrictive conditions would not  
18 assure safety to the community and assure the Defendant's  
19 appearance in Court. At each subsequent appearance of the  
20 Defendant before the Court, the judge must find that continued  
21 detention or the current set of conditions imposed are  
22 necessary to avoid the risk of danger to specific, identifiable  
23 person or of willful flight from prosecution to continue  
24 detention of the Defendant. The Court is not required to be  
25 presented with new information or a change in circumstance to  
26 consider reconsidering pretrial detention on current

1 conditions.

2 (e) This Section shall be liberally construed to effectuate  
3 the purpose of relying upon contempt of court proceedings or  
4 criminal sanctions instead of financial loss to assure the  
5 appearance of the defendant, and that the defendant will not  
6 pose a danger to any person or the community and that the  
7 defendant will not pose ~~comply with all conditions of bond.~~  
8 ~~Monetary bail should be set only when it is determined that no~~  
9 ~~other conditions of release will reasonably assure the~~  
10 ~~defendant's appearance in court, that the defendant does not~~  
11 ~~present~~ a danger to any person or the community and that the  
12 defendant will comply with all conditions of pretrial release  
13 bond.

14 ~~The State may appeal any order permitting release by~~  
15 ~~personal recognizance.~~

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

18 Sec. 110-3. Options for warrant alternatives ~~Issuance of~~  
19 ~~warrant.~~

20 (a) Upon failure to comply with any condition of pretrial  
21 release ~~a bail bond~~ or recognizance the court having  
22 jurisdiction at the time of such failure may, on its own motion  
23 or upon motion from the State, issue an order to show cause as  
24 to why he or she shall not be subject to revocation of pretrial  
25 release, or for sanctions, as provided in Section 110-6.

1       (b) The order issued by the court shall state the facts  
2 alleged to constitute the hearing to show cause or otherwise  
3 why the person is subject to revocation of pretrial release. A  
4 certified copy of the order shall be served upon the person at  
5 least 48 hours in advance of the scheduled hearing.

6       (c) If the person does not appear at the hearing to show  
7 cause or absconds, the court may, in addition to any other  
8 action provided by law, issue a warrant for the arrest of the  
9 person at liberty on pretrial release ~~bail or his own~~  
10 ~~recognizance~~. The contents of such a warrant shall be the same  
11 as required for an arrest warrant issued upon complaint and may  
12 modify any previously imposed conditions placed upon the  
13 person, rather than revoking pretrial release or issuing a  
14 warrant for the person in accordance with the requirements in  
15 subsections (d) and (e) of Section 110-5. When a defendant is  
16 at liberty on pretrial release ~~bail~~ or his own recognizance on  
17 a felony charge and fails to appear in court as directed, the  
18 court may ~~shall~~ issue a warrant for the arrest of such person  
19 after his or her failure to appear at the show for cause  
20 hearing as provided in this Section. Such warrant shall be  
21 noted with a directive to peace officers to arrest the person  
22 and hold such person without pretrial release ~~bail~~ and to  
23 deliver such person before the court for further proceedings.

24       (d) If the order as described in Subsection B is issued, a  
25 failure to appear shall not be recorded until the Defendant  
26 fails to appear at the hearing to show cause. For the purpose

1 of any risk assessment or future evaluation of risk of willful  
2 flight or risk of failure to appear, a non-appearance in court  
3 cured by an appearance at the hearing to show cause shall not  
4 be considered as evidence of future likelihood appearance in  
5 court. ~~A defendant who is arrested or surrenders within 30 days~~  
6 ~~of the issuance of such warrant shall not be bailable in the~~  
7 ~~case in question unless he shows by the preponderance of the~~  
8 ~~evidence that his failure to appear was not intentional.~~

9 (Source: P.A. 86-298; 86-984; 86-1028.)

10 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

11 Sec. 110-4. Pretrial release ~~Bailable Offenses.~~

12 (a) All persons charged with an offense shall be eligible  
13 for pretrial release before conviction. Pretrial release may  
14 only be denied when a person is charged with an offense listed  
15 in Section 110-6.1 or when the defendant has a high likelihood  
16 of willful flight, and after the court has held a hearing under  
17 Section 110-6.1. ~~All persons shall be bailable before~~  
18 ~~conviction, except the following offenses where the proof is~~  
19 ~~evident or the presumption great that the defendant is guilty~~  
20 ~~of the offense: capital offenses; offenses for which a sentence~~  
21 ~~of life imprisonment may be imposed as a consequence of~~  
22 ~~conviction; felony offenses for which a sentence of~~  
23 ~~imprisonment, without conditional and revocable release, shall~~  
24 ~~be imposed by law as a consequence of conviction, where the~~  
25 ~~court after a hearing, determines that the release of the~~



1 ~~defendant would pose a real and present threat to the physical~~  
2 ~~safety of any person or persons; stalking or aggravated~~  
3 ~~stalking, where the court, after a hearing, determines that the~~  
4 ~~release of the defendant would pose a real and present threat~~  
5 ~~to the physical safety of the alleged victim of the offense and~~  
6 ~~denial of bail is necessary to prevent fulfillment of the~~  
7 ~~threat upon which the charge is based; or unlawful use of~~  
8 ~~weapons in violation of item (4) of subsection (a) of Section~~  
9 ~~24-1 of the Criminal Code of 1961 or the Criminal Code of 2012~~  
10 ~~when that offense occurred in a school or in any conveyance~~  
11 ~~owned, leased, or contracted by a school to transport students~~  
12 ~~to or from school or a school-related activity, or on any~~  
13 ~~public way within 1,000 feet of real property comprising any~~  
14 ~~school, where the court, after a hearing, determines that the~~  
15 ~~release of the defendant would pose a real and present threat~~  
16 ~~to the physical safety of any person and denial of bail is~~  
17 ~~necessary to prevent fulfillment of that threat; or making a~~  
18 ~~terrorist threat in violation of Section 29D-20 of the Criminal~~  
19 ~~Code of 1961 or the Criminal Code of 2012 or an attempt to~~  
20 ~~commit the offense of making a terrorist threat, where the~~  
21 ~~court, after a hearing, determines that the release of the~~  
22 ~~defendant would pose a real and present threat to the physical~~  
23 ~~safety of any person and denial of bail is necessary to prevent~~  
24 ~~fulfillment of that threat.~~

25 (b) A person seeking pretrial release ~~on bail~~ who is  
26 charged with a capital offense or an offense for which a

1 sentence of life imprisonment may be imposed shall not be  
2 eligible for release pretrial ~~bailable~~ until a hearing is held  
3 wherein such person has the burden of demonstrating that the  
4 proof of his guilt is not evident and the presumption is not  
5 great.

6 (c) Where it is alleged that pretrial ~~bail~~ should be denied  
7 to a person upon the grounds that the person presents a real  
8 and present threat to the physical safety of any person or  
9 persons, the burden of proof of such allegations shall be upon  
10 the State.

11 (d) When it is alleged that pretrial ~~bail~~ should be denied  
12 to a person charged with stalking or aggravated stalking upon  
13 the grounds set forth in Section 110-6.3 of this Code, the  
14 burden of proof of those allegations shall be upon the State.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

17 Sec. 110-5. Determining the amount of bail and conditions  
18 of release.

19 (a) In determining which ~~the amount of monetary bail~~ or  
20 conditions of pretrial release, if any, which will reasonably  
21 assure the appearance of a defendant as required or the safety  
22 of any other person or the community and the likelihood of  
23 compliance by the defendant with all the conditions of pretrial  
24 release ~~bail~~, the court shall, on the basis of available  
25 information, take into account such matters as:

1           (1) the nature and circumstances of the offense  
2           charged;

3           (2) the weight of the evidence against the eligible  
4           defendant, except that the court may consider the  
5           admissibility of any evidence sought to be excluded;

6           (3) the history and characteristics of the eligible  
7           defendant, including:

8                   (A) the eligible defendant's character, physical  
9                   and mental condition, family ties, employment,  
10                   financial resources, length of residence in the  
11                   community, community ties, past relating to drug or  
12                   alcohol abuse, conduct, history criminal history, and  
13                   record concerning appearance at court proceedings; and

14                   (B) whether, at the time of the current offense or  
15                   arrest, the eligible defendant was on probation,  
16                   parole, or on other release pending trial, sentencing,  
17                   appeal, or completion of sentence for an offense under  
18                   federal law, or the law of this or any other state;

19                   (4) the nature and seriousness of the danger to any  
20                   specific, identifiable person or persons that would be  
21                   posed by the eligible defendant's release, if  
22                   applicable; as required under paragraph (7.5) of  
23                   Section 4 of the Rights of Crime Victims and Witnesses  
24                   Act; and

25                   (5) the nature and seriousness of the risk of  
26                   obstructing or attempting to obstruct the criminal

1           justice process that would be posed by the eligible  
2           defendant's release, if applicable. ~~whether the~~  
3           ~~evidence shows that as part of the offense there was a~~  
4           ~~use of violence or threatened use of violence, whether~~  
5           ~~the offense involved corruption of public officials or~~  
6           ~~employees, whether there was physical harm or threats~~  
7           ~~of physical harm to any public official, public~~  
8           ~~employee, judge, prosecutor, juror or witness, senior~~  
9           ~~citizen, child, or person with a disability, whether~~  
10           ~~evidence shows that during the offense or during the~~  
11           ~~arrest the defendant possessed or used a firearm,~~  
12           ~~machine gun, explosive or metal piercing ammunition or~~  
13           ~~explosive bomb device or any military or paramilitary~~  
14           ~~armament, whether the evidence shows that the offense~~  
15           ~~committed was related to or in furtherance of the~~  
16           ~~criminal activities of an organized gang or was~~  
17           ~~motivated by the defendant's membership in or~~  
18           ~~allegiance to an organized gang, the condition of the~~  
19           ~~victim, any written statement submitted by the victim~~  
20           ~~or proffer or representation by the State regarding the~~  
21           ~~impact which the alleged criminal conduct has had on~~  
22           ~~the victim and the victim's concern, if any, with~~  
23           ~~further contact with the defendant if released on bail,~~  
24           ~~whether the offense was based on racial, religious,~~  
25           ~~sexual orientation or ethnic hatred, the likelihood of~~  
26           ~~the filing of a greater charge, the likelihood of~~

1 ~~conviction, the sentence applicable upon conviction,~~  
2 ~~the weight of the evidence against such defendant,~~  
3 ~~whether there exists motivation or ability to flee,~~  
4 ~~whether there is any verification as to prior~~  
5 ~~residence, education, or family ties in the local~~  
6 ~~jurisdiction, in another county, state or foreign~~  
7 ~~country, the defendant's employment, financial~~  
8 ~~resources, character and mental condition, past~~  
9 ~~conduct, prior use of alias names or dates of birth,~~  
10 ~~and length of residence in the community, the consent~~  
11 ~~of the defendant to periodic drug testing in accordance~~  
12 ~~with Section 110-6.5, whether a foreign national~~  
13 ~~defendant is lawfully admitted in the United States of~~  
14 ~~America, whether the government of the foreign~~  
15 ~~national maintains an extradition treaty with the~~  
16 ~~United States by which the foreign government will~~  
17 ~~extradite to the United States its national for a trial~~  
18 ~~for a crime allegedly committed in the United States,~~  
19 ~~whether the defendant is currently subject to~~  
20 ~~deportation or exclusion under the immigration laws of~~  
21 ~~the United States, whether the defendant, although a~~  
22 ~~United States citizen, is considered under the law of~~  
23 ~~any foreign state a national of that state for the~~  
24 ~~purposes of extradition or non-extradition to the~~  
25 ~~United States, the amount of unrecovered proceeds lost~~  
26 ~~as a result of the alleged offense, the source of bail~~

1 ~~funds tendered or sought to be tendered for bail,~~  
2 ~~whether from the totality of the court's~~  
3 ~~consideration, the loss of funds posted or sought to be~~  
4 ~~posted for bail will not deter the defendant from~~  
5 ~~flight, whether the evidence shows that the defendant~~  
6 ~~is engaged in significant possession, manufacture, or~~  
7 ~~delivery of a controlled substance or cannabis, either~~  
8 ~~individually or in consort with others, whether at the~~  
9 ~~time of the offense charged he or she was on bond or~~  
10 ~~pre trial release pending trial, probation, periodic~~  
11 ~~imprisonment or conditional discharge pursuant to this~~  
12 ~~Code or the comparable Code of any other state or~~  
13 ~~federal jurisdiction, whether the defendant is on bond~~  
14 ~~or pre trial release pending the imposition or~~  
15 ~~execution of sentence or appeal of sentence for any~~  
16 ~~offense under the laws of Illinois or any other state~~  
17 ~~or federal jurisdiction, whether the defendant is~~  
18 ~~under parole, aftercare release, mandatory supervised~~  
19 ~~release, or work release from the Illinois Department~~  
20 ~~of Corrections or Illinois Department of Juvenile~~  
21 ~~Justice or any penal institution or corrections~~  
22 ~~department of any state or federal jurisdiction, the~~  
23 ~~defendant's record of convictions, whether the~~  
24 ~~defendant has been convicted of a misdemeanor or~~  
25 ~~ordinance offense in Illinois or similar offense in~~  
26 ~~other state or federal jurisdiction within the 10 years~~

1 ~~preceding the current charge or convicted of a felony~~  
2 ~~in Illinois, whether the defendant was convicted of an~~  
3 ~~offense in another state or federal jurisdiction that~~  
4 ~~would be a felony if committed in Illinois within the~~  
5 ~~20 years preceding the current charge or has been~~  
6 ~~convicted of such felony and released from the~~  
7 ~~penitentiary within 20 years preceding the current~~  
8 ~~charge if a penitentiary sentence was imposed in~~  
9 ~~Illinois or other state or federal jurisdiction, the~~  
10 ~~defendant's records of juvenile adjudication of~~  
11 ~~delinquency in any jurisdiction, any record of~~  
12 ~~appearance or failure to appear by the defendant at~~  
13 ~~court proceedings, whether there was flight to avoid~~  
14 ~~arrest or prosecution, whether the defendant escaped~~  
15 ~~or attempted to escape to avoid arrest, whether the~~  
16 ~~defendant refused to identify himself or herself, or~~  
17 ~~whether there was a refusal by the defendant to be~~  
18 ~~fingerprinted as required by law. Information used by~~  
19 ~~the court in its findings or stated in or offered in~~  
20 ~~connection with this Section may be by way of proffer~~  
21 ~~based upon reliable information offered by the State or~~  
22 ~~defendant. All evidence shall be admissible if it is~~  
23 ~~relevant and reliable regardless of whether it would be~~  
24 ~~admissible under the rules of evidence applicable at~~  
25 ~~criminal trials. If the State presents evidence that~~  
26 ~~the offense committed by the defendant was related to~~

1 ~~or in furtherance of the criminal activities of an~~  
2 ~~organized gang or was motivated by the defendant's~~  
3 ~~membership in or allegiance to an organized gang, and~~  
4 ~~if the court determines that the evidence may be~~  
5 ~~substantiated, the court shall prohibit the defendant~~  
6 ~~from associating with other members of the organized~~  
7 ~~gang as a condition of bail or release. For the~~  
8 ~~purposes of this Section, "organized gang" has the~~  
9 ~~meaning ascribed to it in Section 10 of the Illinois~~  
10 ~~Streetgang Terrorism Omnibus Prevention Act.~~

11 ~~(a-5) There shall be a presumption that any conditions of~~  
12 ~~release imposed shall be non-monetary in nature and the court~~  
13 ~~shall impose the least restrictive conditions or combination of~~  
14 ~~conditions necessary to reasonably assure the appearance of the~~  
15 ~~defendant for further court proceedings and protect the~~  
16 ~~integrity of the judicial proceedings from a specific threat to~~  
17 ~~a witness or participant. Conditions of release may include,~~  
18 ~~but not be limited to, electronic home monitoring, curfews,~~  
19 ~~drug counseling, stay away orders, and in person reporting.~~  
20 ~~The court shall consider the defendant's socio-economic~~  
21 ~~circumstance when setting conditions of release or imposing~~  
22 ~~monetary bail.~~

23 ~~(b) The amount of bail shall be:~~

24 ~~(1) Sufficient to assure compliance with the~~  
25 ~~conditions set forth in the bail bond, which shall include~~  
26 ~~the defendant's current address with a written~~



1 ~~admonishment to the defendant that he or she must comply~~  
2 ~~with the provisions of Section 110-12 regarding any change~~  
3 ~~in his or her address. The defendant's address shall at all~~  
4 ~~times remain a matter of public record with the clerk of~~  
5 ~~the court.~~

6 ~~(2) Not oppressive.~~

7 ~~(3) Considerate of the financial ability of the~~  
8 ~~accused.~~

9 ~~(4) When a person is charged with a drug related~~  
10 ~~offense involving possession or delivery of cannabis or~~  
11 ~~possession or delivery of a controlled substance as defined~~  
12 ~~in the Cannabis Control Act, the Illinois Controlled~~  
13 ~~Substances Act, or the Methamphetamine Control and~~  
14 ~~Community Protection Act, the full street value of the~~  
15 ~~drugs seized shall be considered. "Street value" shall be~~  
16 ~~determined by the court on the basis of a proffer by the~~  
17 ~~State based upon reliable information of a law enforcement~~  
18 ~~official contained in a written report as to the amount~~  
19 ~~seized and such proffer may be used by the court as to the~~  
20 ~~current street value of the smallest unit of the drug~~  
21 ~~seized.~~

22 ~~(b-5) Upon the filing of a written request demonstrating~~  
23 ~~reasonable cause, the State's Attorney may request a source of~~  
24 ~~bail hearing either before or after the posting of any funds.~~  
25 ~~If the hearing is granted, before the posting of any bail, the~~  
26 ~~accused must file a written notice requesting that the court~~

1 ~~conduct a source of bail hearing. The notice must be~~  
2 ~~accompanied by justifying affidavits stating the legitimate~~  
3 ~~and lawful source of funds for bail. At the hearing, the court~~  
4 ~~shall inquire into any matters stated in any justifying~~  
5 ~~affidavits, and may also inquire into matters appropriate to~~  
6 ~~the determination which shall include, but are not limited to,~~  
7 ~~the following:~~

8 ~~(1) the background, character, reputation, and~~  
9 ~~relationship to the accused of any surety; and~~

10 ~~(2) the source of any money or property deposited by~~  
11 ~~any surety, and whether any such money or property~~  
12 ~~constitutes the fruits of criminal or unlawful conduct; and~~

13 ~~(3) the source of any money posted as cash bail, and~~  
14 ~~whether any such money constitutes the fruits of criminal~~  
15 ~~or unlawful conduct; and~~

16 ~~(4) the background, character, reputation, and~~  
17 ~~relationship to the accused of the person posting cash~~  
18 ~~bail.~~

19 ~~Upon setting the hearing, the court shall examine, under~~  
20 ~~oath, any persons who may possess material information.~~

21 ~~The State's Attorney has a right to attend the hearing, to~~  
22 ~~call witnesses and to examine any witness in the proceeding.~~  
23 ~~The court shall, upon request of the State's Attorney, continue~~  
24 ~~the proceedings for a reasonable period to allow the State's~~  
25 ~~Attorney to investigate the matter raised in any testimony or~~  
26 ~~affidavit. If the hearing is granted after the accused has~~

1 ~~posted bail, the court shall conduct a hearing consistent with~~  
2 ~~this subsection (b-5). At the conclusion of the hearing, the~~  
3 ~~court must issue an order either approving or disapproving the~~  
4 ~~bail.~~

5 ~~(c) When a person is charged with an offense punishable by~~  
6 ~~fine only the amount of the bail shall not exceed double the~~  
7 ~~amount of the maximum penalty.~~

8 ~~(d) When a person has been convicted of an offense and only~~  
9 ~~a fine has been imposed the amount of the bail shall not exceed~~  
10 ~~double the amount of the fine.~~

11 ~~(e) The State may appeal any order granting bail or setting~~  
12 ~~a given amount for bail.~~

13 (b) ~~(f)~~ When a person is charged with a violation of an  
14 order of protection under Section 12-3.4 or 12-30 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012 or when a  
16 person is charged with domestic battery, aggravated domestic  
17 battery, kidnapping, aggravated kidnaping, unlawful restraint,  
18 aggravated unlawful restraint, stalking, aggravated stalking,  
19 cyberstalking, harassment by telephone, harassment through  
20 electronic communications, or an attempt to commit first degree  
21 murder committed against an intimate partner regardless  
22 whether an order of protection has been issued against the  
23 person,

24 (1) whether the alleged incident involved harassment  
25 or abuse, as defined in the Illinois Domestic Violence Act  
26 of 1986;

1           (2) whether the person has a history of domestic  
2 violence, as defined in the Illinois Domestic Violence Act,  
3 or a history of other criminal acts;

4           (3) based on the mental health of the person;

5           (4) whether the person has a history of violating the  
6 orders of any court or governmental entity;

7           (5) whether the person has been, or is, potentially a  
8 threat to any other person;

9           (6) whether the person has access to deadly weapons or  
10 a history of using deadly weapons;

11           (7) whether the person has a history of abusing alcohol  
12 or any controlled substance;

13           (8) based on the severity of the alleged incident that  
14 is the basis of the alleged offense, including, but not  
15 limited to, the duration of the current incident, and  
16 whether the alleged incident involved the use of a weapon,  
17 physical injury, sexual assault, strangulation, abuse  
18 during the alleged victim's pregnancy, abuse of pets, or  
19 forcible entry to gain access to the alleged victim;

20           (9) whether a separation of the person from the victim  
21 of abuse ~~alleged-victim~~ or a termination of the  
22 relationship between the person and the victim of abuse  
23 ~~alleged-victim~~ has recently occurred or is pending;

24           (10) whether the person has exhibited obsessive or  
25 controlling behaviors toward the victim of abuse ~~alleged~~  
26 ~~victim~~, including, but not limited to, stalking,

1 surveillance, or isolation of the victim of abuse ~~alleged~~  
2 ~~victim~~ or victim's family member or members;

3 (11) whether the person has expressed suicidal or  
4 homicidal ideations;

5 ~~(12) based on any information contained in the~~  
6 ~~complaint and any police reports, affidavits, or other~~  
7 ~~documents accompanying the complaint,~~

8 ~~the court may, in its discretion, order the respondent to~~  
9 ~~undergo a risk assessment evaluation using a recognized,~~  
10 ~~evidence-based instrument conducted by an Illinois Department~~  
11 ~~of Human Services approved partner abuse intervention program~~  
12 ~~provider, pretrial service, probation, or parole agency. These~~  
13 ~~agencies shall have access to summaries of the defendant's~~  
14 ~~criminal history, which shall not include victim interviews or~~  
15 ~~information, for the risk evaluation. Based on the information~~  
16 ~~collected from the 12 points to be considered at a bail hearing~~  
17 ~~under this subsection (f), the results of any risk evaluation~~  
18 ~~conducted and the other circumstances of the violation, the~~  
19 ~~court may order that the person, as a condition of bail, be~~  
20 ~~placed under electronic surveillance as provided in Section~~  
21 ~~5-8A-7 of the Unified Code of Corrections. Upon making a~~  
22 ~~determination whether or not to order the respondent to undergo~~  
23 ~~a risk assessment evaluation or to be placed under electronic~~  
24 ~~surveillance and risk assessment, the court shall document in~~  
25 ~~the record the court's reasons for making those determinations.~~  
26 ~~The cost of the electronic surveillance and risk assessment~~

1 ~~shall be paid by, or on behalf, of the defendant. As used in~~  
2 ~~this subsection (f), "intimate partner" means a spouse or a~~  
3 ~~current or former partner in a cohabitation or dating~~  
4 ~~relationship.~~

5 (c) In cases of stalking or aggravated stalking under  
6 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the  
7 court may consider the following additional factors:

8 (1) Any evidence of the defendant's prior criminal  
9 history indicative of violent, abusive or assaultive  
10 behavior, or lack of that behavior. The evidence may  
11 include testimony or documents received in juvenile  
12 proceedings, criminal, quasi-criminal, civil commitment,  
13 domestic relations or other proceedings;

14 (2) Any evidence of the defendant's psychological,  
15 psychiatric or other similar social history that tends to  
16 indicate a violent, abusive, or assaultive nature, or lack  
17 of any such history.

18 (3) The nature of the threat which is the basis of the  
19 charge against the defendant;

20 (4) Any statements made by, or attributed to the  
21 defendant, together with the circumstances surrounding  
22 them;

23 (5) The age and physical condition of any person  
24 allegedly assaulted by the defendant;

25 (6) Whether the defendant is known to possess or have  
26 access to any weapon or weapons;

1           (7) Any other factors deemed by the court to have a  
2           reasonable bearing upon the defendant's propensity or  
3           reputation for violent, abusive or assaultive behavior, or  
4           lack of that behavior.

5           (d) The Court may use a regularly validated risk assessment  
6           tool to aid it determination of appropriate conditions of  
7           release as provided for in Section 110-6.4. Risk assessment  
8           tools may not be used as the sole basis to deny pretrial  
9           release. If a risk assessment tool is used, the defendant's  
10           counsel shall be provided with the information and scoring  
11           system of the risk assessment tool used to arrive at the  
12           determination. The defendant retains the right to challenge the  
13           validity of a risk assessment tool used by the court and to  
14           present evidence relevant to the defendant's challenge.

15           (e) If a person remains in pretrial detention after his or  
16           her pretrial conditions hearing after having been ordered  
17           released with pretrial conditions, the court shall hold a  
18           hearing to determine the reason for continued detention. If the  
19           reason for continued detention is due to the unavailability or  
20           the defendant's ineligibility for one or more pretrial  
21           conditions previously ordered by the court or directed by a  
22           pretrial services agency, the court shall reopen the conditions  
23           of release hearing to determine what available pretrial  
24           conditions exist that will reasonably assure the appearance of  
25           a defendant as required or the safety of any other person and  
26           the likelihood of compliance by the defendant with all the

1 conditions of pretrial release. The inability of Defendant to  
2 pay for a condition of release or any other ineligibility for a  
3 condition of pretrial release shall not be used as a  
4 justification for the pretrial detention of that Defendant.

5 (f) Prior to the defendant's first appearance, the Court  
6 shall appoint the public defender or a licensed attorney at law  
7 of this State to represent the Defendant for purposes of that  
8 hearing, unless the defendant has obtained licensed counsel for  
9 themselves.

10 (g) Electronic monitoring, GPS monitoring, or home  
11 confinement can only be imposed condition of pretrial release  
12 if a no less restrictive condition of release or combination of  
13 less restrictive condition of release would reasonably ensure  
14 the appearance of the defendant for later hearings or protect  
15 an identifiable person or persons from imminent threat of  
16 serious physical harm.

17 (h) If the court imposes electronic monitoring, GPS  
18 monitoring, or home confinement the court shall set forth in  
19 the record the basis for its finding. A defendant shall be  
20 given custodial credit for each day he or she was subjected to  
21 that program, at the same rate described in subsection (b) of  
22 Section 5-4.5-100 of the unified code of correction.

23 (i) If electronic monitoring, GPS monitoring, or home  
24 confinement is imposed, the court shall determine every 60 days  
25 if no less restrictive condition of release or combination of  
26 less restrictive conditions of release would reasonably ensure



1 the appearance, or continued appearance, of the defendant for  
2 later hearings or protect an identifiable person or persons  
3 from imminent threat of serious physical harm. If the court  
4 finds that there are less restrictive conditions of release,  
5 the court shall order that the condition be removed.

6 (j) Crime Victims shall be given notice by the State's  
7 Attorney's office of this hearing as required in paragraph (1)  
8 of subsection (b) of Section 4.5 of the Rights of Crime Victims  
9 and Witnesses Act and shall be informed of their opportunity at  
10 this hearing to obtain an order of protection under Article  
11 112A of this Code.

12 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised  
13 7-12-19.)

14 (725 ILCS 5/110-5.2)

15 Sec. 110-5.2. Pretrial release ~~Bail~~; pregnant pre-trial  
16 detainee.

17 (a) It is the policy of this State that a pre-trial  
18 detainee shall not be required to deliver a child while in  
19 custody absent a finding by the court that continued pre-trial  
20 custody is necessary to protect the public or the victim of the  
21 offense on which the charge is based.

22 (b) If the court reasonably believes that a pre-trial  
23 detainee will give birth while in custody, the court shall  
24 order an alternative to custody unless, after a hearing, the  
25 court determines:

1 (1) that the release of the pregnant pre-trial detainee  
2 would pose a real and present threat to the physical safety  
3 of the alleged victim of the offense and continuing custody  
4 is necessary to prevent the fulfillment of the threat upon  
5 which the charge is based; or

6 (2) that the release of the pregnant pre-trial detainee  
7 would pose a real and present threat to the physical safety  
8 of any person or persons or the general public.

9 (c) The court may order a pregnant or post-partum detainee  
10 to be subject to electronic monitoring as a condition of  
11 pre-trial release or order other condition or combination of  
12 conditions the court reasonably determines are in the best  
13 interest of the detainee and the public.

14 (d) This Section shall be applicable to a pregnant  
15 pre-trial detainee in custody on or after the effective date of  
16 this amendatory Act of the 100th General Assembly.

17 (Source: P.A. 100-630, eff. 1-1-19.)

18 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

19 Sec. 110-6. Revocation of pretrial release, modification  
20 of conditions of pretrial release, and sanctions for violations  
21 of conditions of pretrial release ~~Modification of bail or~~  
22 ~~conditions.~~

23 (a) When a defendant is granted pretrial release under this  
24 section, that pretrial release may be revoked only under the  
25 following conditions:

1           (1) if the defendant is charged with a detainable  
2           felony as defined in 110-6.1, a defendant may be detained  
3           after the State files a verified petition for such a  
4           hearing, and gives the defendant notice as prescribed in  
5           110-6.1; or

6           (2) in accordance with subsection (b) of this section.

7           (b) Revocation due to a new criminal charge: If an  
8           individual, while on pretrial release for a Felony or Class A  
9           misdemeanor under this Section, is charged with a new felony or  
10           Class A misdemeanor under the Criminal Code of 2012, the court  
11           may, on its own motion or motion of the state, begin  
12           proceedings to revoke the individual's' pretrial release.

13           (1) When the defendant is charged with a felony or  
14           class A misdemeanor offense and while free on pretrial  
15           release bail is charged with a subsequent felony or class A  
16           misdemeanor offense that is alleged to have occurred during  
17           the defendant's pretrial release, the state may file a  
18           verified petition for revocation of pretrial release.

19           (2) When a defendant on pretrial release is charged  
20           with a violation of an order of protection issued under  
21           Section 112A-14 of this Code, or Section 214 of the  
22           Illinois Domestic Violence Act of 1986 or previously was  
23           convicted of a violation of an order of protection under  
24           Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
25           Criminal Code of 2012, and the subject of the order of  
26           protection is the same person as the victim in the

1       underlying matter, the state shall file a verified petition  
2       for revocation of pretrial release.

3       (3) Upon the filing of this petition, the court shall  
4       order the transfer of the defendant and the application to  
5       the court before which the previous felony matter is  
6       pending. The defendant shall be held without bond pending  
7       transfer to and a hearing before such court. The defendant  
8       shall be transferred to the court before which the previous  
9       matter is pending without unnecessary delay. In no event  
10       shall the time between the filing of the state's petition  
11       for revocation and the defendant's appearance before the  
12       court before which the previous matter is pending exceed 72  
13       hours.

14       (4) The court before which the previous felony matter  
15       is pending may revoke the defendant's pretrial release only  
16       if it finds, after considering all relevant circumstances  
17       including, but not limited to, the nature and seriousness  
18       of the violation or criminal act alleged, by the court  
19       finds clear and convincing evidence that no condition or  
20       combination of conditions of release would reasonably  
21       assure the appearance of the defendant for later hearings  
22       or prevent the defendant from being charged with a  
23       subsequent felony or class A misdemeanor.

24       (5) In lieu of revocation, the court may release the  
25       defendant pre-trial, with or without modification of  
26       conditions of pretrial release.

1           (6) If the case that caused the revocation is  
2           dismissed, the defendant is found not guilty in the case  
3           causing the revocation, or the defendant completes a  
4           lawfully imposed sentence on the case causing the  
5           revocation, the court shall, without unnecessary delay,  
6           hold a hearing on conditions of release pursuant to section  
7           110-5 and release the defendant with or without  
8           modification of conditions of pretrial release.

9           (7) Both the state and the defense may appeal an order  
10           revoking pretrial release or denying a petition for  
11           revocation of release.

12           (c) Violations other than re-arrest for a felony or class A  
13           misdemeanor. If a defendant:

14           (1) fails to appear in court as required by their  
15           conditions of release;

16           (2) is charged with a class B or C misdemeanor, petty  
17           offense, traffic offense, or ordinance violation that is  
18           alleged to have occurred during the defendant's pretrial  
19           release; or

20           (3) violates any other condition of release set by the  
21           court,

22           the court shall follow the procedures set forth in Section  
23           110-3 to ensure the defendant's appearance in court to address  
24           the violation.

25           (d) When a defendant appears in court for a notice to show  
26           cause hearing, or after being arrested on a warrant issued

1 because of a failure to appear at a notice to show cause  
2 hearing, or after being arrested for an offense other than a  
3 felony or class A misdemeanor, the state may file a verified  
4 petition requesting a hearing for sanctions.

5 (e) During the hearing for sanctions, the defendant shall  
6 be represented by counsel and have an opportunity to be heard  
7 regarding the violation and evidence in mitigation. The court  
8 shall only impose sanctions if it finds by clear and convincing  
9 evidence that:

10 1. The defendant committed an act that violated a term  
11 of their pretrial release;

12 2. The defendant had actual knowledge that their action  
13 would violate a court order;

14 3. The violation of the court order was willful; and

15 4. The violation was not caused by a lack of access to  
16 financial monetary resources.

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

19 1. A verbal or written admonishment from the court;

20 2. Imprisonment in the county jail for a period not  
21 exceeding 30 days;

22 3. A fine of not more than \$200; or

23 4. A modification of the defendant's pretrial  
24 conditions.

25 (g) Modification of Pretrial Conditions

26 (a) The court may, at any time, after motion by either

1 party or on its own motion, remove previously set  
2 conditions of pretrial release, subject to the provisions  
3 in section (e). The court may only add or increase  
4 conditions of pretrial release at a hearing under this  
5 Section, in a warrant issued under Section 110-3, or upon  
6 motion from the state.

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

18 (h) Notice to Victims: Crime Victims shall be given notice  
19 by the State's Attorney's office of all hearings in this  
20 section as required in paragraph (1) of subsection (b) of  
21 Section 4.5 of the Rights of Crime Victims and Witnesses Act  
22 and shall be informed of their opportunity at these hearing to  
23 obtain an order of protection under Article 112A of this Code.  
24 ~~Upon verified application by the State or the defendant or on~~  
25 ~~its own motion the court before which the proceeding is pending~~  
26 ~~may increase or reduce the amount of bail or may alter the~~

1 ~~conditions of the bail bond or grant bail where it has been~~  
2 ~~previously revoked or denied. If bail has been previously~~  
3 ~~revoked pursuant to subsection (f) of this Section or if bail~~  
4 ~~has been denied to the defendant pursuant to subsection (e) of~~  
5 ~~Section 110 6.1 or subsection (e) of Section 110 6.3, the~~  
6 ~~defendant shall be required to present a verified application~~  
7 ~~setting forth in detail any new facts not known or obtainable~~  
8 ~~at the time of the previous revocation or denial of bail~~  
9 ~~proceedings. If the court grants bail where it has been~~  
10 ~~previously revoked or denied, the court shall state on the~~  
11 ~~record of the proceedings the findings of facts and conclusion~~  
12 ~~of law upon which such order is based.~~

13 ~~(a-5) In addition to any other available motion or~~  
14 ~~procedure under this Code, a person in custody solely for a~~  
15 ~~Category B offense due to an inability to post monetary bail~~  
16 ~~shall be brought before the court at the next available court~~  
17 ~~date or 7 calendar days from the date bail was set, whichever~~  
18 ~~is earlier, for a rehearing on the amount or conditions of bail~~  
19 ~~or release pending further court proceedings. The court may~~  
20 ~~reconsider conditions of release for any other person whose~~  
21 ~~inability to post monetary bail is the sole reason for~~  
22 ~~continued incarceration, including a person in custody for a~~  
23 ~~Category A offense or a Category A offense and a Category B~~  
24 ~~offense. The court may deny the rehearing permitted under this~~  
25 ~~subsection (a 5) if the person has failed to appear as required~~  
26 ~~before the court and is incarcerated based on a warrant for~~



1 ~~failure to appear on the same original criminal offense.~~

2 ~~(b) Violation of the conditions of Section 110-10 of this~~  
3 ~~Code or any special conditions of bail as ordered by the court~~  
4 ~~shall constitute grounds for the court to increase the amount~~  
5 ~~of bail, or otherwise alter the conditions of bail, or, where~~  
6 ~~the alleged offense committed on bail is a forcible felony in~~  
7 ~~Illinois or a Class 2 or greater offense under the Illinois~~  
8 ~~Controlled Substances Act, the Cannabis Control Act, or the~~  
9 ~~Methamphetamine Control and Community Protection Act, revoke~~  
10 ~~bail pursuant to the appropriate provisions of subsection (c)~~  
11 ~~of this Section.~~

12 ~~(c) Reasonable notice of such application by the defendant~~  
13 ~~shall be given to the State.~~

14 ~~(d) Reasonable notice of such application by the State~~  
15 ~~shall be given to the defendant, except as provided in~~  
16 ~~subsection (c).~~

17 ~~(e) Upon verified application by the State stating facts or~~  
18 ~~circumstances constituting a violation or a threatened~~  
19 ~~violation of any of the conditions of the bail bond the court~~  
20 ~~may issue a warrant commanding any peace officer to bring the~~  
21 ~~defendant without unnecessary delay before the court for a~~  
22 ~~hearing on the matters set forth in the application. If the~~  
23 ~~actual court before which the proceeding is pending is absent~~  
24 ~~or otherwise unavailable another court may issue a warrant~~  
25 ~~pursuant to this Section. When the defendant is charged with a~~  
26 ~~felony offense and while free on bail is charged with a~~

1 ~~subsequent felony offense and is the subject of a proceeding~~  
2 ~~set forth in Section 109-1 or 109-3 of this Code, upon the~~  
3 ~~filing of a verified petition by the State alleging a violation~~  
4 ~~of Section 110-10 (a) (4) of this Code, the court shall without~~  
5 ~~prior notice to the defendant, grant leave to file such~~  
6 ~~application and shall order the transfer of the defendant and~~  
7 ~~the application without unnecessary delay to the court before~~  
8 ~~which the previous felony matter is pending for a hearing as~~  
9 ~~provided in subsection (b) or this subsection of this Section.~~  
10 ~~The defendant shall be held without bond pending transfer to~~  
11 ~~and a hearing before such court. At the conclusion of the~~  
12 ~~hearing based on a violation of the conditions of Section~~  
13 ~~110-10 of this Code or any special conditions of bail as~~  
14 ~~ordered by the court the court may enter an order increasing~~  
15 ~~the amount of bail or alter the conditions of bail as deemed~~  
16 ~~appropriate.~~

17 ~~(f) Where the alleged violation consists of the violation~~  
18 ~~of one or more felony statutes of any jurisdiction which would~~  
19 ~~be a forcible felony in Illinois or a Class 2 or greater~~  
20 ~~offense under the Illinois Controlled Substances Act, the~~  
21 ~~Cannabis Control Act, or the Methamphetamine Control and~~  
22 ~~Community Protection Act and the defendant is on bail for the~~  
23 ~~alleged commission of a felony, or where the defendant is on~~  
24 ~~bail for a felony domestic battery (enhanced pursuant to~~  
25 ~~subsection (b) of Section 12-3.2 of the Criminal Code of 1961~~  
26 ~~or the Criminal Code of 2012), aggravated domestic battery,~~

1 ~~aggravated battery, unlawful restraint, aggravated unlawful~~  
2 ~~restraint or domestic battery in violation of item (1) of~~  
3 ~~subsection (a) of Section 12-3.2 of the Criminal Code of 1961~~  
4 ~~or the Criminal Code of 2012 against a family or household~~  
5 ~~member as defined in Section 112A 3 of this Code and the~~  
6 ~~violation is an offense of domestic battery against the same~~  
7 ~~victim the court shall, on the motion of the State or its own~~  
8 ~~motion, revoke bail in accordance with the following~~  
9 ~~provisions:~~

10 ~~(1) The court shall hold the defendant without bail~~  
11 ~~pending the hearing on the alleged breach; however, if the~~  
12 ~~defendant is not admitted to bail the hearing shall be~~  
13 ~~commenced within 10 days from the date the defendant is~~  
14 ~~taken into custody or the defendant may not be held any~~  
15 ~~longer without bail, unless delay is occasioned by the~~  
16 ~~defendant. Where defendant occasions the delay, the~~  
17 ~~running of the 10 day period is temporarily suspended and~~  
18 ~~resumes at the termination of the period of delay. Where~~  
19 ~~defendant occasions the delay with 5 or fewer days~~  
20 ~~remaining in the 10 day period, the court may grant a~~  
21 ~~period of up to 5 additional days to the State for good~~  
22 ~~cause shown. The State, however, shall retain the right to~~  
23 ~~proceed to hearing on the alleged violation at any time,~~  
24 ~~upon reasonable notice to the defendant and the court.~~

25 ~~(2) At a hearing on the alleged violation the State has~~  
26 ~~the burden of going forward and proving the violation by~~

1 ~~clear and convincing evidence. The evidence shall be~~  
2 ~~presented in open court with the opportunity to testify, to~~  
3 ~~present witnesses in his behalf, and to cross-examine~~  
4 ~~witnesses if any are called by the State, and~~  
5 ~~representation by counsel and if the defendant is indigent~~  
6 ~~to have counsel appointed for him. The rules of evidence~~  
7 ~~applicable in criminal trials in this State shall not~~  
8 ~~govern the admissibility of evidence at such hearing.~~  
9 ~~Information used by the court in its findings or stated in~~  
10 ~~or offered in connection with hearings for increase or~~  
11 ~~revocation of bail may be by way of proffer based upon~~  
12 ~~reliable information offered by the State or defendant. All~~  
13 ~~evidence shall be admissible if it is relevant and reliable~~  
14 ~~regardless of whether it would be admissible under the~~  
15 ~~rules of evidence applicable at criminal trials. A motion~~  
16 ~~by the defendant to suppress evidence or to suppress a~~  
17 ~~confession shall not be entertained at such a hearing.~~  
18 ~~Evidence that proof may have been obtained as a result of~~  
19 ~~an unlawful search and seizure or through improper~~  
20 ~~interrogation is not relevant to this hearing.~~

21 ~~(3) Upon a finding by the court that the State has~~  
22 ~~established by clear and convincing evidence that the~~  
23 ~~defendant has committed a forcible felony or a Class 2 or~~  
24 ~~greater offense under the Illinois Controlled Substances~~  
25 ~~Act, the Cannabis Control Act, or the Methamphetamine~~  
26 ~~Control and Community Protection Act while admitted to~~

1 ~~bail, or where the defendant is on bail for a felony~~  
2 ~~domestic battery (enhanced pursuant to subsection (b) of~~  
3 ~~Section 12-3.2 of the Criminal Code of 1961 or the Criminal~~  
4 ~~Code of 2012), aggravated domestic battery, aggravated~~  
5 ~~battery, unlawful restraint, aggravated unlawful restraint~~  
6 ~~or domestic battery in violation of item (1) of subsection~~  
7 ~~(a) of Section 12-3.2 of the Criminal Code of 1961 or the~~  
8 ~~Criminal Code of 2012 against a family or household member~~  
9 ~~as defined in Section 112A-3 of this Code and the violation~~  
10 ~~is an offense of domestic battery, against the same victim,~~  
11 ~~the court shall revoke the bail of the defendant and hold~~  
12 ~~the defendant for trial without bail. Neither the finding~~  
13 ~~of the court nor any transcript or other record of the~~  
14 ~~hearing shall be admissible in the State's case in chief,~~  
15 ~~but shall be admissible for impeachment, or as provided in~~  
16 ~~Section 115-10.1 of this Code or in a perjury proceeding.~~

17 ~~(4) If the bail of any defendant is revoked pursuant to~~  
18 ~~paragraph (f) (3) of this Section, the defendant may demand~~  
19 ~~and shall be entitled to be brought to trial on the offense~~  
20 ~~with respect to which he was formerly released on bail~~  
21 ~~within 90 days after the date on which his bail was~~  
22 ~~revoked. If the defendant is not brought to trial within~~  
23 ~~the 90 day period required by the preceding sentence, he~~  
24 ~~shall not be held longer without bail. In computing the 90~~  
25 ~~day period, the court shall omit any period of delay~~  
26 ~~resulting from a continuance granted at the request of the~~

1 ~~defendant.~~

2 ~~(5) If the defendant either is arrested on a warrant~~  
3 ~~issued pursuant to this Code or is arrested for an~~  
4 ~~unrelated offense and it is subsequently discovered that~~  
5 ~~the defendant is a subject of another warrant or warrants~~  
6 ~~issued pursuant to this Code, the defendant shall be~~  
7 ~~transferred promptly to the court which issued such~~  
8 ~~warrant. If, however, the defendant appears initially~~  
9 ~~before a court other than the court which issued such~~  
10 ~~warrant, the non-issuing court shall not alter the amount~~  
11 ~~of bail set on such warrant unless the court sets forth on~~  
12 ~~the record of proceedings the conclusions of law and facts~~  
13 ~~which are the basis for such altering of another court's~~  
14 ~~bond. The non-issuing court shall not alter another court's~~  
15 ~~bail set on a warrant unless the interests of justice and~~  
16 ~~public safety are served by such action.~~

17 ~~(g) The State may appeal any order where the court has~~  
18 ~~increased or reduced the amount of bail or altered the~~  
19 ~~conditions of the bail bond or granted bail where it has~~  
20 ~~previously been revoked.~~

21 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

22 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

23 Sec. 110-6.1. Denial of pretrial release ~~bail in~~  
24 ~~non-probationable felony offenses.~~

25 (a) Upon verified petition by the State, the court shall

1 hold a hearing and may deny ~~to determine whether bail should be~~  
2 ~~denied to~~ a defendant pretrial release only if:

3 (1) the defendant ~~who~~ is charged with a forcible felony  
4 offense for which a sentence of imprisonment, without  
5 probation, periodic imprisonment or conditional discharge,  
6 is required by law upon conviction, and ~~when~~ it is alleged  
7 that the defendant's pretrial release poses a real and  
8 present threat to a specific, identifiable person or  
9 persons ~~admission to bail poses a real and present threat~~  
10 ~~to the physical safety of any person or persons;~~ -

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

17 (3) the victim of abuse was a family or household  
18 member as defined by paragraph (6) of Section 103 of the  
19 Illinois Domestic Violence Act of 1986, and the person  
20 charged, at the time of the alleged offense, was subject to  
21 the terms of an order of protection issued under Section  
22 112A-14 of this Code, or Section 214 of the Illinois  
23 Domestic Violence Act of 1986 or previously was convicted  
24 of a violation of an order of protection under Section  
25 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 or a violent crime if the victim was

1 a family or household member as defined by paragraph (6) of  
2 the Illinois Domestic Violence Act of 1986 at the time of  
3 the offense or a violation of a substantially similar  
4 municipal ordinance or law of this or any other state or  
5 the United States if the victim was a family or household  
6 member as defined by paragraph (6) of Section 103 of the  
7 Illinois Domestic Violence Act of 1986 at the time of the  
8 offense, and it is alleged that the defendant's pre-trial  
9 release poses a real and present threat to the physical  
10 safety of any person or persons;

11 (4) the defendant is charged with domestic battery or  
12 aggravated domestic battery under Section 12-3.2 or 12-3.3  
13 of the Criminal Code of 2012 and it is alleged that the  
14 defendant's pretrial release poses a real and present  
15 threat to the physical safety of any person or persons;

16 (5) the defendant is charged with any offense under  
17 Article 11 of the Criminal Code of 2012, except for  
18 Sections 11-30, 11-35, 11-40, and 11-45 of the Criminal  
19 Code of 2012, or similar provisions of the Criminal Code of  
20 1961 and it is alleged that the defendant's pretrial  
21 release poses a real and present threat to the physical  
22 safety of any person or persons;

23 (6) the defendant is charged with any of these  
24 violations under the Criminal Code of 2012 and it is  
25 alleged that the defendant's pretrial releases poses a real  
26 and present threat to the physical safety of any



1 specifically identifiable person or persons.

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

4 (B) Section 24-2.5 (aggravated discharge of a  
5 machine gun or a firearm equipped with a device  
6 designed or use for silencing the report of a firearm);

7 (C) Section 24-1.5 (reckless discharge of a  
8 firearm);

9 (D) Section 24-1.7 (armed habitual criminal);

10 (E) Section 24-2.2 2 (manufacture, sale or  
11 transfer of bullets or shells represented to be armor  
12 piercing bullets, dragon's breath shotgun shells, bolo  
13 shells or flechette shells);

14 (F) Section 24-3 (unlawful sale or delivery of  
15 firearms);

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

18 (H) Section 24-34 (unlawful sale of firearms by  
19 liquor license);

20 (I) Section 24-3.5 (unlawful purchase of a  
21 firearm);

22 (J) Section 24-3A (gunrunning); or

23 (K) Section on 24-3B (firearms trafficking );

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

25 (M) Section 10-9 (c) (involuntary sexual servitude  
26 of a minor);

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

2           (7) the person has a high likelihood of willful flight  
3 to avoid prosecution and is charged with:

4           (a) Any felony described in Sections (a)(1)  
5 through (a)(5) of this Section; or

6           (b) A felony offense other than a Class 4 offense.

7 (b) If the charged offense is a felony, the Court shall  
8 hold a hearing pursuant to 109-3 of this Code to  
9 determine whether there is probable cause the  
10 defendant has committed an offense, unless a grand jury  
11 has returned a true bill of indictment against the  
12 defendant. If there is a finding of no probable cause,  
13 the defendant shall be released. No such finding is  
14 necessary if the defendant is charged with a  
15 misdemeanor.

16 (c) Timing of petition.

17           (1) A petition may be filed without prior notice to the  
18 defendant at the first appearance before a judge, or within  
19 the 21 calendar days, except as provided in Section 110-6,  
20 after arrest and release of the defendant upon reasonable  
21 notice to defendant; provided that while such petition is  
22 pending before the court, the defendant if previously  
23 released shall not be detained.

24           (2) (2) Upon filing, the court shall immediately hold a  
25 hearing on the petition unless a continuance is requested.  
26 If a continuance is requested, the hearing shall be held

1 within 48 hours of the defendant's first appearance if the  
2 defendant is charged with a Class X, Class 1, Class 2, or  
3 Class 3 felony, and within 24 hours if the defendant is  
4 charged with a Class 4 or misdemeanor offense. The Court  
5 may deny and or grant the request for continuance. If the  
6 court decides to grant the continuance, the Court retains  
7 the discretion to detain or release the defendant in the  
8 time between the filing of the petition and the hearing.

9 (d) Contents of petition.

10 (1) The petition shall be verified by the State and  
11 shall state the grounds upon which it contends the  
12 defendant should be denied pretrial release, including the  
13 identity of the specific person or persons the State  
14 believes the defendant poses a danger to.

15 (2) Only one petition may be filed under this Section.

16 (e) Eligibility: All defendants shall be presumed eligible  
17 for pretrial release, and the State shall bear the burden of  
18 proving by clear and convincing evidence that: ~~The hearing~~  
19 ~~shall be held immediately upon the defendant's appearance~~  
20 ~~before the court, unless for good cause shown the defendant or~~  
21 ~~the State seeks a continuance. A continuance on motion of the~~  
22 ~~defendant may not exceed 5 calendar days, and a continuance on~~  
23 ~~the motion of the State may not exceed 3 calendar days. The~~  
24 ~~defendant may be held in custody during such continuance.~~

25 ~~(b) The court may deny bail to the defendant where, after~~  
26 ~~the hearing, it is determined that:~~

1 (1) the proof is evident or the presumption great that  
2 the defendant has committed an offense listed in paragraphs  
3 (1) through (6) of subsection (a) ~~for which a sentence of~~  
4 ~~imprisonment, without probation, periodic imprisonment or~~  
5 ~~conditional discharge, must be imposed by law as a~~  
6 ~~consequence of conviction, and~~

7 (2) the defendant poses a real and present threat to  
8 the ~~physical~~ safety of a specific, identifiable ~~any~~ person  
9 or persons, by conduct which may include, but is not  
10 limited to, a forcible felony, the obstruction of justice,  
11 intimidation, injury, or abuse as defined by paragraph (1)  
12 of Section 103 of the Illinois Domestic Violence Act of  
13 1986 ~~physical harm, an offense under the Illinois~~  
14 ~~Controlled Substances Act which is a Class X felony, or an~~  
15 ~~offense under the Methamphetamine Control and Community~~  
16 ~~Protection Act which is a Class X felony, and~~

17 (3) ~~the court finds that~~ no condition or combination of  
18 conditions set forth in subsection (b) of Section 110-10 of  
19 this Article can mitigate the specific, imminent threat to  
20 a specific, identifiable ~~, can reasonably assure the~~  
21 ~~physical safety of any other~~ person or persons or the  
22 defendant's willful flight.

23 (f) ~~(e)~~ Conduct of the hearings.

24 (1) Prior to the hearing the State shall tender to the  
25 defendant copies of defendant's criminal history, if any,  
26 if available, any written or recorded statements, and the

1 substance of any oral statements made by any person, if  
2 relied upon by the State in its petition, and any police  
3 reports in the State's Attorney's possession at the time of  
4 the hearing that are required to be disclosed to the  
5 defense under Illinois Supreme Court rules. ~~The hearing on~~  
6 ~~the defendant's culpability and dangerousness shall be~~  
7 ~~conducted in accordance with the following provisions:~~

8 (2) The State or defendant may present evidence at the  
9 hearing ~~(A) Information used by the court in its findings~~  
10 ~~or stated in or offered at such hearing may be by way of~~  
11 ~~proffer based upon reliable information offered by the~~  
12 ~~State or by defendant.~~

13 (3) The defendant ~~Defendant~~ has the right to be  
14 represented by counsel, and if he or she is indigent, to  
15 have counsel appointed for him or her. ~~The defendant-~~  
16 ~~Defendant~~ shall have the opportunity to testify, to present  
17 witnesses on ~~in~~ his or her own behalf, and to cross-examine  
18 any witnesses that ~~if any~~ are called by the State.

19 (4) If the defense seeks to call the complaining  
20 witness as a witness in its favor, it shall petition the  
21 court for permission. ~~The defendant has the right to~~  
22 ~~present witnesses in his favor.~~ When the ends of justice so  
23 require, the court may exercise ~~exercises~~ 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. In making a determination under this section, the  
2 court shall state on the record the reason for granting a  
3 defense request to compel the presence of a complaining  
4 witness, and only grant the request if the court finds by  
5 clear and convincing evidence that the defendant will be  
6 materially prejudiced if the complaining witness does not  
7 appear. Cross-examination of a complaining witness at the  
8 pretrial detention hearing for the purpose of impeaching  
9 the witness' credibility is insufficient reason to compel  
10 the presence of the witness. In deciding whether to compel  
11 the appearance of a complaining witness, the court shall be  
12 considerate of the emotional and physical well-being of the  
13 witness. The pre-trial detention hearing is not to be used  
14 for purposes of discovery, and the post arraignment rules  
15 of discovery do not apply. ~~The State shall tender to the~~  
16 ~~defendant, prior to the hearing, copies of defendant's~~  
17 ~~criminal history, if any, if available, and any written or~~  
18 ~~recorded statements and the substance of any oral~~  
19 ~~statements made by any person, if relied upon by the State~~  
20 ~~in its petition.~~

21 (5) The rules concerning the admissibility of evidence  
22 in criminal trials do not apply to the presentation and  
23 consideration of information at the hearing. At the trial  
24 concerning the offense for which the hearing was conducted  
25 neither the finding of the court nor any transcript or  
26 other record of the hearing shall be admissible in the

1 State's case in chief, but shall be admissible for  
2 impeachment, or as provided in Section 115-10.1 of this  
3 Code, or in a perjury proceeding.

4 ~~(6) The (B) A motion by the defendant may not move to~~  
5 ~~suppress evidence or to suppress a confession, however,~~  
6 ~~evidence shall not be entertained. Evidence that proof of~~  
7 ~~the charged crime may have been ~~obtained as~~ the result of~~  
8 ~~an unlawful search or and seizure, or both, or through~~  
9 ~~improper interrogation, is not relevant in assessing the~~  
10 ~~weight of the evidence against the defendant ~~to this state~~~~  
11 ~~of the prosecution.~~

12 ~~(2) The facts relied upon by the court to support a~~  
13 ~~finding that the defendant poses a real and present threat~~  
14 ~~to the physical safety of any person or persons shall be~~  
15 ~~supported by clear and convincing evidence presented by the~~  
16 ~~State.~~

17 ~~(g) (d)~~ Factors to be considered in making a determination  
18 of dangerousness. The court may, in determining whether the  
19 defendant poses a specific, imminent ~~real and present~~ threat of  
20 serious ~~to the physical~~ harm to an identifiable ~~safety of any~~  
21 person or persons, consider but shall not be limited to  
22 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.

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 ~~any person~~  
19 ~~assaulted by~~ the defendant;

20 (6) The age and physical condition of any victim or  
21 complaining witness;

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

24 (8) ~~(7)~~ Whether, at the time of the current offense or  
25 any other offense or arrest, the defendant was on  
26 probation, parole, aftercare release, mandatory supervised



1 release or other release from custody pending trial,  
2 sentencing, appeal or completion of sentence for an offense  
3 under federal or state law;

4 (9) ~~(8)~~ Any other factors, including those listed in  
5 Section 110-5 of this Article deemed by the court to have a  
6 reasonable bearing upon the defendant's propensity or  
7 reputation for violent, abusive or assaultive behavior, or  
8 lack of such behavior.

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

11 (1) briefly summarize the evidence of the defendant's  
12 guilt or innocence, culpability and the court's ~~its~~ reasons  
13 for concluding that the defendant should be denied pretrial  
14 release ~~held without bail~~;

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

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

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

25 (i) Detention. ~~(f)~~ If the court enters an order for the  
26 detention of the defendant pursuant to subsection (e) of this

1 Section, the defendant shall be brought to trial on the offense  
2 for which he is detained within 90 days after the date on which  
3 the order for detention was entered. If the defendant is not  
4 brought to trial within the 90 day period required by the  
5 preceding sentence, he shall not be denied pretrial release  
6 ~~held longer without bail~~. In computing the 90 day period, the  
7 court shall omit any period of delay resulting from a  
8 continuance granted at the request of the defendant.

9 (j) ~~(g)~~ Rights of the defendant. Any person shall be  
10 entitled to appeal any order entered under this Section denying  
11 pretrial release ~~bail~~ to the defendant.

12 (k) Appeal. ~~(h)~~ The State may appeal any order entered  
13 under this Section denying any motion for denial of pretrial  
14 release ~~bail~~.

15 (l) Presumption of innocence. ~~(i)~~ Nothing in this Section  
16 shall be construed as modifying or limiting in any way the  
17 defendant's presumption of innocence in further criminal  
18 proceedings.

19 (m) Victim notice.

20 (1) Crime Victims shall be given notice by the State's  
21 Attorney's office of this hearing as required in paragraph  
22 (1) of subsection (b) of Section 4.5 of the Rights of Crime  
23 Victims and Witnesses Act and shall be informed of their  
24 opportunity at this hearing to obtain an order of  
25 protection under Article 112A of this Code.

26 (Source: P.A. 98-558, eff. 1-1-14.)

1 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

2 Sec. 110-6.2. Post-conviction Detention.

3 (a) The court may order that a person who has been found  
4 guilty of an offense and who is waiting imposition or execution  
5 of sentence be held without release bond unless the court finds  
6 by clear and convincing evidence that the person is not likely  
7 to flee or pose a danger to any other person or the community  
8 if released under Sections 110-5 and 110-10 of this Act.

9 (b) The court may order that person who has been found  
10 guilty of an offense and sentenced to a term of imprisonment be  
11 held without release bond unless the court finds by clear and  
12 convincing evidence that:

13 (1) the person is not likely to flee or pose a danger  
14 to the safety of any other person or the community if  
15 released ~~on bond~~ pending appeal; and

16 (2) that the appeal is not for purpose of delay and  
17 raises a substantial question of law or fact likely to  
18 result in reversal or an order for a new trial.

19 (Source: P.A. 96-1200, eff. 7-22-10.)

20 (725 ILCS 5/110-6.4)

21 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme  
22 Court may establish a statewide risk-assessment tool to be used  
23 in proceedings to assist the court in establishing conditions  
24 of pretrial release ~~bail~~ for a defendant by assessing the

1 defendant's likelihood of appearing at future court  
2 proceedings or determining if the defendant poses a real and  
3 present threat to the physical safety of any person or persons.  
4 The Supreme Court shall consider establishing a  
5 risk-assessment tool that does not discriminate on the basis of  
6 race, gender, educational level, socio-economic status, or  
7 neighborhood. If a risk-assessment tool is utilized within a  
8 circuit that does not require a personal interview to be  
9 completed, the Chief Judge of the circuit or the director of  
10 the pretrial services agency may exempt the requirement under  
11 Section 9 and subsection (a) of Section 7 of the Pretrial  
12 Services Act.

13 For the purpose of this Section, "risk-assessment tool"  
14 means an empirically validated, evidence-based screening  
15 instrument that demonstrates reduced instances of a  
16 defendant's failure to appear for further court proceedings or  
17 prevents future criminal activity.

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

19 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

20 Sec. 110-10. Conditions of pretrial release ~~bail bond~~.

21 (a) If a person is released prior to conviction, ~~either~~  
22 ~~upon payment of bail security or on his or her own~~  
23 ~~recognizance,~~ the conditions of pretrial release ~~the bail bond~~  
24 shall be that he or she will:

25 (1) Appear to answer the charge in the court having

1 jurisdiction on a day certain and thereafter as ordered by  
2 the court until discharged or final order of the court;

3 (2) Submit himself or herself to the orders and process  
4 of the court;

5 (3) (Blank); ~~Not depart this State without leave of the~~  
6 ~~court;~~

7 (4) Not violate any criminal statute of any  
8 jurisdiction;

9 (5) At a time and place designated by the court,  
10 surrender all firearms in his or her possession to a law  
11 enforcement officer designated by the court to take custody  
12 of and impound the firearms and physically surrender his or  
13 her Firearm Owner's Identification Card to the clerk of the  
14 circuit court when the offense the person has been charged  
15 with is a forcible felony, stalking, aggravated stalking,  
16 domestic battery, any violation of the Illinois Controlled  
17 Substances Act, the Methamphetamine Control and Community  
18 Protection Act, or the Cannabis Control Act that is  
19 classified as a Class 2 or greater felony, or any felony  
20 violation of Article 24 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012; the court may, however, forgo the  
22 imposition of this condition when the circumstances of the  
23 case clearly do not warrant it or when its imposition would  
24 be impractical; if the Firearm Owner's Identification Card  
25 is confiscated, the clerk of the circuit court shall mail  
26 the confiscated card to the Illinois State Police; all

1           legally possessed firearms shall be returned to the person  
2           upon the charges being dismissed, or if the person is found  
3           not guilty, unless the finding of not guilty is by reason  
4           of insanity; and

5           (6) At a time and place designated by the court, submit  
6           to a psychological evaluation when the person has been  
7           charged with a violation of item (4) of subsection (a) of  
8           Section 24-1 of the Criminal Code of 1961 or the Criminal  
9           Code of 2012 and that violation occurred in a school or in  
10          any conveyance owned, leased, or contracted by a school to  
11          transport students to or from school or a school-related  
12          activity, or on any public way within 1,000 feet of real  
13          property comprising any school.

14          Psychological evaluations ordered pursuant to this Section  
15          shall be completed promptly and made available to the State,  
16          the defendant, and the court. As a further condition of  
17          pretrial release ~~bail~~ under these circumstances, the court  
18          shall order the defendant to refrain from entering upon the  
19          property of the school, including any conveyance owned, leased,  
20          or contracted by a school to transport students to or from  
21          school or a school-related activity, or on any public way  
22          within 1,000 feet of real property comprising any school. Upon  
23          receipt of the psychological evaluation, either the State or  
24          the defendant may request a change in the conditions of  
25          pretrial release ~~bail~~, pursuant to Section 110-6 of this Code.  
26          The court may change the conditions of pretrial release ~~bail~~ to

1 include a requirement that the defendant follow the  
2 recommendations of the psychological evaluation, including  
3 undergoing psychiatric treatment. The conclusions of the  
4 psychological evaluation and any statements elicited from the  
5 defendant during its administration are not admissible as  
6 evidence of guilt during the course of any trial on the charged  
7 offense, unless the defendant places his or her mental  
8 competency in issue.

9 (b) The court may impose other conditions, such as the  
10 following, if the court finds that such conditions are  
11 reasonably necessary to assure the defendant's appearance in  
12 court, protect the public from the defendant, or prevent the  
13 defendant's unlawful interference with the orderly  
14 administration of justice:

15 (0.05) Not depart this State without leave of the  
16 court;

17 (1) Report to or appear in person before such person or  
18 agency as the court may direct;

19 (2) Refrain from possessing a firearm or other  
20 dangerous weapon;

21 (3) Refrain from approaching or communicating with  
22 particular persons or classes of persons;

23 (4) Refrain from going to certain described  
24 geographical areas or premises;

25 (5) Refrain from engaging in certain activities or  
26 indulging in intoxicating liquors or in certain drugs;

1           (6) Undergo treatment for drug addiction or  
2 alcoholism;

3           (7) Undergo medical or psychiatric treatment;

4           (8) Work or pursue a course of study or vocational  
5 training;

6           (9) Attend or reside in a facility designated by the  
7 court;

8           (10) Support his or her dependents;

9           (11) If a minor resides with his or her parents or in a  
10 foster home, attend school, attend a non-residential  
11 program for youths, and contribute to his or her own  
12 support at home or in a foster home;

13           (12) Observe any curfew ordered by the court;

14           (13) Remain in the custody of such designated person or  
15 organization agreeing to supervise his release. Such third  
16 party custodian shall be responsible for notifying the  
17 court if the defendant fails to observe the conditions of  
18 release which the custodian has agreed to monitor, and  
19 shall be subject to contempt of court for failure so to  
20 notify the court;

21           (14) Be placed under direct supervision of the Pretrial  
22 Services Agency, Probation Department or Court Services  
23 Department in a pretrial ~~bond~~ home supervision capacity  
24 with or without the use of an approved electronic  
25 monitoring device subject to Article 8A of Chapter V of the  
26 Unified Code of Corrections;



1           (14.1) The court may ~~shall~~ impose upon a defendant who  
2 is charged with any alcohol, cannabis, methamphetamine, or  
3 controlled substance violation and is placed under direct  
4 supervision of the Pretrial Services Agency, Probation  
5 Department or Court Services Department in a pretrial ~~bond~~  
6 home supervision capacity with the use of an approved  
7 monitoring device, as a condition of such pretrial  
8 monitoring ~~bail~~ ~~bond~~, a fee that represents costs  
9 incidental to the electronic monitoring for each day of  
10 such pretrial ~~bail~~ supervision ordered by the court, unless  
11 after determining the inability of the defendant to pay the  
12 fee, the court assesses a lesser fee or no fee as the case  
13 may be. The fee shall be collected by the clerk of the  
14 circuit court, except as provided in an administrative  
15 order of the Chief Judge of the circuit court. The clerk of  
16 the circuit court shall pay all monies collected from this  
17 fee to the county treasurer for deposit in the substance  
18 abuse services fund under Section 5-1086.1 of the Counties  
19 Code, except as provided in an administrative order of the  
20 Chief Judge of the circuit court.

21           The Chief Judge of the circuit court of the county may  
22 by administrative order establish a program for electronic  
23 monitoring of offenders with regard to drug-related and  
24 alcohol-related offenses, in which a vendor supplies and  
25 monitors the operation of the electronic monitoring  
26 device, and collects the fees on behalf of the county. The

1 program shall include provisions for indigent offenders  
2 and the collection of unpaid fees. The program shall not  
3 unduly burden the offender and shall be subject to review  
4 by the Chief Judge.

5 The Chief Judge of the circuit court may suspend any  
6 additional charges or fees for late payment, interest, or  
7 damage to any device;

8 (14.2) The court may ~~shall~~ impose upon all defendants,  
9 including those defendants subject to paragraph (14.1)  
10 above, placed under direct supervision of the Pretrial  
11 Services Agency, Probation Department or Court Services  
12 Department in a pretrial ~~bond~~ home supervision capacity  
13 with the use of an approved monitoring device, as a  
14 condition of such release ~~bail bond~~, a fee which shall  
15 represent costs incidental to such electronic monitoring  
16 for each day of such ~~bail~~ supervision ordered by the court,  
17 unless after determining the inability of the defendant to  
18 pay the fee, the court assesses a lesser fee or no fee as  
19 the case may be. The fee shall be collected by the clerk of  
20 the circuit court, except as provided in an administrative  
21 order of the Chief Judge of the circuit court. The clerk of  
22 the circuit court shall pay all monies collected from this  
23 fee to the county treasurer who shall use the monies  
24 collected to defray the costs of corrections. The county  
25 treasurer shall deposit the fee collected in the county  
26 working cash fund under Section 6-27001 or Section 6-29002

1 of the Counties Code, as the case may be, except as  
2 provided in an administrative order of the Chief Judge of  
3 the circuit court.

4 The Chief Judge of the circuit court of the county may  
5 by administrative order establish a program for electronic  
6 monitoring of offenders with regard to drug-related and  
7 alcohol-related offenses, in which a vendor supplies and  
8 monitors the operation of the electronic monitoring  
9 device, and collects the fees on behalf of the county. The  
10 program shall include provisions for indigent offenders  
11 and the collection of unpaid fees. The program shall not  
12 unduly burden the offender and shall be subject to review  
13 by the Chief Judge.

14 The Chief Judge of the circuit court may suspend any  
15 additional charges or fees for late payment, interest, or  
16 damage to any device;

17 (14.3) The Chief Judge of the Judicial Circuit may  
18 establish reasonable fees to be paid by a person receiving  
19 pretrial services while under supervision of a pretrial  
20 services agency, probation department, or court services  
21 department. Reasonable fees may be charged for pretrial  
22 services including, but not limited to, pretrial  
23 supervision, diversion programs, electronic monitoring,  
24 victim impact services, drug and alcohol testing, DNA  
25 testing, GPS electronic monitoring, assessments and  
26 evaluations related to domestic violence and other

1 victims, and victim mediation services. The person  
2 receiving pretrial services may be ordered to pay all costs  
3 incidental to pretrial services in accordance with his or  
4 her ability to pay those costs;

5 (14.4) For persons charged with violating Section  
6 11-501 of the Illinois Vehicle Code, refrain from operating  
7 a motor vehicle not equipped with an ignition interlock  
8 device, as defined in Section 1-129.1 of the Illinois  
9 Vehicle Code, pursuant to the rules promulgated by the  
10 Secretary of State for the installation of ignition  
11 interlock devices. Under this condition the court may allow  
12 a defendant who is not self-employed to operate a vehicle  
13 owned by the defendant's employer that is not equipped with  
14 an ignition interlock device in the course and scope of the  
15 defendant's employment;

16 (15) Comply with the terms and conditions of an order  
17 of protection issued by the court under the Illinois  
18 Domestic Violence Act of 1986 or an order of protection  
19 issued by the court of another state, tribe, or United  
20 States territory;

21 (16) (Blank); and ~~Under Section 110-6.5 comply with the~~  
22 ~~conditions of the drug testing program; and~~

23 (17) Such other reasonable conditions as the court may  
24 impose.

25 (c) When a person is charged with an offense under Section  
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, involving a victim who is a minor under  
3 18 years of age living in the same household with the defendant  
4 at the time of the offense, in ~~granting bail or~~ releasing the  
5 defendant ~~on his own recognizance~~, the judge shall impose  
6 conditions to restrict the defendant's access to the victim  
7 which may include, but are not limited to conditions that he  
8 will:

- 9 1. Vacate the household.
- 10 2. Make payment of temporary support to his dependents.
- 11 3. Refrain from contact or communication with the child  
12 victim, except as ordered by the court.

13 (d) When a person is charged with a criminal offense and  
14 the victim is a family or household member as defined in  
15 Article 112A, conditions shall be imposed at the time of the  
16 defendant's release ~~on bond~~ that restrict the defendant's  
17 access to the victim. Unless provided otherwise by the court,  
18 the restrictions shall include requirements that the defendant  
19 do the following:

- 20 (1) refrain from contact or communication with the  
21 victim for a minimum period of 72 hours following the  
22 defendant's release; and

- 23 (2) refrain from entering or remaining at the victim's  
24 residence for a minimum period of 72 hours following the  
25 defendant's release.

26 (e) Local law enforcement agencies shall develop

1 standardized pretrial release ~~bond~~ forms for use in cases  
2 involving family or household members as defined in Article  
3 112A, including specific conditions of pretrial release ~~bond~~ as  
4 provided in subsection (d). Failure of any law enforcement  
5 department to develop or use those forms shall in no way limit  
6 the applicability and enforcement of subsections (d) and (f).

7 (f) If the defendant is released ~~admitted to bail~~ after  
8 conviction following appeal or other post-conviction  
9 proceeding, the conditions of the pretrial release ~~bail bond~~  
10 shall be that he will, in addition to the conditions set forth  
11 in subsections (a) and (b) hereof:

12 (1) Duly prosecute his appeal;

13 (2) Appear at such time and place as the court may  
14 direct;

15 (3) Not depart this State without leave of the court;

16 (4) Comply with such other reasonable conditions as the  
17 court may impose; and

18 (5) If the judgment is affirmed or the cause reversed  
19 and remanded for a new trial, forthwith surrender to the  
20 officer from whose custody he was released ~~bailed~~.

21 (g) Upon a finding of guilty for any felony offense, the  
22 defendant shall physically surrender, at a time and place  
23 designated by the court, any and all firearms in his or her  
24 possession and his or her Firearm Owner's Identification Card  
25 as a condition of being released ~~remaining on bond~~ pending  
26 sentencing.

1 (h) In the event the defendant is denied pretrial release  
2 ~~unable to post bond~~, the court may impose a no contact  
3 provision with the victim or other interested party that shall  
4 be enforced while the defendant remains in custody.

5 (Source: P.A. 101-138, eff. 1-1-20.)

6 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

7 Sec. 110-11. Pretrial release ~~Bail~~ on a new trial. If the  
8 judgment of conviction is reversed and the cause remanded for a  
9 new trial the trial court may order that the conditions of  
10 pretrial release ~~bail~~ stand pending such trial, or modify the  
11 conditions of pretrial release ~~reduce or increase bail~~.

12 (Source: Laws 1963, p. 2836.)

13 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

14 Sec. 110-12. Notice of change of address.

15 A defendant who has been admitted to pretrial release ~~bail~~  
16 shall file a written notice with the clerk of the court before  
17 which the proceeding is pending of any change in his or her  
18 address within 24 hours after such change, except that a  
19 defendant who has been admitted to pretrial release ~~bail~~ for a  
20 forcible felony as defined in Section 2-8 of the Criminal Code  
21 of 2012 shall file a written notice with the clerk of the court  
22 before which the proceeding is pending and the clerk shall  
23 immediately deliver a time stamped copy of the written notice  
24 to the State's Attorney charged with the prosecution within 24

1 hours prior to such change. The address of a defendant who has  
2 been admitted to pretrial release ~~bail~~ shall at all times  
3 remain a matter of public record with the clerk of the court.

4 (Source: P.A. 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

6 Sec. 111-2. Commencement of prosecutions.

7 (a) All prosecutions of felonies shall be by information or  
8 by indictment. No prosecution may be pursued by information  
9 unless a preliminary hearing has been held or waived in  
10 accordance with Section 109-3 and at that hearing probable  
11 cause to believe the defendant committed an offense was found,  
12 and the provisions of Section 109-3.1 of this Code have been  
13 complied with.

14 (b) All other prosecutions may be by indictment,  
15 information or complaint.

16 (c) Upon the filing of an information or indictment in open  
17 court charging the defendant with the commission of a sex  
18 offense defined in any Section of Article 11 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012, and a minor as  
20 defined in Section 1-3 of the Juvenile Court Act of 1987 is  
21 alleged to be the victim of the commission of the acts of the  
22 defendant in the commission of such offense, the court may  
23 appoint a guardian ad litem for the minor as provided in  
24 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of  
25 1987.



1 (d) Upon the filing of an information or indictment in open  
2 court, the court shall immediately issue a warrant for the  
3 arrest of each person charged with an offense directed to a  
4 peace officer or some other person specifically named  
5 commanding him to arrest such person.

6 (e) When the offense is eligible for pretrial release  
7 ~~bailable~~, the judge shall endorse on the warrant the conditions  
8 of pretrial release ~~amount of bail~~ required by the order of the  
9 court, and if the court orders the process returnable  
10 forthwith, the warrant shall require that the accused be  
11 arrested and brought immediately into court.

12 (f) Where the prosecution of a felony is by information or  
13 complaint after preliminary hearing, or after a waiver of  
14 preliminary hearing in accordance with paragraph (a) of this  
15 Section, such prosecution may be for all offenses, arising from  
16 the same transaction or conduct of a defendant even though the  
17 complaint or complaints filed at the preliminary hearing  
18 charged only one or some of the offenses arising from that  
19 transaction or conduct.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

22 Sec. 112A-23. Enforcement of protective orders.

23 (a) When violation is crime. A violation of any protective  
24 order, whether issued in a civil, quasi-criminal proceeding,  
25 shall be enforced by a criminal court when:

1           (1) The respondent commits the crime of violation of a  
2 domestic violence order of protection pursuant to Section  
3 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, by having knowingly violated:

5           (i) remedies described in paragraphs (1), (2),  
6 (3), (14), or (14.5) of subsection (b) of Section  
7 112A-14 of this Code,

8           (ii) a remedy, which is substantially similar to  
9 the remedies authorized under paragraphs (1), (2),  
10 (3), (14), or (14.5) of subsection (b) of Section 214  
11 of the Illinois Domestic Violence Act of 1986, in a  
12 valid order of protection, which is authorized under  
13 the laws of another state, tribe or United States  
14 territory, or

15           (iii) ~~or~~ any other remedy when the act constitutes  
16 a crime against the protected parties as defined by the  
17 Criminal Code of 1961 or the Criminal Code of 2012.

18           Prosecution for a violation of a domestic violence  
19 order of protection shall not bar concurrent prosecution  
20 for any other crime, including any crime that may have been  
21 committed at the time of the violation of the domestic  
22 violence order of protection; or

23           (2) The respondent commits the crime of child abduction  
24 pursuant to Section 10-5 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, by having knowingly violated:

26           (i) remedies described in paragraphs (5), (6), or

1 (8) of subsection (b) of Section 112A-14 of this Code,  
2 or

3 (ii) a remedy, which is substantially similar to  
4 the remedies authorized under paragraphs (1), (5),  
5 (6), or (8) of subsection (b) of Section 214 of the  
6 Illinois Domestic Violence Act of 1986, in a valid  
7 domestic violence order of protection, which is  
8 authorized under the laws of another state, tribe or  
9 United States territory.

10 (3) The respondent commits the crime of violation of a  
11 civil no contact order when the respondent violates Section  
12 12-3.8 of the Criminal Code of 2012. Prosecution for a  
13 violation of a civil no contact order shall not bar  
14 concurrent prosecution for any other crime, including any  
15 crime that may have been committed at the time of the  
16 violation of the civil no contact order.

17 (4) The respondent commits the crime of violation of a  
18 stalking no contact order when the respondent violates  
19 Section 12-3.9 of the Criminal Code of 2012. Prosecution  
20 for a violation of a stalking no contact order shall not  
21 bar concurrent prosecution for any other crime, including  
22 any crime that may have been committed at the time of the  
23 violation of the stalking no contact order.

24 (b) When violation is contempt of court. A violation of any  
25 valid protective order, whether issued in a civil or criminal  
26 proceeding, may be enforced through civil or criminal contempt

1 procedures, as appropriate, by any court with jurisdiction,  
2 regardless where the act or acts which violated the protective  
3 order were committed, to the extent consistent with the venue  
4 provisions of this Article. Nothing in this Article shall  
5 preclude any Illinois court from enforcing any valid protective  
6 order issued in another state. Illinois courts may enforce  
7 protective orders through both criminal prosecution and  
8 contempt proceedings, unless the action which is second in time  
9 is barred by collateral estoppel or the constitutional  
10 prohibition against double jeopardy.

11 (1) In a contempt proceeding where the petition for a  
12 rule to show cause sets forth facts evidencing an immediate  
13 danger that the respondent will flee the jurisdiction,  
14 conceal a child, or inflict physical abuse on the  
15 petitioner or minor children or on dependent adults in  
16 petitioner's care, the court may order the attachment of  
17 the respondent without prior service of the rule to show  
18 cause or the petition for a rule to show cause. Bond shall  
19 be set unless specifically denied in writing.

20 (2) A petition for a rule to show cause for violation  
21 of a protective order shall be treated as an expedited  
22 proceeding.

23 (c) Violation of custody, allocation of parental  
24 responsibility, or support orders. A violation of remedies  
25 described in paragraphs (5), (6), (8), or (9) of subsection (b)  
26 of Section 112A-14 of this Code may be enforced by any remedy

1 provided by Section 607.5 of the Illinois Marriage and  
2 Dissolution of Marriage Act. The court may enforce any order  
3 for support issued under paragraph (12) of subsection (b) of  
4 Section 112A-14 of this Code in the manner provided for under  
5 Parts V and VII of the Illinois Marriage and Dissolution of  
6 Marriage Act.

7 (d) Actual knowledge. A protective order may be enforced  
8 pursuant to this Section if the respondent violates the order  
9 after respondent has actual knowledge of its contents as shown  
10 through one of the following means:

11 (1) (Blank).

12 (2) (Blank).

13 (3) By service of a protective order under subsection  
14 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

15 (4) By other means demonstrating actual knowledge of  
16 the contents of the order.

17 (e) The enforcement of a protective order in civil or  
18 criminal court shall not be affected by either of the  
19 following:

20 (1) The existence of a separate, correlative order  
21 entered under Section 112A-15 of this Code.

22 (2) Any finding or order entered in a conjoined  
23 criminal proceeding.

24 (f) Circumstances. The court, when determining whether or  
25 not a violation of a protective order has occurred, shall not  
26 require physical manifestations of abuse on the person of the

1 victim.

2 (g) Penalties.

3 (1) Except as provided in paragraph (3) of this  
4 subsection (g), where the court finds the commission of a  
5 crime or contempt of court under subsections (a) or (b) of  
6 this Section, the penalty shall be the penalty that  
7 generally applies in such criminal or contempt  
8 proceedings, and may include one or more of the following:  
9 incarceration, payment of restitution, a fine, payment of  
10 attorneys' fees and costs, or community service.

11 (2) The court shall hear and take into account evidence  
12 of any factors in aggravation or mitigation before deciding  
13 an appropriate penalty under paragraph (1) of this  
14 subsection (g).

15 (3) To the extent permitted by law, the court is  
16 encouraged to:

17 (i) increase the penalty for the knowing violation  
18 of any protective order over any penalty previously  
19 imposed by any court for respondent's violation of any  
20 protective order or penal statute involving petitioner  
21 as victim and respondent as defendant;

22 (ii) impose a minimum penalty of 24 hours  
23 imprisonment for respondent's first violation of any  
24 protective order; and

25 (iii) impose a minimum penalty of 48 hours  
26 imprisonment for respondent's second or subsequent

1 violation of a protective order  
2 unless the court explicitly finds that an increased penalty  
3 or that period of imprisonment would be manifestly unjust.

4 (4) In addition to any other penalties imposed for a  
5 violation of a protective order, a criminal court may  
6 consider evidence of any violations of a protective order:

7 (i) to ~~increase, revoke, or~~ modify the conditions  
8 of pretrial release ~~bail bond~~ on an underlying criminal  
9 charge pursuant to Section 110-6 of this Code;

10 (ii) to revoke or modify an order of probation,  
11 conditional discharge, or supervision, pursuant to  
12 Section 5-6-4 of the Unified Code of Corrections;

13 (iii) to revoke or modify a sentence of periodic  
14 imprisonment, pursuant to Section 5-7-2 of the Unified  
15 Code of Corrections.

16 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;  
17 100-597, eff. 6-29-18; revised 7-12-19.)

18 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

19 Sec. 114-1. Motion to dismiss charge.

20 (a) Upon the written motion of the defendant made prior to  
21 trial before or after a plea has been entered the court may  
22 dismiss the indictment, information or complaint upon any of  
23 the following grounds:

24 (1) The defendant has not been placed on trial in  
25 compliance with Section 103-5 of this Code.

1           (2) The prosecution of the offense is barred by  
2 Sections 3-3 through 3-8 of the Criminal Code of 2012.

3           (3) The defendant has received immunity from  
4 prosecution for the offense charged.

5           (4) The indictment was returned by a Grand Jury which  
6 was improperly selected and which results in substantial  
7 injustice to the defendant.

8           (5) The indictment was returned by a Grand Jury which  
9 acted contrary to Article 112 of this Code and which  
10 results in substantial injustice to the defendant.

11          (6) The court in which the charge has been filed does  
12 not have jurisdiction.

13          (7) The county is an improper place of trial.

14          (8) The charge does not state an offense.

15          (9) The indictment is based solely upon the testimony  
16 of an incompetent witness.

17          (10) The defendant is misnamed in the charge and the  
18 misnomer results in substantial injustice to the  
19 defendant.

20          (11) The requirements of Section 109-3.1 have not been  
21 complied with.

22          (b) The court shall require any motion to dismiss to be  
23 filed within a reasonable time after the defendant has been  
24 arraigned. Any motion not filed within such time or an  
25 extension thereof shall not be considered by the court and the  
26 grounds therefor, except as to subsections (a) (6) and (a) (8) of



1 this Section, are waived.

2 (c) If the motion presents only an issue of law the court  
3 shall determine it without the necessity of further pleadings.  
4 If the motion alleges facts not of record in the case the State  
5 shall file an answer admitting or denying each of the factual  
6 allegations of the motion.

7 (d) When an issue of fact is presented by a motion to  
8 dismiss and the answer of the State the court shall conduct a  
9 hearing and determine the issues.

10 (d-5) When a defendant seeks dismissal of the charge upon  
11 the ground set forth in subsection (a) (7) of this Section, the  
12 defendant shall make a prima facie showing that the county is  
13 an improper place of trial. Upon such showing, the State shall  
14 have the burden of proving, by a preponderance of the evidence,  
15 that the county is the proper place of trial.

16 (d-6) When a defendant seeks dismissal of the charge upon  
17 the grounds set forth in subsection (a) (2) of this Section, the  
18 prosecution shall have the burden of proving, by a  
19 preponderance of the evidence, that the prosecution of the  
20 offense is not barred by Sections 3-3 through 3-8 of the  
21 Criminal Code of 2012.

22 (e) Dismissal of the charge upon the grounds set forth in  
23 subsections (a) (4) through (a) (11) of this Section shall not  
24 prevent the return of a new indictment or the filing of a new  
25 charge, and upon such dismissal the court may order that the  
26 defendant be held in custody or, if the defendant had been

1 previously released on pretrial release bail, that the pretrial  
2 release bail be continued for a specified time pending the  
3 return of a new indictment or the filing of a new charge.

4 (f) If the court determines that the motion to dismiss  
5 based upon the grounds set forth in subsections (a)(6) and  
6 (a)(7) is well founded it may, instead of dismissal, order the  
7 cause transferred to a court of competent jurisdiction or to a  
8 proper place of trial.

9 (Source: P.A. 100-434, eff. 1-1-18.)

10 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

11 Sec. 115-4.1. Absence of defendant.

12 (a) When a defendant after arrest and an initial court  
13 appearance for a non-capital felony or a misdemeanor, fails to  
14 appear for trial, at the request of the State and after the  
15 State has affirmatively proven through substantial evidence  
16 that the defendant is willfully avoiding trial, the court may  
17 commence trial in the absence of the defendant. Absence of a  
18 defendant as specified in this Section shall not be a bar to  
19 indictment of a defendant, return of information against a  
20 defendant, or arraignment of a defendant for the charge for  
21 which pretrial release bail has been granted. If a defendant  
22 fails to appear at arraignment, the court may enter a plea of  
23 "not guilty" on his behalf. If a defendant absents himself  
24 before trial on a capital felony, trial may proceed as  
25 specified in this Section provided that the State certifies

1 that it will not seek a death sentence following conviction.  
2 Trial in the defendant's absence shall be by jury unless the  
3 defendant had previously waived trial by jury. The absent  
4 defendant must be represented by retained or appointed counsel.  
5 The court, at the conclusion of all of the proceedings, may  
6 order the clerk of the circuit court to pay counsel such sum as  
7 the court deems reasonable, from any bond monies which were  
8 posted by the defendant with the clerk, after the clerk has  
9 first deducted all court costs. If trial had previously  
10 commenced in the presence of the defendant and the defendant  
11 willfully absents himself for two successive court days, the  
12 court shall proceed to trial. All procedural rights guaranteed  
13 by the United States Constitution, Constitution of the State of  
14 Illinois, statutes of the State of Illinois, and rules of court  
15 shall apply to the proceedings the same as if the defendant  
16 were present in court and had not either had his or her  
17 pretrial release revoked ~~forfeited his bail bond~~ or escaped  
18 from custody. The court may set the case for a trial which may  
19 be conducted under this Section despite the failure of the  
20 defendant to appear at the hearing at which the trial date is  
21 set. When such trial date is set the clerk shall send to the  
22 defendant, by certified mail at his last known address  
23 indicated on his bond slip, notice of the new date which has  
24 been set for trial. Such notification shall be required when  
25 the defendant was not personally present in open court at the  
26 time when the case was set for trial.

1           (b) The absence of a defendant from a trial conducted  
2 pursuant to this Section does not operate as a bar to  
3 concluding the trial, to a judgment of conviction resulting  
4 therefrom, or to a final disposition of the trial in favor of  
5 the defendant.

6           (c) Upon a verdict of not guilty, the court shall enter  
7 judgment for the defendant. Upon a verdict of guilty, the court  
8 shall set a date for the hearing of post-trial motions and  
9 shall hear such motion in the absence of the defendant. If  
10 post-trial motions are denied, the court shall proceed to  
11 conduct a sentencing hearing and to impose a sentence upon the  
12 defendant.

13           (d) A defendant who is absent for part of the proceedings  
14 of trial, post-trial motions, or sentencing, does not thereby  
15 forfeit his right to be present at all remaining proceedings.

16           (e) When a defendant who in his absence has been either  
17 convicted or sentenced or both convicted and sentenced appears  
18 before the court, he must be granted a new trial or new  
19 sentencing hearing if the defendant can establish that his  
20 failure to appear in court was both without his fault and due  
21 to circumstances beyond his control. A hearing with notice to  
22 the State's Attorney on the defendant's request for a new trial  
23 or a new sentencing hearing must be held before any such  
24 request may be granted. At any such hearing both the defendant  
25 and the State may present evidence.

26           (f) If the court grants only the defendant's request for a

1 new sentencing hearing, then a new sentencing hearing shall be  
2 held in accordance with the provisions of the Unified Code of  
3 Corrections. At any such hearing, both the defendant and the  
4 State may offer evidence of the defendant's conduct during his  
5 period of absence from the court. The court may impose any  
6 sentence authorized by the Unified Code of Corrections and is  
7 not in any way limited or restricted by any sentence previously  
8 imposed.

9 (g) A defendant whose motion under paragraph (e) for a new  
10 trial or new sentencing hearing has been denied may file a  
11 notice of appeal therefrom. Such notice may also include a  
12 request for review of the judgment and sentence not vacated by  
13 the trial court.

14 (Source: P.A. 90-787, eff. 8-14-98.)

15 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

16 Sec. 122-6. Disposition in trial court.

17 The court may receive proof by affidavits, depositions,  
18 oral testimony, or other evidence. In its discretion the court  
19 may order the petitioner brought before the court for the  
20 hearing. If the court finds in favor of the petitioner, it  
21 shall enter an appropriate order with respect to the judgment  
22 or sentence in the former proceedings and such supplementary  
23 orders as to rearraignment, retrial, custody, conditions of  
24 pretrial release ~~bail~~ or discharge as may be necessary and  
25 proper.

1 (Source: Laws 1963, p. 2836.)

2 (725 ILCS 5/110-5.1 rep.)

3 (725 ILCS 5/110-6.3 rep.)

4 (725 ILCS 5/110-6.5 rep.)

5 (725 ILCS 5/110-7 rep.)

6 (725 ILCS 5/110-8 rep.)

7 (725 ILCS 5/110-9 rep.)

8 (725 ILCS 5/110-13 rep.)

9 (725 ILCS 5/110-14 rep.)

10 (725 ILCS 5/110-15 rep.)

11 (725 ILCS 5/110-16 rep.)

12 (725 ILCS 5/110-17 rep.)

13 (725 ILCS 5/110-18 rep.)

14 Section 10-260. The Code of Criminal Procedure of 1963 is  
15 amended by repealing Sections 110-5.1, 110-6.3, 110-6.5,  
16 110-7, 110-8, 110-9, 110-13, 110-14, 110-15, 110-16, 110-17,  
17 and 110-18.

18 Section 10-265. The Rights of Crime Victims and Witnesses  
19 Act is amended by changing Sections 4 and 4.5 as follows:

20 (725 ILCS 120/4) (from Ch. 38, par. 1404)

21 Sec. 4. Rights of crime victims.

22 (a) Crime victims shall have the following rights:

23 (1) The right to be treated with fairness and respect

1 for their dignity and privacy and to be free from  
2 harassment, intimidation, and abuse throughout the  
3 criminal justice process.

4 (1.5) The right to notice and to a hearing before a  
5 court ruling on a request for access to any of the victim's  
6 records, information, or communications which are  
7 privileged or confidential by law.

8 (2) The right to timely notification of all court  
9 proceedings.

10 (3) The right to communicate with the prosecution.

11 (4) The right to be heard at any post-arraignment court  
12 proceeding in which a right of the victim is at issue and  
13 any court proceeding involving a post-arraignment release  
14 decision, plea, or sentencing.

15 (5) The right to be notified of the conviction, the  
16 sentence, the imprisonment and the release of the accused.

17 (6) The right to the timely disposition of the case  
18 following the arrest of the accused.

19 (7) The right to be reasonably protected from the  
20 accused through the criminal justice process.

21 (7.5) The right to have the safety of the victim and  
22 the victim's family considered in ~~denying or fixing the~~  
23 ~~amount of bail,~~ determining whether to release the  
24 defendant, and setting conditions of release after arrest  
25 and conviction.

26 (8) The right to be present at the trial and all other

1 court proceedings on the same basis as the accused, unless  
2 the victim is to testify and the court determines that the  
3 victim's testimony would be materially affected if the  
4 victim hears other testimony at the trial.

5 (9) The right to have present at all court proceedings,  
6 including proceedings under the Juvenile Court Act of 1987,  
7 subject to the rules of evidence, an advocate and other  
8 support person of the victim's choice.

9 (10) The right to restitution.

10 (b) Any law enforcement agency that investigates an offense  
11 committed in this State shall provide a crime victim with a  
12 written statement and explanation of the rights of crime  
13 victims under this amendatory Act of the 99th General Assembly  
14 within 48 hours of law enforcement's initial contact with a  
15 victim. The statement shall include information about crime  
16 victim compensation, including how to contact the Office of the  
17 Illinois Attorney General to file a claim, and appropriate  
18 referrals to local and State programs that provide victim  
19 services. The content of the statement shall be provided to law  
20 enforcement by the Attorney General. Law enforcement shall also  
21 provide a crime victim with a sign-off sheet that the victim  
22 shall sign and date as an acknowledgement that he or she has  
23 been furnished with information and an explanation of the  
24 rights of crime victims and compensation set forth in this Act.

25 (b-5) Upon the request of the victim, the law enforcement  
26 agency having jurisdiction shall provide a free copy of the



1 police report concerning the victim's incident, as soon as  
2 practicable, but in no event later than 5 business days from  
3 the request.

4 (c) The Clerk of the Circuit Court shall post the rights of  
5 crime victims set forth in Article I, Section 8.1(a) of the  
6 Illinois Constitution and subsection (a) of this Section within  
7 3 feet of the door to any courtroom where criminal proceedings  
8 are conducted. The clerk may also post the rights in other  
9 locations in the courthouse.

10 (d) At any point, the victim has the right to retain a  
11 victim's attorney who may be present during all stages of any  
12 interview, investigation, or other interaction with  
13 representatives of the criminal justice system. Treatment of  
14 the victim should not be affected or altered in any way as a  
15 result of the victim's decision to exercise this right.

16 (Source: P.A. 99-413, eff. 8-20-15; 100-1087, eff. 1-1-19.)

17 (725 ILCS 120/4.5)

18 Sec. 4.5. Procedures to implement the rights of crime  
19 victims. To afford crime victims their rights, law enforcement,  
20 prosecutors, judges, and corrections will provide information,  
21 as appropriate, of the following procedures:

22 (a) At the request of the crime victim, law enforcement  
23 authorities investigating the case shall provide notice of the  
24 status of the investigation, except where the State's Attorney  
25 determines that disclosure of such information would

1 unreasonably interfere with the investigation, until such time  
2 as the alleged assailant is apprehended or the investigation is  
3 closed.

4 (a-5) When law enforcement authorities reopen a closed case  
5 to resume investigating, they shall provide notice of the  
6 reopening of the case, except where the State's Attorney  
7 determines that disclosure of such information would  
8 unreasonably interfere with the investigation.

9 (b) The office of the State's Attorney:

10 (1) shall provide notice of the filing of an  
11 information, the return of an indictment, or the filing of  
12 a petition to adjudicate a minor as a delinquent for a  
13 violent crime;

14 (2) shall provide timely notice of the date, time, and  
15 place of court proceedings; of any change in the date,  
16 time, and place of court proceedings; and of any  
17 cancellation of court proceedings. Notice shall be  
18 provided in sufficient time, wherever possible, for the  
19 victim to make arrangements to attend or to prevent an  
20 unnecessary appearance at court proceedings;

21 (3) or victim advocate personnel shall provide  
22 information of social services and financial assistance  
23 available for victims of crime, including information of  
24 how to apply for these services and assistance;

25 (3.5) or victim advocate personnel shall provide  
26 information about available victim services, including

1 referrals to programs, counselors, and agencies that  
2 assist a victim to deal with trauma, loss, and grief;

3 (4) shall assist in having any stolen or other personal  
4 property held by law enforcement authorities for  
5 evidentiary or other purposes returned as expeditiously as  
6 possible, pursuant to the procedures set out in Section  
7 115-9 of the Code of Criminal Procedure of 1963;

8 (5) or victim advocate personnel shall provide  
9 appropriate employer intercession services to ensure that  
10 employers of victims will cooperate with the criminal  
11 justice system in order to minimize an employee's loss of  
12 pay and other benefits resulting from court appearances;

13 (6) shall provide, whenever possible, a secure waiting  
14 area during court proceedings that does not require victims  
15 to be in close proximity to defendants or juveniles accused  
16 of a violent crime, and their families and friends;

17 (7) shall provide notice to the crime victim of the  
18 right to have a translator present at all court proceedings  
19 and, in compliance with the federal Americans with  
20 Disabilities Act of 1990, the right to communications  
21 access through a sign language interpreter or by other  
22 means;

23 (8) (blank);

24 (8.5) shall inform the victim of the right to be  
25 present at all court proceedings, unless the victim is to  
26 testify and the court determines that the victim's

1 testimony would be materially affected if the victim hears  
2 other testimony at trial;

3 (9) shall inform the victim of the right to have  
4 present at all court proceedings, subject to the rules of  
5 evidence and confidentiality, an advocate and other  
6 support person of the victim's choice;

7 (9.3) shall inform the victim of the right to retain an  
8 attorney, at the victim's own expense, who, upon written  
9 notice filed with the clerk of the court and State's  
10 Attorney, is to receive copies of all notices, motions, and  
11 court orders filed thereafter in the case, in the same  
12 manner as if the victim were a named party in the case;

13 (9.5) shall inform the victim of (A) the victim's right  
14 under Section 6 of this Act to make a statement at the  
15 sentencing hearing; (B) the right of the victim's spouse,  
16 guardian, parent, grandparent, and other immediate family  
17 and household members under Section 6 of this Act to  
18 present a statement at sentencing; and (C) if a presentence  
19 report is to be prepared, the right of the victim's spouse,  
20 guardian, parent, grandparent, and other immediate family  
21 and household members to submit information to the preparer  
22 of the presentence report about the effect the offense has  
23 had on the victim and the person;

24 (10) at the sentencing shall make a good faith attempt  
25 to explain the minimum amount of time during which the  
26 defendant may actually be physically imprisoned. The

1 Office of the State's Attorney shall further notify the  
2 crime victim of the right to request from the Prisoner  
3 Review Board or Department of Juvenile Justice information  
4 concerning the release of the defendant;

5 (11) shall request restitution at sentencing and as  
6 part of a plea agreement if the victim requests  
7 restitution;

8 (12) shall, upon the court entering a verdict of not  
9 guilty by reason of insanity, inform the victim of the  
10 notification services available from the Department of  
11 Human Services, including the statewide telephone number,  
12 under subparagraph (d) (2) of this Section;

13 (13) shall provide notice within a reasonable time  
14 after receipt of notice from the custodian, of the release  
15 of the defendant on pretrial release ~~bail~~ or personal  
16 recognizance or the release from detention of a minor who  
17 has been detained;

18 (14) shall explain in nontechnical language the  
19 details of any plea or verdict of a defendant, or any  
20 adjudication of a juvenile as a delinquent;

21 (15) shall make all reasonable efforts to consult with  
22 the crime victim before the Office of the State's Attorney  
23 makes an offer of a plea bargain to the defendant or enters  
24 into negotiations with the defendant concerning a possible  
25 plea agreement, and shall consider the written statement,  
26 if prepared prior to entering into a plea agreement. The

1 right to consult with the prosecutor does not include the  
2 right to veto a plea agreement or to insist the case go to  
3 trial. If the State's Attorney has not consulted with the  
4 victim prior to making an offer or entering into plea  
5 negotiations with the defendant, the Office of the State's  
6 Attorney shall notify the victim of the offer or the  
7 negotiations within 2 business days and confer with the  
8 victim;

9 (16) shall provide notice of the ultimate disposition  
10 of the cases arising from an indictment or an information,  
11 or a petition to have a juvenile adjudicated as a  
12 delinquent for a violent crime;

13 (17) shall provide notice of any appeal taken by the  
14 defendant and information on how to contact the appropriate  
15 agency handling the appeal, and how to request notice of  
16 any hearing, oral argument, or decision of an appellate  
17 court;

18 (18) shall provide timely notice of any request for  
19 post-conviction review filed by the defendant under  
20 Article 122 of the Code of Criminal Procedure of 1963, and  
21 of the date, time and place of any hearing concerning the  
22 petition. Whenever possible, notice of the hearing shall be  
23 given within 48 hours of the court's scheduling of the  
24 hearing; and

25 (19) shall forward a copy of any statement presented  
26 under Section 6 to the Prisoner Review Board or Department

1 of Juvenile Justice to be considered in making a  
2 determination under Section 3-2.5-85 or subsection (b) of  
3 Section 3-3-8 of the Unified Code of Corrections.

4 (c) The court shall ensure that the rights of the victim  
5 are afforded.

6 (c-5) The following procedures shall be followed to afford  
7 victims the rights guaranteed by Article I, Section 8.1 of the  
8 Illinois Constitution:

9 (1) Written notice. A victim may complete a written  
10 notice of intent to assert rights on a form prepared by the  
11 Office of the Attorney General and provided to the victim  
12 by the State's Attorney. The victim may at any time provide  
13 a revised written notice to the State's Attorney. The  
14 State's Attorney shall file the written notice with the  
15 court. At the beginning of any court proceeding in which  
16 the right of a victim may be at issue, the court and  
17 prosecutor shall review the written notice to determine  
18 whether the victim has asserted the right that may be at  
19 issue.

20 (2) Victim's retained attorney. A victim's attorney  
21 shall file an entry of appearance limited to assertion of  
22 the victim's rights. Upon the filing of the entry of  
23 appearance and service on the State's Attorney and the  
24 defendant, the attorney is to receive copies of all  
25 notices, motions and court orders filed thereafter in the  
26 case.

1           (3) Standing. The victim has standing to assert the  
2 rights enumerated in subsection (a) of Article I, Section  
3 8.1 of the Illinois Constitution and the statutory rights  
4 under Section 4 of this Act in any court exercising  
5 jurisdiction over the criminal case. The prosecuting  
6 attorney, a victim, or the victim's retained attorney may  
7 assert the victim's rights. The defendant in the criminal  
8 case has no standing to assert a right of the victim in any  
9 court proceeding, including on appeal.

10           (4) Assertion of and enforcement of rights.

11           (A) The prosecuting attorney shall assert a  
12 victim's right or request enforcement of a right by  
13 filing a motion or by orally asserting the right or  
14 requesting enforcement in open court in the criminal  
15 case outside the presence of the jury. The prosecuting  
16 attorney shall consult with the victim and the victim's  
17 attorney regarding the assertion or enforcement of a  
18 right. If the prosecuting attorney decides not to  
19 assert or enforce a victim's right, the prosecuting  
20 attorney shall notify the victim or the victim's  
21 attorney in sufficient time to allow the victim or the  
22 victim's attorney to assert the right or to seek  
23 enforcement of a right.

24           (B) If the prosecuting attorney elects not to  
25 assert a victim's right or to seek enforcement of a  
26 right, the victim or the victim's attorney may assert



1 the victim's right or request enforcement of a right by  
2 filing a motion or by orally asserting the right or  
3 requesting enforcement in open court in the criminal  
4 case outside the presence of the jury.

5 (C) If the prosecuting attorney asserts a victim's  
6 right or seeks enforcement of a right, and the court  
7 denies the assertion of the right or denies the request  
8 for enforcement of a right, the victim or victim's  
9 attorney may file a motion to assert the victim's right  
10 or to request enforcement of the right within 10 days  
11 of the court's ruling. The motion need not demonstrate  
12 the grounds for a motion for reconsideration. The court  
13 shall rule on the merits of the motion.

14 (D) The court shall take up and decide any motion  
15 or request asserting or seeking enforcement of a  
16 victim's right without delay, unless a specific time  
17 period is specified by law or court rule. The reasons  
18 for any decision denying the motion or request shall be  
19 clearly stated on the record.

20 (5) Violation of rights and remedies.

21 (A) If the court determines that a victim's right  
22 has been violated, the court shall determine the  
23 appropriate remedy for the violation of the victim's  
24 right by hearing from the victim and the parties,  
25 considering all factors relevant to the issue, and then  
26 awarding appropriate relief to the victim.

1           (A-5) Consideration of an issue of a substantive  
2 nature or an issue that implicates the constitutional  
3 or statutory right of a victim at a court proceeding  
4 labeled as a status hearing shall constitute a per se  
5 violation of a victim's right.

6           (B) The appropriate remedy shall include only  
7 actions necessary to provide the victim the right to  
8 which the victim was entitled and may include reopening  
9 previously held proceedings; however, in no event  
10 shall the court vacate a conviction. Any remedy shall  
11 be tailored to provide the victim an appropriate remedy  
12 without violating any constitutional right of the  
13 defendant. In no event shall the appropriate remedy be  
14 a new trial, damages, or costs.

15           (6) Right to be heard. Whenever a victim has the right  
16 to be heard, the court shall allow the victim to exercise  
17 the right in any reasonable manner the victim chooses.

18           (7) Right to attend trial. A party must file a written  
19 motion to exclude a victim from trial at least 60 days  
20 prior to the date set for trial. The motion must state with  
21 specificity the reason exclusion is necessary to protect a  
22 constitutional right of the party, and must contain an  
23 offer of proof. The court shall rule on the motion within  
24 30 days. If the motion is granted, the court shall set  
25 forth on the record the facts that support its finding that  
26 the victim's testimony will be materially affected if the

1 victim hears other testimony at trial.

2 (8) Right to have advocate and support person present  
3 at court proceedings.

4 (A) A party who intends to call an advocate as a  
5 witness at trial must seek permission of the court  
6 before the subpoena is issued. The party must file a  
7 written motion at least 90 days before trial that sets  
8 forth specifically the issues on which the advocate's  
9 testimony is sought and an offer of proof regarding (i)  
10 the content of the anticipated testimony of the  
11 advocate; and (ii) the relevance, admissibility, and  
12 materiality of the anticipated testimony. The court  
13 shall consider the motion and make findings within 30  
14 days of the filing of the motion. If the court finds by  
15 a preponderance of the evidence that: (i) the  
16 anticipated testimony is not protected by an absolute  
17 privilege; and (ii) the anticipated testimony contains  
18 relevant, admissible, and material evidence that is  
19 not available through other witnesses or evidence, the  
20 court shall issue a subpoena requiring the advocate to  
21 appear to testify at an in camera hearing. The  
22 prosecuting attorney and the victim shall have 15 days  
23 to seek appellate review before the advocate is  
24 required to testify at an ex parte in camera  
25 proceeding.

26 The prosecuting attorney, the victim, and the

1 advocate's attorney shall be allowed to be present at  
2 the ex parte in camera proceeding. If, after conducting  
3 the ex parte in camera hearing, the court determines  
4 that due process requires any testimony regarding  
5 confidential or privileged information or  
6 communications, the court shall provide to the  
7 prosecuting attorney, the victim, and the advocate's  
8 attorney a written memorandum on the substance of the  
9 advocate's testimony. The prosecuting attorney, the  
10 victim, and the advocate's attorney shall have 15 days  
11 to seek appellate review before a subpoena may be  
12 issued for the advocate to testify at trial. The  
13 presence of the prosecuting attorney at the ex parte in  
14 camera proceeding does not make the substance of the  
15 advocate's testimony that the court has ruled  
16 inadmissible subject to discovery.

17 (B) If a victim has asserted the right to have a  
18 support person present at the court proceedings, the  
19 victim shall provide the name of the person the victim  
20 has chosen to be the victim's support person to the  
21 prosecuting attorney, within 60 days of trial. The  
22 prosecuting attorney shall provide the name to the  
23 defendant. If the defendant intends to call the support  
24 person as a witness at trial, the defendant must seek  
25 permission of the court before a subpoena is issued.  
26 The defendant must file a written motion at least 45

1 days prior to trial that sets forth specifically the  
2 issues on which the support person will testify and an  
3 offer of proof regarding: (i) the content of the  
4 anticipated testimony of the support person; and (ii)  
5 the relevance, admissibility, and materiality of the  
6 anticipated testimony.

7 If the prosecuting attorney intends to call the  
8 support person as a witness during the State's  
9 case-in-chief, the prosecuting attorney shall inform  
10 the court of this intent in the response to the  
11 defendant's written motion. The victim may choose a  
12 different person to be the victim's support person. The  
13 court may allow the defendant to inquire about matters  
14 outside the scope of the direct examination during  
15 cross-examination. If the court allows the defendant  
16 to do so, the support person shall be allowed to remain  
17 in the courtroom after the support person has  
18 testified. A defendant who fails to question the  
19 support person about matters outside the scope of  
20 direct examination during the State's case-in-chief  
21 waives the right to challenge the presence of the  
22 support person on appeal. The court shall allow the  
23 support person to testify if called as a witness in the  
24 defendant's case-in-chief or the State's rebuttal.

25 If the court does not allow the defendant to  
26 inquire about matters outside the scope of the direct

1 examination, the support person shall be allowed to  
2 remain in the courtroom after the support person has  
3 been called by the defendant or the defendant has  
4 rested. The court shall allow the support person to  
5 testify in the State's rebuttal.

6 If the prosecuting attorney does not intend to call  
7 the support person in the State's case-in-chief, the  
8 court shall verify with the support person whether the  
9 support person, if called as a witness, would testify  
10 as set forth in the offer of proof. If the court finds  
11 that the support person would testify as set forth in  
12 the offer of proof, the court shall rule on the  
13 relevance, materiality, and admissibility of the  
14 anticipated testimony. If the court rules the  
15 anticipated testimony is admissible, the court shall  
16 issue the subpoena. The support person may remain in  
17 the courtroom after the support person testifies and  
18 shall be allowed to testify in rebuttal.

19 If the court excludes the victim's support person  
20 during the State's case-in-chief, the victim shall be  
21 allowed to choose another support person to be present  
22 in court.

23 If the victim fails to designate a support person  
24 within 60 days of trial and the defendant has  
25 subpoenaed the support person to testify at trial, the  
26 court may exclude the support person from the trial

1           until the support person testifies. If the court  
2           excludes the support person the victim may choose  
3           another person as a support person.

4           (9) Right to notice and hearing before disclosure of  
5           confidential or privileged information or records. A  
6           defendant who seeks to subpoena records of or concerning  
7           the victim that are confidential or privileged by law must  
8           seek permission of the court before the subpoena is issued.  
9           The defendant must file a written motion and an offer of  
10          proof regarding the relevance, admissibility and  
11          materiality of the records. If the court finds by a  
12          preponderance of the evidence that: (A) the records are not  
13          protected by an absolute privilege and (B) the records  
14          contain relevant, admissible, and material evidence that  
15          is not available through other witnesses or evidence, the  
16          court shall issue a subpoena requiring a sealed copy of the  
17          records be delivered to the court to be reviewed in camera.  
18          If, after conducting an in camera review of the records,  
19          the court determines that due process requires disclosure  
20          of any portion of the records, the court shall provide  
21          copies of what it intends to disclose to the prosecuting  
22          attorney and the victim. The prosecuting attorney and the  
23          victim shall have 30 days to seek appellate review before  
24          the records are disclosed to the defendant. The disclosure  
25          of copies of any portion of the records to the prosecuting  
26          attorney does not make the records subject to discovery.

1           (10) Right to notice of court proceedings. If the  
2 victim is not present at a court proceeding in which a  
3 right of the victim is at issue, the court shall ask the  
4 prosecuting attorney whether the victim was notified of the  
5 time, place, and purpose of the court proceeding and that  
6 the victim had a right to be heard at the court proceeding.  
7 If the court determines that timely notice was not given or  
8 that the victim was not adequately informed of the nature  
9 of the court proceeding, the court shall not rule on any  
10 substantive issues, accept a plea, or impose a sentence and  
11 shall continue the hearing for the time necessary to notify  
12 the victim of the time, place and nature of the court  
13 proceeding. The time between court proceedings shall not be  
14 attributable to the State under Section 103-5 of the Code  
15 of Criminal Procedure of 1963.

16           (11) Right to timely disposition of the case. A victim  
17 has the right to timely disposition of the case so as to  
18 minimize the stress, cost, and inconvenience resulting  
19 from the victim's involvement in the case. Before ruling on  
20 a motion to continue trial or other court proceeding, the  
21 court shall inquire into the circumstances for the request  
22 for the delay and, if the victim has provided written  
23 notice of the assertion of the right to a timely  
24 disposition, and whether the victim objects to the delay.  
25 If the victim objects, the prosecutor shall inform the  
26 court of the victim's objections. If the prosecutor has not



1 conferred with the victim about the continuance, the  
2 prosecutor shall inform the court of the attempts to  
3 confer. If the court finds the attempts of the prosecutor  
4 to confer with the victim were inadequate to protect the  
5 victim's right to be heard, the court shall give the  
6 prosecutor at least 3 but not more than 5 business days to  
7 confer with the victim. In ruling on a motion to continue,  
8 the court shall consider the reasons for the requested  
9 continuance, the number and length of continuances that  
10 have been granted, the victim's objections and procedures  
11 to avoid further delays. If a continuance is granted over  
12 the victim's objection, the court shall specify on the  
13 record the reasons for the continuance and the procedures  
14 that have been or will be taken to avoid further delays.

15 (12) Right to Restitution.

16 (A) If the victim has asserted the right to  
17 restitution and the amount of restitution is known at  
18 the time of sentencing, the court shall enter the  
19 judgment of restitution at the time of sentencing.

20 (B) If the victim has asserted the right to  
21 restitution and the amount of restitution is not known  
22 at the time of sentencing, the prosecutor shall, within  
23 5 days after sentencing, notify the victim what  
24 information and documentation related to restitution  
25 is needed and that the information and documentation  
26 must be provided to the prosecutor within 45 days after

1           sentencing. Failure to timely provide information and  
2           documentation related to restitution shall be deemed a  
3           waiver of the right to restitution. The prosecutor  
4           shall file and serve within 60 days after sentencing a  
5           proposed judgment for restitution and a notice that  
6           includes information concerning the identity of any  
7           victims or other persons seeking restitution, whether  
8           any victim or other person expressly declines  
9           restitution, the nature and amount of any damages  
10          together with any supporting documentation, a  
11          restitution amount recommendation, and the names of  
12          any co-defendants and their case numbers. Within 30  
13          days after receipt of the proposed judgment for  
14          restitution, the defendant shall file any objection to  
15          the proposed judgment, a statement of grounds for the  
16          objection, and a financial statement. If the defendant  
17          does not file an objection, the court may enter the  
18          judgment for restitution without further proceedings.  
19          If the defendant files an objection and either party  
20          requests a hearing, the court shall schedule a hearing.  
21          (13) Access to presentence reports.

22                 (A) The victim may request a copy of the  
23                 presentence report prepared under the Unified Code of  
24                 Corrections from the State's Attorney. The State's  
25                 Attorney shall redact the following information before  
26                 providing a copy of the report:

1 (i) the defendant's mental history and  
2 condition;

3 (ii) any evaluation prepared under subsection  
4 (b) or (b-5) of Section 5-3-2; and

5 (iii) the name, address, phone number, and  
6 other personal information about any other victim.

7 (B) The State's Attorney or the defendant may  
8 request the court redact other information in the  
9 report that may endanger the safety of any person.

10 (C) The State's Attorney may orally disclose to the  
11 victim any of the information that has been redacted if  
12 there is a reasonable likelihood that the information  
13 will be stated in court at the sentencing.

14 (D) The State's Attorney must advise the victim  
15 that the victim must maintain the confidentiality of  
16 the report and other information. Any dissemination of  
17 the report or information that was not stated at a  
18 court proceeding constitutes indirect criminal  
19 contempt of court.

20 (14) Appellate relief. If the trial court denies the  
21 relief requested, the victim, the victim's attorney, or the  
22 prosecuting attorney may file an appeal within 30 days of  
23 the trial court's ruling. The trial or appellate court may  
24 stay the court proceedings if the court finds that a stay  
25 would not violate a constitutional right of the defendant.  
26 If the appellate court denies the relief sought, the

1 reasons for the denial shall be clearly stated in a written  
2 opinion. In any appeal in a criminal case, the State may  
3 assert as error the court's denial of any crime victim's  
4 right in the proceeding to which the appeal relates.

5 (15) Limitation on appellate relief. In no case shall  
6 an appellate court provide a new trial to remedy the  
7 violation of a victim's right.

8 (16) The right to be reasonably protected from the  
9 accused throughout the criminal justice process and the  
10 right to have the safety of the victim and the victim's  
11 family considered in ~~denying or fixing the amount of bail,~~  
12 determining whether to release the defendant, and setting  
13 conditions of release after arrest and conviction. A victim  
14 of domestic violence, a sexual offense, or stalking may  
15 request the entry of a protective order under Article 112A  
16 of the Code of Criminal Procedure of 1963.

17 (d) Procedures after the imposition of sentence.

18 (1) The Prisoner Review Board shall inform a victim or  
19 any other concerned citizen, upon written request, of the  
20 prisoner's release on parole, mandatory supervised  
21 release, electronic detention, work release, international  
22 transfer or exchange, or by the custodian, other than the  
23 Department of Juvenile Justice, of the discharge of any  
24 individual who was adjudicated a delinquent for a crime  
25 from State custody and by the sheriff of the appropriate  
26 county of any such person's final discharge from county

1 custody. The Prisoner Review Board, upon written request,  
2 shall provide to a victim or any other concerned citizen a  
3 recent photograph of any person convicted of a felony, upon  
4 his or her release from custody. The Prisoner Review Board,  
5 upon written request, shall inform a victim or any other  
6 concerned citizen when feasible at least 7 days prior to  
7 the prisoner's release on furlough of the times and dates  
8 of such furlough. Upon written request by the victim or any  
9 other concerned citizen, the State's Attorney shall notify  
10 the person once of the times and dates of release of a  
11 prisoner sentenced to periodic imprisonment. Notification  
12 shall be based on the most recent information as to  
13 victim's or other concerned citizen's residence or other  
14 location available to the notifying authority.

15 (2) When the defendant has been committed to the  
16 Department of Human Services pursuant to Section 5-2-4 or  
17 any other provision of the Unified Code of Corrections, the  
18 victim may request to be notified by the releasing  
19 authority of the approval by the court of an on-grounds  
20 pass, a supervised off-grounds pass, an unsupervised  
21 off-grounds pass, or conditional release; the release on an  
22 off-grounds pass; the return from an off-grounds pass;  
23 transfer to another facility; conditional release; escape;  
24 death; or final discharge from State custody. The  
25 Department of Human Services shall establish and maintain a  
26 statewide telephone number to be used by victims to make

1 notification requests under these provisions and shall  
2 publicize this telephone number on its website and to the  
3 State's Attorney of each county.

4 (3) In the event of an escape from State custody, the  
5 Department of Corrections or the Department of Juvenile  
6 Justice immediately shall notify the Prisoner Review Board  
7 of the escape and the Prisoner Review Board shall notify  
8 the victim. The notification shall be based upon the most  
9 recent information as to the victim's residence or other  
10 location available to the Board. When no such information  
11 is available, the Board shall make all reasonable efforts  
12 to obtain the information and make the notification. When  
13 the escapee is apprehended, the Department of Corrections  
14 or the Department of Juvenile Justice immediately shall  
15 notify the Prisoner Review Board and the Board shall notify  
16 the victim.

17 (4) The victim of the crime for which the prisoner has  
18 been sentenced has the right to register with the Prisoner  
19 Review Board's victim registry. Victims registered with  
20 the Board shall receive reasonable written notice not less  
21 than 30 days prior to the parole hearing or target  
22 aftercare release date. The victim has the right to submit  
23 a victim statement for consideration by the Prisoner Review  
24 Board or the Department of Juvenile Justice in writing, on  
25 film, videotape, or other electronic means, or in the form  
26 of a recording prior to the parole hearing or target

1 aftercare release date, or in person at the parole hearing  
2 or aftercare release protest hearing, or by calling the  
3 toll-free number established in subsection (f) of this  
4 Section. 7 The victim shall be notified within 7 days after  
5 the prisoner has been granted parole or aftercare release  
6 and shall be informed of the right to inspect the registry  
7 of parole decisions, established under subsection (g) of  
8 Section 3-3-5 of the Unified Code of Corrections. The  
9 provisions of this paragraph (4) are subject to the Open  
10 Parole Hearings Act. Victim statements provided to the  
11 Board shall be confidential and privileged, including any  
12 statements received prior to January 1, 2020 (the effective  
13 date of Public Act 101-288) ~~this amendatory Act of the~~  
14 ~~101st General Assembly~~, except if the statement was an oral  
15 statement made by the victim at a hearing open to the  
16 public.

17 (4-1) The crime victim has the right to submit a victim  
18 statement for consideration by the Prisoner Review Board or  
19 the Department of Juvenile Justice prior to or at a hearing  
20 to determine the conditions of mandatory supervised  
21 release of a person sentenced to a determinate sentence or  
22 at a hearing on revocation of mandatory supervised release  
23 of a person sentenced to a determinate sentence. A victim  
24 statement may be submitted in writing, on film, videotape,  
25 or other electronic means, or in the form of a recording,  
26 or orally at a hearing, or by calling the toll-free number

1 established in subsection (f) of this Section. Victim  
2 statements provided to the Board shall be confidential and  
3 privileged, including any statements received prior to  
4 January 1, 2020 (the effective date of Public Act 101-288)  
5 ~~this amendatory Act of the 101st General Assembly~~, except  
6 if the statement was an oral statement made by the victim  
7 at a hearing open to the public.

8 (4-2) The crime victim has the right to submit a victim  
9 statement to the Prisoner Review Board for consideration at  
10 an executive clemency hearing as provided in Section 3-3-13  
11 of the Unified Code of Corrections. A victim statement may  
12 be submitted in writing, on film, videotape, or other  
13 electronic means, or in the form of a recording prior to a  
14 hearing, or orally at a hearing, or by calling the  
15 toll-free number established in subsection (f) of this  
16 Section. Victim statements provided to the Board shall be  
17 confidential and privileged, including any statements  
18 received prior to January 1, 2020 (the effective date of  
19 Public Act 101-288) ~~this amendatory Act of the 101st~~  
20 ~~General Assembly~~, except if the statement was an oral  
21 statement made by the victim at a hearing open to the  
22 public.

23 (5) If a statement is presented under Section 6, the  
24 Prisoner Review Board or Department of Juvenile Justice  
25 shall inform the victim of any order of discharge pursuant  
26 to Section 3-2.5-85 or 3-3-8 of the Unified Code of



1 Corrections.

2 (6) At the written or oral request of the victim of the  
3 crime for which the prisoner was sentenced or the State's  
4 Attorney of the county where the person seeking parole or  
5 aftercare release was prosecuted, the Prisoner Review  
6 Board or Department of Juvenile Justice shall notify the  
7 victim and the State's Attorney of the county where the  
8 person seeking parole or aftercare release was prosecuted  
9 of the death of the prisoner if the prisoner died while on  
10 parole or aftercare release or mandatory supervised  
11 release.

12 (7) When a defendant who has been committed to the  
13 Department of Corrections, the Department of Juvenile  
14 Justice, or the Department of Human Services is released or  
15 discharged and subsequently committed to the Department of  
16 Human Services as a sexually violent person and the victim  
17 had requested to be notified by the releasing authority of  
18 the defendant's discharge, conditional release, death, or  
19 escape from State custody, the releasing authority shall  
20 provide to the Department of Human Services such  
21 information that would allow the Department of Human  
22 Services to contact the victim.

23 (8) When a defendant has been convicted of a sex  
24 offense as defined in Section 2 of the Sex Offender  
25 Registration Act and has been sentenced to the Department  
26 of Corrections or the Department of Juvenile Justice, the

1 Prisoner Review Board or the Department of Juvenile Justice  
2 shall notify the victim of the sex offense of the  
3 prisoner's eligibility for release on parole, aftercare  
4 release, mandatory supervised release, electronic  
5 detention, work release, international transfer or  
6 exchange, or by the custodian of the discharge of any  
7 individual who was adjudicated a delinquent for a sex  
8 offense from State custody and by the sheriff of the  
9 appropriate county of any such person's final discharge  
10 from county custody. The notification shall be made to the  
11 victim at least 30 days, whenever possible, before release  
12 of the sex offender.

13 (e) The officials named in this Section may satisfy some or  
14 all of their obligations to provide notices and other  
15 information through participation in a statewide victim and  
16 witness notification system established by the Attorney  
17 General under Section 8.5 of this Act.

18 (f) The Prisoner Review Board shall establish a toll-free  
19 number that may be accessed by the crime victim to present a  
20 victim statement to the Board in accordance with paragraphs  
21 (4), (4-1), and (4-2) of subsection (d).

22 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;  
23 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

24 Section 10-270. The Pretrial Services Act is amended by  
25 changing Sections 11, 20, 22, and 34 as follows:

1 (725 ILCS 185/11) (from Ch. 38, par. 311)

2 Sec. 11. No person shall be interviewed by a pretrial  
3 services agency unless he or she has first been apprised of the  
4 identity and purpose of the interviewer, the scope of the  
5 interview, the right to secure legal advice, and the right to  
6 refuse cooperation. Inquiry of the defendant shall carefully  
7 exclude questions concerning the details of the current charge.  
8 Statements made by the defendant during the interview, or  
9 evidence derived therefrom, are admissible in evidence only  
10 when the court is considering the imposition of pretrial or  
11 posttrial conditions to ~~bail~~ or recognizance, or when  
12 considering the modification of a prior release order.

13 (Source: P.A. 84-1449.)

14 (725 ILCS 185/20) (from Ch. 38, par. 320)

15 Sec. 20. In preparing and presenting its written reports  
16 under Sections 17 and 19, pretrial services agencies shall in  
17 appropriate cases include specific recommendations for ~~the~~  
18 setting the conditions ~~, increase, or decrease~~ of pretrial  
19 release ~~bail~~; the release of the interviewee on his own  
20 recognizance in sums certain; and the imposition of ~~pretrial~~  
21 conditions of pretrial release ~~to bail~~ or recognizance designed  
22 to minimize the risks of nonappearance, the commission of new  
23 offenses while awaiting trial, and other potential  
24 interference with the orderly administration of justice. In

1 establishing objective internal criteria of any such  
2 recommendation policies, the agency may utilize so-called  
3 "point scales" for evaluating the aforementioned risks, but no  
4 interviewee shall be considered as ineligible for particular  
5 agency recommendations by sole reference to such procedures.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (725 ILCS 185/22) (from Ch. 38, par. 322)

8 Sec. 22. If so ordered by the court, the pretrial services  
9 agency shall prepare and submit for the court's approval and  
10 signature a uniform release order on the uniform form  
11 established by the Supreme Court in all cases where an  
12 interviewee may be released from custody under conditions  
13 contained in an agency report. Such conditions shall become  
14 part of the conditions of pretrial release ~~the bail bond~~. A  
15 copy of the uniform release order shall be provided to the  
16 defendant and defendant's attorney of record, and the  
17 prosecutor.

18 (Source: P.A. 84-1449.)

19 (725 ILCS 185/34)

20 Sec. 34. Probation and court services departments  
21 considered pretrial services agencies. For the purposes of  
22 administering the provisions of Public Act 95-773, known as the  
23 Cindy Bischof Law, all probation and court services departments  
24 are to be considered pretrial services agencies under this Act

1 and under the pretrial release ~~bail bond~~ provisions of the Code  
2 of Criminal Procedure of 1963.

3 (Source: P.A. 96-341, eff. 8-11-09.)

4 Section 10-275. The Quasi-criminal and Misdemeanor Bail  
5 Act is amended by changing the title of the Act and Sections  
6 0.01, 1, 2, 3, and 5 as follows:

7 (725 ILCS 195/Act title)

8 An Act to authorize designated officers to let persons  
9 charged with quasi-criminal offenses and misdemeanors to  
10 pretrial release ~~bail~~ and to accept and receipt for fines on  
11 pleas of guilty in minor offenses, in accordance with schedules  
12 established by rule of court.

13 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

14 Sec. 0.01. Short title. This Act may be cited as the  
15 Quasi-criminal and Misdemeanor Pretrial Release ~~Bail~~ Act.

16 (Source: P.A. 86-1324.)

17 (725 ILCS 195/1) (from Ch. 16, par. 81)

18 Sec. 1. Whenever in any circuit there shall be in force a  
19 rule or order of the Supreme Court establishing a uniform form  
20 ~~schedule~~ prescribing the conditions of pretrial release  
21 ~~amounts of bail~~ for specified conservation cases, traffic  
22 cases, quasi-criminal offenses and misdemeanors, any general

1 superintendent, chief, captain, lieutenant, or sergeant of  
2 police, or other police officer, the sheriff, the circuit  
3 clerk, and any deputy sheriff or deputy circuit clerk  
4 designated by the Circuit Court for the purpose, are authorized  
5 to let to pretrial release ~~bail~~ any person charged with a  
6 quasi-criminal offense or misdemeanor ~~and to accept and receipt~~  
7 ~~for bonds or cash bail in accordance with regulations~~  
8 ~~established by rule or order of the Supreme Court. Unless~~  
9 ~~otherwise provided by Supreme Court Rule, no such bail may be~~  
10 ~~posted or accepted in any place other than a police station,~~  
11 ~~sheriff's office or jail, or other county, municipal or other~~  
12 ~~building housing governmental units, or a division~~  
13 ~~headquarters building of the Illinois State Police. Bonds and~~  
14 ~~cash so received shall be delivered to the office of the~~  
15 ~~circuit clerk or that of his designated deputy as provided by~~  
16 ~~regulation. Such cash and securities so received shall be~~  
17 ~~delivered to the office of such clerk or deputy clerk within at~~  
18 ~~least 48 hours of receipt or within the time set for the~~  
19 ~~accused's appearance in court whichever is earliest.~~

20 ~~In all cases where a person is admitted to bail under a~~  
21 ~~uniform schedule prescribing the amount of bail for specified~~  
22 ~~conservation cases, traffic cases, quasi criminal offenses and~~  
23 ~~misdemeanors the provisions of Section 110-15 of the "Code of~~  
24 ~~Criminal Procedure of 1963", approved August 14, 1963, as~~  
25 ~~amended by the 75th General Assembly shall be applicable.~~

26 (Source: P.A. 80-897.)

1 (725 ILCS 195/2) (from Ch. 16, par. 82)

2 Sec. 2. The conditions of the pretrial release ~~bail bond or~~  
3 ~~deposit of cash bail~~ shall be that the accused will appear to  
4 answer the charge in court at a time and place specified in the  
5 pretrial release form ~~bond~~ and thereafter as ordered by the  
6 court until discharged on final order of the court and to  
7 submit himself to the orders and process of the court. The  
8 accused shall be furnished with an official receipt on a form  
9 prescribed by rule of court ~~for any cash or other security~~  
10 ~~deposited,~~ and shall receive a copy of the pretrial release  
11 form ~~bond~~ specifying the time and place of his court  
12 appearance.

13 Upon performance of the conditions of the pretrial release  
14 ~~bond,~~ the pretrial release form ~~bond~~ shall be null and void and  
15 the accused shall be released from the conditions of pretrial  
16 release ~~any cash bail or other security shall be returned to~~  
17 ~~the accused.~~

18 (Source: Laws 1963, p. 2652.)

19 (725 ILCS 195/3) (from Ch. 16, par. 83)

20 Sec. 3. In lieu of complying with the conditions of  
21 pretrial release ~~making bond or depositing cash bail as~~  
22 ~~provided in this Act or the deposit of other security~~  
23 ~~authorized by law,~~ any accused person has the right to be  
24 brought without unnecessary delay before the nearest or most

1 accessible judge of the circuit to be dealt with according to  
2 law.

3 (Source: P.A. 77-1248.)

4 (725 ILCS 195/5) (from Ch. 16, par. 85)

5 Sec. 5. Any person authorized to accept pretrial release  
6 ~~bail~~ or pleas of guilty by this Act who violates any provision  
7 of this Act is guilty of a Class B misdemeanor.

8 (Source: P.A. 77-2319.)

9 Section 10-276. The State's Attorneys Appellate  
10 Prosecutor's Act is amended by changing Section 4.01 as  
11 follows:

12 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

13 Sec. 4.01. (a) The Office and all attorneys employed  
14 thereby may represent the People of the State of Illinois on  
15 appeal in all cases which emanate from a county containing less  
16 than 3,000,000 inhabitants, when requested to do so and at the  
17 direction of the State's Attorney, otherwise responsible for  
18 prosecuting the appeal, and may, with the advice and consent of  
19 the State's Attorney prepare, file and argue such appellate  
20 briefs in the Illinois Appellate Court and, when requested and  
21 authorized to do so by the Attorney General, in the Illinois  
22 Supreme Court.

23 (b) Notwithstanding the population restriction contained



1 in subsection (a), the Office may also assist County State's  
2 Attorneys in the discharge of their duties under the Illinois  
3 Controlled Substances Act, the Cannabis Control Act, the  
4 Methamphetamine Control and Community Protection Act, the Drug  
5 Asset Forfeiture Procedure Act, the Narcotics Profit  
6 Forfeiture Act, and the Illinois Public Labor Relations Act,  
7 including negotiations conducted on behalf of a county or  
8 pursuant to an intergovernmental agreement as well as in the  
9 trial and appeal of said cases and of tax objections, and the  
10 counties which use services relating to labor relations shall  
11 reimburse the Office on pro-rated shares as determined by the  
12 board based upon the population and number of labor relations  
13 cases of the participating counties. In addition, the Office  
14 and all attorneys employed by the Office may also assist  
15 State's Attorneys in the discharge of their duties in the  
16 prosecution, trial, or hearing on post-conviction of other  
17 cases when requested to do so by, and at the direction of, the  
18 State's Attorney otherwise responsible for the case. In  
19 addition, the Office and all attorneys employed by the Office  
20 may act as Special Prosecutor if duly appointed to do so by a  
21 court having jurisdiction. Except when the appointment of a  
22 Special Prosecutor is made in accordance with subsection (a-17)  
23 of Section 3-9008 of the Counties Code, to ~~be~~ be effective, the  
24 order appointing the Office or its attorneys as Special  
25 Prosecutor must (i) identify the case and its subject matter  
26 and (ii) state that the Special Prosecutor serves at the

1 pleasure of the Attorney General, who may substitute himself or  
2 herself as the Special Prosecutor when, in his or her judgment,  
3 the interest of the people of the State so requires. Within 5  
4 days after receiving a copy of an order from the court  
5 appointing the Office or any of its attorneys as a Special  
6 Prosecutor, the Office must forward a copy of the order to the  
7 Springfield office of the Attorney General.

8 (Source: P.A. 100-319, eff. 8-24-17.)

9 Section 10-280. The Unified Code of Corrections is amended  
10 by changing Sections 3-6-3, 5-3-2, 5-5-3.2, 5-4-1, 5-4.5-95,  
11 5-4.5-100, 5-6-4, 5-6-4.1, 5-8-6, 5-8A-2, 5-8A-4, 5-8A-4.1,  
12 5-8A-7, and 8-2-1 as follows:

13 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

14 Sec. 3-6-3. Rules and regulations for sentence credit.

15 (a) (1) The Department of Corrections shall prescribe rules  
16 and regulations for awarding and revoking sentence credit for  
17 persons committed to the Department which shall be subject to  
18 review by the Prisoner Review Board.

19 (1.5) As otherwise provided by law, sentence credit may be  
20 awarded for the following:

21 (A) successful completion of programming while in  
22 custody of the Department or while in custody prior to  
23 sentencing;

24 (B) compliance with the rules and regulations of the

1 Department; or

2 (C) service to the institution, service to a community,  
3 or service to the State.

4 (2) Except as provided in paragraph (4.7) of this  
5 subsection (a), the rules and regulations on sentence credit  
6 shall provide, with respect to offenses listed in clause (i),  
7 (ii), or (iii) of this paragraph (2) committed on or after June  
8 19, 1998 or with respect to the offense listed in clause (iv)  
9 of this paragraph (2) committed on or after June 23, 2005 (the  
10 effective date of Public Act 94-71) or with respect to offense  
11 listed in clause (vi) committed on or after June 1, 2008 (the  
12 effective date of Public Act 95-625) or with respect to the  
13 offense of being an armed habitual criminal committed on or  
14 after August 2, 2005 (the effective date of Public Act 94-398)  
15 or with respect to the offenses listed in clause (v) of this  
16 paragraph (2) committed on or after August 13, 2007 (the  
17 effective date of Public Act 95-134) or with respect to the  
18 offense of aggravated domestic battery committed on or after  
19 July 23, 2010 (the effective date of Public Act 96-1224) or  
20 with respect to the offense of attempt to commit terrorism  
21 committed on or after January 1, 2013 (the effective date of  
22 Public Act 97-990), the following:

23 (i) that a prisoner who is serving a term of  
24 imprisonment for first degree murder or for the offense of  
25 terrorism shall receive no sentence credit and shall serve  
26 the entire sentence imposed by the court;

1           (ii) that a prisoner serving a sentence for attempt to  
2           commit terrorism, attempt to commit first degree murder,  
3           solicitation of murder, solicitation of murder for hire,  
4           intentional homicide of an unborn child, predatory  
5           criminal sexual assault of a child, aggravated criminal  
6           sexual assault, criminal sexual assault, aggravated  
7           kidnapping, aggravated battery with a firearm as described  
8           in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
9           (e) (4) of Section 12-3.05, heinous battery as described in  
10          Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
11          being an armed habitual criminal, aggravated battery of a  
12          senior citizen as described in Section 12-4.6 or  
13          subdivision (a) (4) of Section 12-3.05, or aggravated  
14          battery of a child as described in Section 12-4.3 or  
15          subdivision (b) (1) of Section 12-3.05 shall receive no more  
16          than 4.5 days of sentence credit for each month of his or  
17          her sentence of imprisonment;

18          (iii) that a prisoner serving a sentence for home  
19          invasion, armed robbery, aggravated vehicular hijacking,  
20          aggravated discharge of a firearm, or armed violence with a  
21          category I weapon or category II weapon, when the court has  
22          made and entered a finding, pursuant to subsection (c-1) of  
23          Section 5-4-1 of this Code, that the conduct leading to  
24          conviction for the enumerated offense resulted in great  
25          bodily harm to a victim, shall receive no more than 4.5  
26          days of sentence credit for each month of his or her

1 sentence of imprisonment;

2 (iv) that a prisoner serving a sentence for aggravated  
3 discharge of a firearm, whether or not the conduct leading  
4 to conviction for the offense resulted in great bodily harm  
5 to the victim, shall receive no more than 4.5 days of  
6 sentence credit for each month of his or her sentence of  
7 imprisonment;

8 (v) that a person serving a sentence for gunrunning,  
9 narcotics racketeering, controlled substance trafficking,  
10 methamphetamine trafficking, drug-induced homicide,  
11 aggravated methamphetamine-related child endangerment,  
12 money laundering pursuant to clause (c) (4) or (5) of  
13 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, or a Class X felony conviction for delivery  
15 of a controlled substance, possession of a controlled  
16 substance with intent to manufacture or deliver,  
17 calculated criminal drug conspiracy, criminal drug  
18 conspiracy, street gang criminal drug conspiracy,  
19 participation in methamphetamine manufacturing, aggravated  
20 participation in methamphetamine manufacturing, delivery  
21 of methamphetamine, possession with intent to deliver  
22 methamphetamine, aggravated delivery of methamphetamine,  
23 aggravated possession with intent to deliver  
24 methamphetamine, methamphetamine conspiracy when the  
25 substance containing the controlled substance or  
26 methamphetamine is 100 grams or more shall receive no more

1 than 7.5 days sentence credit for each month of his or her  
2 sentence of imprisonment;

3 (vi) that a prisoner serving a sentence for a second or  
4 subsequent offense of luring a minor shall receive no more  
5 than 4.5 days of sentence credit for each month of his or  
6 her sentence of imprisonment; and

7 (vii) that a prisoner serving a sentence for aggravated  
8 domestic battery shall receive no more than 4.5 days of  
9 sentence credit for each month of his or her sentence of  
10 imprisonment.

11 (2.1) For all offenses, other than those enumerated in  
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
14 June 23, 2005 (the effective date of Public Act 94-71) or  
15 subdivision (a)(2)(v) committed on or after August 13, 2007  
16 (the effective date of Public Act 95-134) or subdivision  
17 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
18 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
19 on or after July 23, 2010 (the effective date of Public Act  
20 96-1224), and other than the offense of aggravated driving  
21 under the influence of alcohol, other drug or drugs, or  
22 intoxicating compound or compounds, or any combination thereof  
23 as defined in subparagraph (F) of paragraph (1) of subsection  
24 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
25 than the offense of aggravated driving under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in  
2 subparagraph (C) of paragraph (1) of subsection (d) of Section  
3 11-501 of the Illinois Vehicle Code committed on or after  
4 January 1, 2011 (the effective date of Public Act 96-1230), the  
5 rules and regulations shall provide that a prisoner who is  
6 serving a term of imprisonment shall receive one day of  
7 sentence credit for each day of his or her sentence of  
8 imprisonment or recommitment under Section 3-3-9. Each day of  
9 sentence credit shall reduce by one day the prisoner's period  
10 of imprisonment or recommitment under Section 3-3-9.

11 (2.2) A prisoner serving a term of natural life  
12 imprisonment or a prisoner who has been sentenced to death  
13 shall receive no sentence credit.

14 (2.3) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide that a prisoner who is serving a sentence for  
17 aggravated driving under the influence of alcohol, other drug  
18 or drugs, or intoxicating compound or compounds, or any  
19 combination thereof as defined in subparagraph (F) of paragraph  
20 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
21 Code, shall receive no more than 4.5 days of sentence credit  
22 for each month of his or her sentence of imprisonment.

23 (2.4) Except as provided in paragraph (4.7) of this  
24 subsection (a), the rules and regulations on sentence credit  
25 shall provide with respect to the offenses of aggravated  
26 battery with a machine gun or a firearm equipped with any

1 device or attachment designed or used for silencing the report  
2 of a firearm or aggravated discharge of a machine gun or a  
3 firearm equipped with any device or attachment designed or used  
4 for silencing the report of a firearm, committed on or after  
5 July 15, 1999 (the effective date of Public Act 91-121), that a  
6 prisoner serving a sentence for any of these offenses shall  
7 receive no more than 4.5 days of sentence credit for each month  
8 of his or her sentence of imprisonment.

9 (2.5) Except as provided in paragraph (4.7) of this  
10 subsection (a), the rules and regulations on sentence credit  
11 shall provide that a prisoner who is serving a sentence for  
12 aggravated arson committed on or after July 27, 2001 (the  
13 effective date of Public Act 92-176) shall receive no more than  
14 4.5 days of sentence credit for each month of his or her  
15 sentence of imprisonment.

16 (2.6) Except as provided in paragraph (4.7) of this  
17 subsection (a), the rules and regulations on sentence credit  
18 shall provide that a prisoner who is serving a sentence for  
19 aggravated driving under the influence of alcohol, other drug  
20 or drugs, or intoxicating compound or compounds or any  
21 combination thereof as defined in subparagraph (C) of paragraph  
22 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
23 Code committed on or after January 1, 2011 (the effective date  
24 of Public Act 96-1230) shall receive no more than 4.5 days of  
25 sentence credit for each month of his or her sentence of  
26 imprisonment.



1           (3) In addition to the sentence credits earned under  
2 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
3 subsection (a), the rules and regulations shall also provide  
4 that the Director may award up to 180 days of earned sentence  
5 credit for prisoners serving a sentence of incarceration of  
6 less than 5 years, and up to 365 days of earned sentence credit  
7 for prisoners serving a sentence of 5 years or longer. The  
8 Director may grant this credit for good conduct in specific  
9 instances as the Director deems proper. The good conduct may  
10 include, but is not limited to, compliance with the rules and  
11 regulations of the Department, service to the Department,  
12 service to a community, or service to the State.

13           Eligible inmates for an award of earned sentence credit  
14 under this paragraph (3) may be selected to receive the credit  
15 at the Director's or his or her designee's sole discretion.  
16 Eligibility for the additional earned sentence credit under  
17 this paragraph (3) may shall be based on, but is not limited  
18 to, participation in programming offered by the department as  
19 appropriate for the prisoner based on the results of any  
20 available risk/needs assessment or other relevant assessments  
21 or evaluations administered by the Department using a validated  
22 instrument, the circumstances of the crime, demonstrated  
23 commitment to rehabilitation by a prisoner with a ~~any~~ history  
24 of conviction for a forcible felony enumerated in Section 2-8  
25 of the Criminal Code of 2012, the inmate's behavior and  
26 improvements in disciplinary history while incarcerated, and

1 the inmate's commitment to rehabilitation, including  
2 participation in programming offered by the Department.

3 The Director shall not award sentence credit under this  
4 paragraph (3) to an inmate unless the inmate has served a  
5 minimum of 60 days of the sentence; except nothing in this  
6 paragraph shall be construed to permit the Director to extend  
7 an inmate's sentence beyond that which was imposed by the  
8 court. Prior to awarding credit under this paragraph (3), the  
9 Director shall make a written determination that the inmate:

10 (A) is eligible for the earned sentence credit;

11 (B) has served a minimum of 60 days, or as close to 60  
12 days as the sentence will allow;

13 (B-1) has received a risk/needs assessment or other  
14 relevant evaluation or assessment administered by the  
15 Department using a validated instrument; and

16 (C) has met the eligibility criteria established by  
17 rule for earned sentence credit.

18 The Director shall determine the form and content of the  
19 written determination required in this subsection.

20 (3.5) The Department shall provide annual written reports  
21 to the Governor and the General Assembly on the award of earned  
22 sentence credit no later than February 1 of each year. The  
23 Department must publish both reports on its website within 48  
24 hours of transmitting the reports to the Governor and the  
25 General Assembly. The reports must include:

26 (A) the number of inmates awarded earned sentence

1 credit;

2 (B) the average amount of earned sentence credit  
3 awarded;

4 (C) the holding offenses of inmates awarded earned  
5 sentence credit; and

6 (D) the number of earned sentence credit revocations.

7 (4) (A) Except as provided in paragraph (4.7) of this  
8 subsection (a), the rules and regulations shall also provide  
9 that any prisoner who ~~the sentence credit accumulated and~~  
10 ~~retained under paragraph (2.1) of subsection (a) of this~~  
11 ~~Section by any inmate during specific periods of time in which~~  
12 ~~such inmate~~ is engaged full-time in substance abuse programs,  
13 correctional industry assignments, educational programs,  
14 work-release programs or activities in accordance with 730 ILCS  
15 5/3-13-1 et seq., behavior modification programs, life skills  
16 courses, or re-entry planning provided by the Department under  
17 this paragraph (4) and satisfactorily completes the assigned  
18 program as determined by the standards of the Department, shall  
19 receive [one day] of sentence credit for each day in which that  
20 prisoner is engaged in the activities described in this  
21 paragraph ~~be multiplied by a factor of 1.25 for program~~  
22 ~~participation before August 11, 1993 and 1.50 for program~~  
23 ~~participation on or after that date.~~ The rules and regulations  
24 shall also provide that sentence credit, ~~subject to the same~~  
25 ~~offense limits and multiplier provided in this paragraph,~~ may  
26 be provided to an inmate who was held in pre-trial detention

1 prior to his or her current commitment to the Department of  
2 Corrections and successfully completed a full-time, 60-day or  
3 longer substance abuse program, educational program, behavior  
4 modification program, life skills course, or re-entry planning  
5 provided by the county department of corrections or county  
6 jail. Calculation of this county program credit shall be done  
7 at sentencing as provided in Section 5-4.5-100 of this Code and  
8 shall be included in the sentencing order. The rules and  
9 regulations shall also provide that sentence credit may be  
10 provided to an inmate who is in compliance with programming  
11 requirements in an adult transition center. ~~However, no inmate~~  
12 ~~shall be eligible for the additional sentence credit under this~~  
13 ~~paragraph (4) or (4.1) of this subsection (a) while assigned to~~  
14 ~~a boot camp or electronic detention.~~

15 (B) The Department shall award sentence credit under this  
16 paragraph (4) accumulated prior to January 1, 2020 (the  
17 effective date of Public Act 101-440) ~~this amendatory Act of~~  
18 ~~the 101st General Assembly~~ in an amount specified in  
19 subparagraph (C) of this paragraph (4) to an inmate serving a  
20 sentence for an offense committed prior to June 19, 1998, if  
21 the Department determines that the inmate is entitled to this  
22 sentence credit, based upon:

23 (i) documentation provided by the Department that the  
24 inmate engaged in any full-time substance abuse programs,  
25 correctional industry assignments, educational programs,  
26 behavior modification programs, life skills courses, or

1 re-entry planning provided by the Department under this  
2 paragraph (4) and satisfactorily completed the assigned  
3 program as determined by the standards of the Department  
4 during the inmate's current term of incarceration; or

5 (ii) the inmate's own testimony in the form of an  
6 affidavit or documentation, or a third party's  
7 documentation or testimony in the form of an affidavit that  
8 the inmate likely engaged in any full-time substance abuse  
9 programs, correctional industry assignments, educational  
10 programs, behavior modification programs, life skills  
11 courses, or re-entry planning provided by the Department  
12 under paragraph (4) and satisfactorily completed the  
13 assigned program as determined by the standards of the  
14 Department during the inmate's current term of  
15 incarceration.

16 (C) If the inmate can provide documentation that he or she  
17 is entitled to sentence credit under subparagraph (B) in excess  
18 of 45 days of participation in those programs, the inmate shall  
19 receive 90 days of sentence credit. If the inmate cannot  
20 provide documentation of more than 45 days of participation in  
21 those programs, the inmate shall receive 45 days of sentence  
22 credit. In the event of a disagreement between the Department  
23 and the inmate as to the amount of credit accumulated under  
24 subparagraph (B), if the Department provides documented proof  
25 of a lesser amount of days of participation in those programs,  
26 that proof shall control. If the Department provides no

1 documentary proof, the inmate's proof as set forth in clause  
2 (ii) of subparagraph (B) shall control as to the amount of  
3 sentence credit provided.

4 (D) If the inmate has been convicted of a sex offense as  
5 defined in Section 2 of the Sex Offender Registration Act,  
6 sentencing credits under subparagraph (B) of this paragraph (4)  
7 shall be awarded by the Department only if the conditions set  
8 forth in paragraph (4.6) of subsection (a) are satisfied. No  
9 inmate serving a term of natural life imprisonment shall  
10 receive sentence credit under subparagraph (B) of this  
11 paragraph (4).

12 Educational, vocational, substance abuse, behavior  
13 modification programs, life skills courses, re-entry planning,  
14 and correctional industry programs under which sentence credit  
15 may be earned increased under this paragraph (4) and paragraph  
16 (4.1) of this subsection (a) shall be evaluated by the  
17 Department on the basis of documented standards. The Department  
18 shall report the results of these evaluations to the Governor  
19 and the General Assembly by September 30th of each year. The  
20 reports shall include data relating to the recidivism rate  
21 among program participants.

22 Availability of these programs shall be subject to the  
23 limits of fiscal resources appropriated by the General Assembly  
24 for these purposes. Eligible inmates who are denied immediate  
25 admission shall be placed on a waiting list under criteria  
26 established by the Department. The rules and regulations shall

1 provide that a prisoner who has been placed on a waiting list  
2 but is transferred before beginning a program shall receive  
3 priority placement on the waitlist for appropriate programs at  
4 the new facility. The inability of any inmate to become engaged  
5 in any such programs by reason of insufficient program  
6 resources or for any other reason established under the rules  
7 and regulations of the Department shall not be deemed a cause  
8 of action under which the Department or any employee or agent  
9 of the Department shall be liable for damages to the inmate.  
10 The rules and regulations shall provide that a prisoner who  
11 begins an educational, vocational, substance abuse,  
12 work-release programs or activities in accordance with 730 ILCS  
13 5/3-13-1 et seq., behavior modification program, life skills  
14 course, re-entry planning, or correctional industry programs  
15 but is unable to complete the program due to illness,  
16 disability, transfer, lockdown, or another reason outside of  
17 the prisoner's control shall receive prorated sentence credits  
18 for the days in which the prisoner did participate.

19 (4.1) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations shall also provide  
21 that an additional 90 days of sentence credit shall be awarded  
22 to any prisoner who passes high school equivalency testing  
23 while the prisoner is committed to the Department of  
24 Corrections. The sentence credit awarded under this paragraph  
25 (4.1) shall be in addition to, and shall not affect, the award  
26 of sentence credit under any other paragraph of this Section,

1 but shall also be pursuant to the guidelines and restrictions  
2 set forth in paragraph (4) of subsection (a) of this Section.  
3 The sentence credit provided for in this paragraph shall be  
4 available only to those prisoners who have not previously  
5 earned a high school diploma or a high school equivalency  
6 certificate. If, after an award of the high school equivalency  
7 testing sentence credit has been made, the Department  
8 determines that the prisoner was not eligible, then the award  
9 shall be revoked. The Department may also award 90 days of  
10 sentence credit to any committed person who passed high school  
11 equivalency testing while he or she was held in pre-trial  
12 detention prior to the current commitment to the Department of  
13 Corrections. Except as provided in paragraph (4.7) of this  
14 subsection (a), the rules and regulations shall provide that an  
15 additional 120 days of sentence credit shall be awarded to any  
16 prisoner who obtains a associate degree while the prisoner is  
17 committed to the Department of Corrections, regardless of the  
18 date that the associate degree was obtained, including if prior  
19 to the effective date of this amendatory Act of the 101st  
20 General Assembly. The sentence credit awarded under this  
21 paragraph (4.1) shall be in addition to, and shall not affect,  
22 the award of sentence credit under any other paragraph of this  
23 Section, but shall also be under the guidelines and  
24 restrictions set forth in paragraph (4) of subsection (a) of  
25 this Section. The sentence credit provided for in this  
26 paragraph (4.1) shall be available only to those prisoners who



1 have not previously earned an associate degree prior to the  
2 current commitment to the Department of Corrections. If, after  
3 an award of the associate degree sentence credit has been made  
4 and the Department determines that the prisoner was not  
5 eligible, then the award shall be revoked. The Department may  
6 also award 120 days of sentence credit to any committed person  
7 who earned an associate degree while he or she was held in  
8 pre-trial detention prior to the current commitment to the  
9 Department of Corrections.

10       Except as provided in paragraph (4.7) of this subsection  
11 (a), the rules and regulations shall provide that an additional  
12 180 days of sentence credit shall be awarded to any prisoner  
13 who obtains a bachelor's degree while the prisoner is committed  
14 to the Department of Corrections. The sentence credit awarded  
15 under this paragraph (4.1) shall be in addition to, and shall  
16 not affect, the award of sentence credit under any other  
17 paragraph of this Section, but shall also be under the  
18 guidelines and restrictions set forth in paragraph (4) of this  
19 subsection (a). The sentence credit provided for in this  
20 paragraph shall be available only to those prisoners who have  
21 not earned a bachelor's degree prior to the current commitment  
22 to the Department of Corrections. If, after an award of the  
23 bachelor's degree sentence credit has been made, the Department  
24 determines that the prisoner was not eligible, then the award  
25 shall be revoked. The Department may also award 180 days of  
26 sentence credit to any committed person who earned a bachelor's

1 degree while he or she was held in pre-trial detention prior to  
2 the current commitment to the Department of Corrections.

3 Except as provided in paragraph (4.7) of this subsection  
4 (a), the rules and regulations shall provide that an additional  
5 180 days of sentence credit shall be awarded to any prisoner  
6 who obtains a master's or professional degree while the  
7 prisoner is committed to the Department of Corrections. The  
8 sentence credit awarded under this paragraph (4.1) shall be in  
9 addition to, and shall not affect, the award of sentence credit  
10 under any other paragraph of this Section, but shall also be  
11 under the guidelines and restrictions set forth in paragraph  
12 (4) of this subsection (a). The sentence credit provided for in  
13 this paragraph shall be available only to those prisoners who  
14 have not previously earned a master's or professional degree  
15 prior to the current commitment to the Department of  
16 Corrections. If, after an award of the master's or professional  
17 degree sentence credit has been made, the Department determines  
18 that the prisoner was not eligible, then the award shall be  
19 revoked. The Department may also award 180 days of sentence  
20 credit to any committed person who earned a master's or  
21 professional degree while he or she was held in pre-trial  
22 detention prior to the current commitment to the Department of  
23 Corrections.

24 (4.2) The rules and regulations shall also provide that any  
25 prisoner engaged in self-improvement programs, volunteer work,  
26 or work assignments that are not otherwise eligible activities

1 under section (4), shall receive up to 0.5 days of sentence  
2 credit for each day in which the prisoner is engaged in  
3 activities described in this paragraph.

4 (4.5) The rules and regulations on sentence credit shall  
5 also provide that when the court's sentencing order recommends  
6 a prisoner for substance abuse treatment and the crime was  
7 committed on or after September 1, 2003 (the effective date of  
8 Public Act 93-354), the prisoner shall receive no sentence  
9 credit awarded under clause (3) of this subsection (a) unless  
10 he or she participates in and completes a substance abuse  
11 treatment program. The Director may waive the requirement to  
12 participate in or complete a substance abuse treatment program  
13 in specific instances if the prisoner is not a good candidate  
14 for a substance abuse treatment program for medical,  
15 programming, or operational reasons. Availability of substance  
16 abuse treatment shall be subject to the limits of fiscal  
17 resources appropriated by the General Assembly for these  
18 purposes. If treatment is not available and the requirement to  
19 participate and complete the treatment has not been waived by  
20 the Director, the prisoner shall be placed on a waiting list  
21 under criteria established by the Department. The Director may  
22 allow a prisoner placed on a waiting list to participate in and  
23 complete a substance abuse education class or attend substance  
24 abuse self-help meetings in lieu of a substance abuse treatment  
25 program. A prisoner on a waiting list who is not placed in a  
26 substance abuse program prior to release may be eligible for a

1 waiver and receive sentence credit under clause (3) of this  
2 subsection (a) at the discretion of the Director.

3 (4.6) The rules and regulations on sentence credit shall  
4 also provide that a prisoner who has been convicted of a sex  
5 offense as defined in Section 2 of the Sex Offender  
6 Registration Act shall receive no sentence credit unless he or  
7 she either has successfully completed or is participating in  
8 sex offender treatment as defined by the Sex Offender  
9 Management Board. However, prisoners who are waiting to receive  
10 treatment, but who are unable to do so due solely to the lack  
11 of resources on the part of the Department, may, at the  
12 Director's sole discretion, be awarded sentence credit at a  
13 rate as the Director shall determine.

14 (4.7) On or after January 1, 2018 (the effective date of  
15 Public Act 100-3) ~~this amendatory Act of the 100th General~~  
16 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1) of  
17 this subsection (a) may be awarded to a prisoner who is serving  
18 a sentence for an offense described in paragraph (2), (2.3),  
19 (2.4), (2.5), or (2.6) for credit earned on or after January 1,  
20 2018 (the effective date of Public Act 100-3) ~~this amendatory~~  
21 ~~Act of the 100th General Assembly~~; provided, the award of the  
22 credits under this paragraph (4.7) shall not reduce the  
23 sentence of the prisoner to less than the following amounts:

24 (i) 85% of his or her sentence if the prisoner is  
25 required to serve 85% of his or her sentence; or

26 (ii) 60% of his or her sentence if the prisoner is

1 required to serve 75% of his or her sentence, except if the  
2 prisoner is serving a sentence for gunrunning his or her  
3 sentence shall not be reduced to less than 75%.

4 (iii) 100% of his or her sentence if the prisoner is  
5 required to serve 100% of his or her sentence.

6 (5) Whenever the Department is to release any inmate  
7 earlier than it otherwise would because of a grant of earned  
8 sentence credit under paragraph (3) of subsection (a) of this  
9 Section given at any time during the term, the Department shall  
10 give reasonable notice of the impending release not less than  
11 14 days prior to the date of the release to the State's  
12 Attorney of the county where the prosecution of the inmate took  
13 place, and if applicable, the State's Attorney of the county  
14 into which the inmate will be released. The Department must  
15 also make identification information and a recent photo of the  
16 inmate being released accessible on the Internet by means of a  
17 hyperlink labeled "Community Notification of Inmate Early  
18 Release" on the Department's World Wide Web homepage. The  
19 identification information shall include the inmate's: name,  
20 any known alias, date of birth, physical characteristics,  
21 commitment offense, and county where conviction was imposed.  
22 The identification information shall be placed on the website  
23 within 3 days of the inmate's release and the information may  
24 not be removed until either: completion of the first year of  
25 mandatory supervised release or return of the inmate to custody  
26 of the Department.

1 (b) Whenever a person is or has been committed under  
2 several convictions, with separate sentences, the sentences  
3 shall be construed under Section 5-8-4 in granting and  
4 forfeiting of sentence credit.

5 (c) (1) The Department shall prescribe rules and  
6 regulations for revoking sentence credit, including revoking  
7 sentence credit awarded under paragraph (3) of subsection (a)  
8 of this Section. The Department shall prescribe rules and  
9 regulations establishing and requiring the use of a sanctions  
10 matrix for revoking sentence credit. The Department shall  
11 prescribe rules and regulations for suspending or reducing the  
12 rate of accumulation of sentence credit for specific rule  
13 violations, during imprisonment. These rules and regulations  
14 shall provide that no inmate may be penalized more than one  
15 year of sentence credit for any one infraction.

16 (2) When the Department seeks to revoke, suspend, or reduce  
17 the rate of accumulation of any sentence credits for an alleged  
18 infraction of its rules, it shall bring charges therefor  
19 against the prisoner sought to be so deprived of sentence  
20 credits before the Prisoner Review Board as provided in  
21 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
22 amount of credit at issue exceeds 30 days, whether from one  
23 infraction or cumulatively from multiple infractions arising  
24 out of a single event, or when, during any 12-month ~~12-month~~  
25 period, the cumulative amount of credit revoked exceeds 30 days  
26 except where the infraction is committed or discovered within

1 60 days of scheduled release. In those cases, the Department of  
2 Corrections may revoke up to 30 days of sentence credit. The  
3 Board may subsequently approve the revocation of additional  
4 sentence credit, if the Department seeks to revoke sentence  
5 credit in excess of 30 days. However, the Board shall not be  
6 empowered to review the Department's decision with respect to  
7 the loss of 30 days of sentence credit within any calendar year  
8 for any prisoner or to increase any penalty beyond the length  
9 requested by the Department.

10 (3) The Director of the Department of Corrections, in  
11 appropriate cases, may restore ~~up to 30 days of~~ sentence  
12 credits which have been revoked, suspended, or reduced. The  
13 Department shall prescribe rules and regulations governing the  
14 restoration of sentence credits. These rules and regulations  
15 shall provide for the automatic restoration of sentence credits  
16 following a period in which the prisoner maintains a record  
17 without a disciplinary violation. Any restoration of sentence  
18 ~~credits in excess of 30 days shall be subject to review by the~~  
19 ~~Prisoner Review Board. However, the Board may not restore~~  
20 ~~sentence credit in excess of the amount requested by the~~  
21 ~~Director.~~

22 Nothing contained in this Section shall prohibit the  
23 Prisoner Review Board from ordering, pursuant to Section  
24 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
25 sentence imposed by the court that was not served due to the  
26 accumulation of sentence credit.

1 (d) If a lawsuit is filed by a prisoner in an Illinois or  
2 federal court against the State, the Department of Corrections,  
3 or the Prisoner Review Board, or against any of their officers  
4 or employees, and the court makes a specific finding that a  
5 pleading, motion, or other paper filed by the prisoner is  
6 frivolous, the Department of Corrections shall conduct a  
7 hearing to revoke up to 180 days of sentence credit by bringing  
8 charges against the prisoner sought to be deprived of the  
9 sentence credits before the Prisoner Review Board as provided  
10 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the  
11 prisoner has not accumulated 180 days of sentence credit at the  
12 time of the finding, then the Prisoner Review Board may revoke  
13 all sentence credit accumulated by the prisoner.

14 For purposes of this subsection (d):

15 (1) "Frivolous" means that a pleading, motion, or other  
16 filing which purports to be a legal document filed by a  
17 prisoner in his or her lawsuit meets any or all of the  
18 following criteria:

19 (A) it lacks an arguable basis either in law or in  
20 fact;

21 (B) it is being presented for any improper purpose,  
22 such as to harass or to cause unnecessary delay or  
23 needless increase in the cost of litigation;

24 (C) the claims, defenses, and other legal  
25 contentions therein are not warranted by existing law  
26 or by a nonfrivolous argument for the extension,



1 modification, or reversal of existing law or the  
2 establishment of new law;

3 (D) the allegations and other factual contentions  
4 do not have evidentiary support or, if specifically so  
5 identified, are not likely to have evidentiary support  
6 after a reasonable opportunity for further  
7 investigation or discovery; or

8 (E) the denials of factual contentions are not  
9 warranted on the evidence, or if specifically so  
10 identified, are not reasonably based on a lack of  
11 information or belief.

12 (2) "Lawsuit" means a motion pursuant to Section 116-3  
13 of the Code of Criminal Procedure of 1963, a habeas corpus  
14 action under Article X of the Code of Civil Procedure or  
15 under federal law (28 U.S.C. 2254), a petition for claim  
16 under the Court of Claims Act, an action under the federal  
17 Civil Rights Act (42 U.S.C. 1983), or a second or  
18 subsequent petition for post-conviction relief under  
19 Article 122 of the Code of Criminal Procedure of 1963  
20 whether filed with or without leave of court or a second or  
21 subsequent petition for relief from judgment under Section  
22 2-1401 of the Code of Civil Procedure.

23 (e) Nothing in Public Act 90-592 or 90-593 affects the  
24 validity of Public Act 89-404.

25 (f) Whenever the Department is to release any inmate who  
26 has been convicted of a violation of an order of protection

1 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012, earlier than it otherwise would  
3 because of a grant of sentence credit, the Department, as a  
4 condition of release, shall require that the person, upon  
5 release, be placed under electronic surveillance as provided in  
6 Section 5-8A-7 of this Code.

7 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
8 101-440, eff. 1-1-20; revised 8-19-20.)

9 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

10 Sec. 5-3-2. Presentence report.

11 (a) In felony cases, the presentence report shall set  
12 forth:

13 (1) the defendant's history of delinquency or  
14 criminality, physical and mental history and condition,  
15 family situation and background, economic status,  
16 education, occupation and personal habits;

17 (2) information about special resources within the  
18 community which might be available to assist the  
19 defendant's rehabilitation, including treatment centers,  
20 residential facilities, vocational training services,  
21 correctional manpower programs, employment opportunities,  
22 special educational programs, alcohol and drug abuse  
23 programming, psychiatric and marriage counseling, and  
24 other programs and facilities which could aid the  
25 defendant's successful reintegration into society;

1           (3) the effect the offense committed has had upon the  
2 victim or victims thereof, and any compensatory benefit  
3 that various sentencing alternatives would confer on such  
4 victim or victims;

5           (3.5) information provided by the victim's spouse,  
6 guardian, parent, grandparent, and other immediate family  
7 and household members about the effect the offense  
8 committed has had on the victim and on the person providing  
9 the information; if the victim's spouse, guardian, parent,  
10 grandparent, or other immediate family or household member  
11 has provided a written statement, the statement shall be  
12 attached to the report;

13           (4) information concerning the defendant's status  
14 since arrest, including his record if released on his own  
15 recognizance, or the defendant's achievement record if  
16 released on a conditional pre-trial supervision program;

17           (5) when appropriate, a plan, based upon the personal,  
18 economic and social adjustment needs of the defendant,  
19 utilizing public and private community resources as an  
20 alternative to institutional sentencing;

21           (6) any other matters that the investigatory officer  
22 deems relevant or the court directs to be included;

23           (7) information concerning the defendant's eligibility  
24 for a sentence to a county impact incarceration program  
25 under Section 5-8-1.2 of this Code; and

26           (8) information concerning the defendant's eligibility

1 for a sentence to an impact incarceration program  
2 administered by the Department under Section 5-8-1.1.

3 (b) The investigation shall include a physical and mental  
4 examination of the defendant when so ordered by the court. If  
5 the court determines that such an examination should be made,  
6 it shall issue an order that the defendant submit to  
7 examination at such time and place as designated by the court  
8 and that such examination be conducted by a physician,  
9 psychologist or psychiatrist designated by the court. Such an  
10 examination may be conducted in a court clinic if so ordered by  
11 the court. The cost of such examination shall be paid by the  
12 county in which the trial is held.

13 (b-5) In cases involving felony sex offenses in which the  
14 offender is being considered for probation only or any felony  
15 offense that is sexually motivated as defined in the Sex  
16 Offender Management Board Act in which the offender is being  
17 considered for probation only, the investigation shall include  
18 a sex offender evaluation by an evaluator approved by the Board  
19 and conducted in conformance with the standards developed under  
20 the Sex Offender Management Board Act. In cases in which the  
21 offender is being considered for any mandatory prison sentence,  
22 the investigation shall not include a sex offender evaluation.

23 (c) In misdemeanor, business offense or petty offense  
24 cases, except as specified in subsection (d) of this Section,  
25 when a presentence report has been ordered by the court, such  
26 presentence report shall contain information on the

1 defendant's history of delinquency or criminality and shall  
2 further contain only those matters listed in any of paragraphs  
3 (1) through (6) of subsection (a) or in subsection (b) of this  
4 Section as are specified by the court in its order for the  
5 report.

6 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
7 12-30 of the Criminal Code of 1961 or the Criminal Code of  
8 2012, the presentence report shall set forth information about  
9 alcohol, drug abuse, psychiatric, and marriage counseling or  
10 other treatment programs and facilities, information on the  
11 defendant's history of delinquency or criminality, and shall  
12 contain those additional matters listed in any of paragraphs  
13 (1) through (6) of subsection (a) or in subsection (b) of this  
14 Section as are specified by the court.

15 (e) Nothing in this Section shall cause the defendant to be  
16 held without pretrial release ~~bail~~ or to have his pretrial  
17 release ~~bail~~ revoked for the purpose of preparing the  
18 presentence report or making an examination.

19 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

20 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

21 Sec. 5-4-1. Sentencing hearing.

22 (a) Except when the death penalty is sought under hearing  
23 procedures otherwise specified, after a determination of  
24 guilt, a hearing shall be held to impose the sentence. However,  
25 prior to the imposition of sentence on an individual being

1 sentenced for an offense based upon a charge for a violation of  
2 Section 11-501 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance, the individual must undergo a  
4 professional evaluation to determine if an alcohol or other  
5 drug abuse problem exists and the extent of such a problem.  
6 Programs conducting these evaluations shall be licensed by the  
7 Department of Human Services. However, if the individual is not  
8 a resident of Illinois, the court may, in its discretion,  
9 accept an evaluation from a program in the state of such  
10 individual's residence. The court shall make a specific finding  
11 about whether the defendant is eligible for participation in a  
12 Department impact incarceration program as provided in Section  
13 5-8-1.1 or 5-8-1.3, and if not, provide an explanation as to  
14 why a sentence to impact incarceration is not an appropriate  
15 sentence. The court may in its sentencing order recommend a  
16 defendant for placement in a Department of Corrections  
17 substance abuse treatment program as provided in paragraph (a)  
18 of subsection (1) of Section 3-2-2 conditioned upon the  
19 defendant being accepted in a program by the Department of  
20 Corrections. At the hearing the court shall:

21 (1) consider the evidence, if any, received upon the  
22 trial;

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration  
25 based on the financial impact statement filed with the  
26 clerk of the court by the Department of Corrections;

1           (4) consider evidence and information offered by the  
2 parties in aggravation and mitigation;

3           (4.5) consider substance abuse treatment, eligibility  
4 screening, and an assessment, if any, of the defendant by  
5 an agent designated by the State of Illinois to provide  
6 assessment services for the Illinois courts;

7           (5) hear arguments as to sentencing alternatives;

8           (6) afford the defendant the opportunity to make a  
9 statement in his own behalf;

10           (7) afford the victim of a violent crime or a violation  
11 of Section 11-501 of the Illinois Vehicle Code, or a  
12 similar provision of a local ordinance, the opportunity to  
13 present an oral or written statement, as guaranteed by  
14 Article I, Section 8.1 of the Illinois Constitution and  
15 provided in Section 6 of the Rights of Crime Victims and  
16 Witnesses Act. The court shall allow a victim to make an  
17 oral statement if the victim is present in the courtroom  
18 and requests to make an oral or written statement. An oral  
19 or written statement includes the victim or a  
20 representative of the victim reading the written  
21 statement. The court may allow persons impacted by the  
22 crime who are not victims under subsection (a) of Section 3  
23 of the Rights of Crime Victims and Witnesses Act to present  
24 an oral or written statement. A victim and any person  
25 making an oral statement shall not be put under oath or  
26 subject to cross-examination. All statements offered under

1 this paragraph (7) shall become part of the record of the  
2 court. In this paragraph (7), "victim of a violent crime"  
3 means a person who is a victim of a violent crime for which  
4 the defendant has been convicted after a bench or jury  
5 trial or a person who is the victim of a violent crime with  
6 which the defendant was charged and the defendant has been  
7 convicted under a plea agreement of a crime that is not a  
8 violent crime as defined in subsection (c) of 3 of the  
9 Rights of Crime Victims and Witnesses Act;

10 (7.5) afford a qualified person affected by: (i) a  
11 violation of Section ~~405, 405.1, 405.2,~~ 407 of the  
12 Illinois Controlled Substances Act or a violation of  
13 Section 55 ~~or Section 65~~ of the Methamphetamine Control and  
14 Community Protection Act; or (ii) a Class 4 felony  
15 violation of Section 11-14, 11-14.3 except as described in  
16 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,  
17 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, committed by the defendant the  
19 opportunity to make a statement concerning the impact on  
20 the qualified person and to offer evidence in aggravation  
21 or mitigation; provided that the statement and evidence  
22 offered in aggravation or mitigation shall first be  
23 prepared in writing in conjunction with the State's  
24 Attorney before it may be presented orally at the hearing.  
25 Sworn testimony offered by the qualified person is subject  
26 to the defendant's right to cross-examine. All statements



1 and evidence offered under this paragraph (7.5) shall  
2 become part of the record of the court. In this paragraph  
3 (7.5), "qualified person" means any person who: (i) lived  
4 or worked within the territorial jurisdiction where the  
5 offense took place when the offense took place; or (ii) is  
6 familiar with various public places within the territorial  
7 jurisdiction where the offense took place when the offense  
8 took place. "Qualified person" includes any peace officer  
9 or any member of any duly organized State, county, or  
10 municipal peace officer unit assigned to the territorial  
11 jurisdiction where the offense took place when the offense  
12 took place;

13 (8) in cases of reckless homicide afford the victim's  
14 spouse, guardians, parents or other immediate family  
15 members an opportunity to make oral statements;

16 (9) in cases involving a felony sex offense as defined  
17 under the Sex Offender Management Board Act, consider the  
18 results of the sex offender evaluation conducted pursuant  
19 to Section 5-3-2 of this Act; and

20 (10) make a finding of whether a motor vehicle was used  
21 in the commission of the offense for which the defendant is  
22 being sentenced.

23 (b) All sentences shall be imposed by the judge based upon  
24 his independent assessment of the elements specified above and  
25 any agreement as to sentence reached by the parties. The judge  
26 who presided at the trial or the judge who accepted the plea of

1 guilty shall impose the sentence unless he is no longer sitting  
2 as a judge in that court. Where the judge does not impose  
3 sentence at the same time on all defendants who are convicted  
4 as a result of being involved in the same offense, the  
5 defendant or the State's Attorney may advise the sentencing  
6 court of the disposition of any other defendants who have been  
7 sentenced.

8 (b-1) In imposing a sentence of imprisonment or periodic  
9 imprisonment for a Class 3 or Class 4 felony for which a  
10 sentence of probation or conditional discharge is an available  
11 sentence, if the defendant has no prior sentence of probation  
12 or conditional discharge and no prior conviction for a violent  
13 crime, the defendant shall not be sentenced to imprisonment  
14 before review and consideration of a presentence report and  
15 determination and explanation of why the particular evidence,  
16 information, factor in aggravation, factual finding, or other  
17 reasons support a sentencing determination that one or more of  
18 the factors under subsection (a) of Section 5-6-1 of this Code  
19 apply and that probation or conditional discharge is not an  
20 appropriate sentence.

21 (c) In imposing a sentence for a violent crime or for an  
22 offense of operating or being in physical control of a vehicle  
23 while under the influence of alcohol, any other drug or any  
24 combination thereof, or a similar provision of a local  
25 ordinance, when such offense resulted in the personal injury to  
26 someone other than the defendant, the trial judge shall specify

1 on the record the particular evidence, information, factors in  
2 mitigation and aggravation or other reasons that led to his  
3 sentencing determination. The full verbatim record of the  
4 sentencing hearing shall be filed with the clerk of the court  
5 and shall be a public record.

6 (c-1) In imposing a sentence for the offense of aggravated  
7 kidnapping for ransom, home invasion, armed robbery,  
8 aggravated vehicular hijacking, aggravated discharge of a  
9 firearm, or armed violence with a category I weapon or category  
10 II weapon, the trial judge shall make a finding as to whether  
11 the conduct leading to conviction for the offense resulted in  
12 great bodily harm to a victim, and shall enter that finding and  
13 the basis for that finding in the record.

14 (c-2) If the defendant is sentenced to prison, other than  
15 when a sentence of natural life imprisonment or a sentence of  
16 death is imposed, at the time the sentence is imposed the judge  
17 shall state on the record in open court the approximate period  
18 of time the defendant will serve in custody according to the  
19 then current statutory rules and regulations for sentence  
20 credit found in Section 3-6-3 and other related provisions of  
21 this Code. This statement is intended solely to inform the  
22 public, has no legal effect on the defendant's actual release,  
23 and may not be relied on by the defendant on appeal.

24 The judge's statement, to be given after pronouncing the  
25 sentence, other than when the sentence is imposed for one of  
26 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,

1 shall include the following:

2 "The purpose of this statement is to inform the public of  
3 the actual period of time this defendant is likely to spend in  
4 prison as a result of this sentence. The actual period of  
5 prison time served is determined by the statutes of Illinois as  
6 applied to this sentence by the Illinois Department of  
7 Corrections and the Illinois Prisoner Review Board. In this  
8 case, assuming the defendant receives all of his or her  
9 sentence credit, the period of estimated actual custody is ...  
10 years and ... months, less up to 180 days additional earned  
11 sentence credit. If the defendant, because of his or her own  
12 misconduct or failure to comply with the institutional  
13 regulations, does not receive those credits, the actual time  
14 served in prison will be longer. The defendant may also receive  
15 an additional one-half day sentence credit for each day of  
16 participation in vocational, industry, substance abuse, and  
17 educational programs as provided for by Illinois statute."

18 When the sentence is imposed for one of the offenses  
19 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
20 first degree murder, and the offense was committed on or after  
21 June 19, 1998, and when the sentence is imposed for reckless  
22 homicide as defined in subsection (e) of Section 9-3 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 offense was committed on or after January 1, 1999, and when the  
25 sentence is imposed for aggravated driving under the influence  
26 of alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in  
2 subparagraph (F) of paragraph (1) of subsection (d) of Section  
3 11-501 of the Illinois Vehicle Code, and when the sentence is  
4 imposed for aggravated arson if the offense was committed on or  
5 after July 27, 2001 (the effective date of Public Act 92-176),  
6 and when the sentence is imposed for aggravated driving under  
7 the influence of alcohol, other drug or drugs, or intoxicating  
8 compound or compounds, or any combination thereof as defined in  
9 subparagraph (C) of paragraph (1) of subsection (d) of Section  
10 11-501 of the Illinois Vehicle Code committed on or after  
11 January 1, 2011 (the effective date of Public Act 96-1230), the  
12 judge's statement, to be given after pronouncing the sentence,  
13 shall include the following:

14 "The purpose of this statement is to inform the public of  
15 the actual period of time this defendant is likely to spend in  
16 prison as a result of this sentence. The actual period of  
17 prison time served is determined by the statutes of Illinois as  
18 applied to this sentence by the Illinois Department of  
19 Corrections and the Illinois Prisoner Review Board. In this  
20 case, the defendant is entitled to no more than 4 1/2 days of  
21 sentence credit for each month of his or her sentence of  
22 imprisonment. Therefore, this defendant will serve at least 85%  
23 of his or her sentence. Assuming the defendant receives 4 1/2  
24 days credit for each month of his or her sentence, the period  
25 of estimated actual custody is ... years and ... months. If the  
26 defendant, because of his or her own misconduct or failure to

1 comply with the institutional regulations receives lesser  
2 credit, the actual time served in prison will be longer."

3 When a sentence of imprisonment is imposed for first degree  
4 murder and the offense was committed on or after June 19, 1998,  
5 the judge's statement, to be given after pronouncing the  
6 sentence, shall include the following:

7 "The purpose of this statement is to inform the public of  
8 the actual period of time this defendant is likely to spend in  
9 prison as a result of this sentence. The actual period of  
10 prison time served is determined by the statutes of Illinois as  
11 applied to this sentence by the Illinois Department of  
12 Corrections and the Illinois Prisoner Review Board. In this  
13 case, the defendant is not entitled to sentence credit.  
14 Therefore, this defendant will serve 100% of his or her  
15 sentence."

16 When the sentencing order recommends placement in a  
17 substance abuse program for any offense that results in  
18 incarceration in a Department of Corrections facility and the  
19 crime was committed on or after September 1, 2003 (the  
20 effective date of Public Act 93-354), the judge's statement, in  
21 addition to any other judge's statement required under this  
22 Section, to be given after pronouncing the sentence, shall  
23 include the following:

24 "The purpose of this statement is to inform the public of  
25 the actual period of time this defendant is likely to spend in  
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as  
2 applied to this sentence by the Illinois Department of  
3 Corrections and the Illinois Prisoner Review Board. In this  
4 case, the defendant shall receive no earned sentence credit  
5 under clause (3) of subsection (a) of Section 3-6-3 until he or  
6 she participates in and completes a substance abuse treatment  
7 program or receives a waiver from the Director of Corrections  
8 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the  
10 presentence investigation under Section 5-3-1, the court shall  
11 inquire of the defendant whether the defendant is currently  
12 serving in or is a veteran of the Armed Forces of the United  
13 States. If the defendant is currently serving in the Armed  
14 Forces of the United States or is a veteran of the Armed Forces  
15 of the United States and has been diagnosed as having a mental  
16 illness by a qualified psychiatrist or clinical psychologist or  
17 physician, the court may:

18 (1) order that the officer preparing the presentence  
19 report consult with the United States Department of  
20 Veterans Affairs, Illinois Department of Veterans'  
21 Affairs, or another agency or person with suitable  
22 knowledge or experience for the purpose of providing the  
23 court with information regarding treatment options  
24 available to the defendant, including federal, State, and  
25 local programming; and

26 (2) consider the treatment recommendations of any

1 diagnosing or treating mental health professionals  
2 together with the treatment options available to the  
3 defendant in imposing sentence.

4 For the purposes of this subsection (c-4), "qualified  
5 psychiatrist" means a reputable physician licensed in Illinois  
6 to practice medicine in all its branches, who has specialized  
7 in the diagnosis and treatment of mental and nervous disorders  
8 for a period of not less than 5 years.

9 (c-6) In imposing a sentence, the trial judge shall  
10 specify, on the record, the particular evidence and other  
11 reasons which led to his or her determination that a motor  
12 vehicle was used in the commission of the offense.

13 (c-7) In imposing a sentence for a Class 3 or 4 felony,  
14 other than a violent crime as defined in Section 3 of the  
15 Rights of Crime Victims and Witnesses Act, the court shall  
16 determine and indicate in the sentencing order whether the  
17 defendant has 4 or more or fewer than 4 months remaining on his  
18 or her sentence accounting for time served.

19 (d) When the defendant is committed to the Department of  
20 Corrections, the State's Attorney shall and counsel for the  
21 defendant may file a statement with the clerk of the court to  
22 be transmitted to the department, agency or institution to  
23 which the defendant is committed to furnish such department,  
24 agency or institution with the facts and circumstances of the  
25 offense for which the person was committed together with all  
26 other factual information accessible to them in regard to the



1 person prior to his commitment relative to his habits,  
2 associates, disposition and reputation and any other facts and  
3 circumstances which may aid such department, agency or  
4 institution during its custody of such person. The clerk shall  
5 within 10 days after receiving any such statements transmit a  
6 copy to such department, agency or institution and a copy to  
7 the other party, provided, however, that this shall not be  
8 cause for delay in conveying the person to the department,  
9 agency or institution to which he has been committed.

10 (e) The clerk of the court shall transmit to the  
11 department, agency or institution, if any, to which the  
12 defendant is committed, the following:

13 (1) the sentence imposed;

14 (2) any statement by the court of the basis for  
15 imposing the sentence;

16 (3) any presentence reports;

17 (3.5) any sex offender evaluations;

18 (3.6) any substance abuse treatment eligibility  
19 screening and assessment of the defendant by an agent  
20 designated by the State of Illinois to provide assessment  
21 services for the Illinois courts;

22 (4) the number of days, if any, which the defendant has  
23 been in custody and for which he is entitled to credit  
24 against the sentence, which information shall be provided  
25 to the clerk by the sheriff;

26 (4.1) any finding of great bodily harm made by the

1 court with respect to an offense enumerated in subsection  
2 (c-1);

3 (5) all statements filed under subsection (d) of this  
4 Section;

5 (6) any medical or mental health records or summaries  
6 of the defendant;

7 (7) the municipality where the arrest of the offender  
8 or the commission of the offense has occurred, where such  
9 municipality has a population of more than 25,000 persons;

10 (8) all statements made and evidence offered under  
11 paragraph (7) of subsection (a) of this Section; and

12 (9) all additional matters which the court directs the  
13 clerk to transmit.

14 (f) In cases in which the court finds that a motor vehicle  
15 was used in the commission of the offense for which the  
16 defendant is being sentenced, the clerk of the court shall,  
17 within 5 days thereafter, forward a report of such conviction  
18 to the Secretary of State.

19 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;  
20 101-105, eff. 1-1-20.)

21 (730 ILCS 5/5-4.5-95)

22 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any  
25 state or federal court of an offense that contains the same

1 elements as an offense now (the date of the offense  
2 committed after the 2 prior convictions) classified in  
3 Illinois as a Class X felony, criminal sexual assault,  
4 aggravated kidnapping, or first degree murder, and who is  
5 thereafter convicted of a Class X felony, criminal sexual  
6 assault, or first degree murder, committed after the 2  
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the  
9 same offense.

10 (3) Any convictions that result from or are connected  
11 with the same transaction, or result from offenses  
12 committed at the same time, shall be counted for the  
13 purposes of this Section as one conviction.

14 (4) This Section does not apply unless each of the  
15 following requirements are satisfied:

16 (A) The third offense was committed after July 3,  
17 1980.

18 (B) The third offense was committed within 20 years  
19 of the date that judgment was entered on the first  
20 conviction; provided, however, that time spent in  
21 custody shall not be counted.

22 (C) The third offense was committed after  
23 conviction on the second offense.

24 (D) The second offense was committed after  
25 conviction on the first offense.

26 (5) Anyone who, having attained the age of 18 at the

1 time of the third offense, is adjudged an habitual criminal  
2 shall be sentenced to a term of natural life imprisonment.

3 (6) A prior conviction shall not be alleged in the  
4 indictment, and no evidence or other disclosure of that  
5 conviction shall be presented to the court or the jury  
6 during the trial of an offense set forth in this Section  
7 unless otherwise permitted by the issues properly raised in  
8 that trial. After a plea or verdict or finding of guilty  
9 and before sentence is imposed, the prosecutor may file  
10 with the court a verified written statement signed by the  
11 State's Attorney concerning any former conviction of an  
12 offense set forth in this Section rendered against the  
13 defendant. The court shall then cause the defendant to be  
14 brought before it; shall inform the defendant of the  
15 allegations of the statement so filed, and of his or her  
16 right to a hearing before the court on the issue of that  
17 former conviction and of his or her right to counsel at  
18 that hearing; and unless the defendant admits such  
19 conviction, shall hear and determine the issue, and shall  
20 make a written finding thereon. If a sentence has  
21 previously been imposed, the court may vacate that sentence  
22 and impose a new sentence in accordance with this Section.

23 (7) A duly authenticated copy of the record of any  
24 alleged former conviction of an offense set forth in this  
25 Section shall be prima facie evidence of that former  
26 conviction; and a duly authenticated copy of the record of

1 the defendant's final release or discharge from probation  
2 granted, or from sentence and parole supervision (if any)  
3 imposed pursuant to that former conviction, shall be prima  
4 facie evidence of that release or discharge.

5 (8) Any claim that a previous conviction offered by the  
6 prosecution is not a former conviction of an offense set  
7 forth in this Section because of the existence of any  
8 exceptions described in this Section, is waived unless duly  
9 raised at the hearing on that conviction, or unless the  
10 prosecution's proof shows the existence of the exceptions  
11 described in this Section.

12 (9) If the person so convicted shows to the  
13 satisfaction of the court before whom that conviction was  
14 had that he or she was released from imprisonment, upon  
15 either of the sentences upon a pardon granted for the  
16 reason that he or she was innocent, that conviction and  
17 sentence shall not be considered under this Section.

18 (10) This subsection (a) does not apply to a violation  
19 of the Cannabis Control Act, the Illinois Controlled  
20 Substances Act, or the Methamphetamine Control and  
21 Community Protection Act.

22 (b) When a defendant, over the age of 21 years, is  
23 convicted of a Class 1 or Class 2 felony that is a forcible  
24 felony as defined in Section 2-8 of the Criminal Code of 2012,  
25 except for an offense listed in subsection (c) of this Section,  
26 after having twice been convicted in any state or federal court

1 of an offense that contains the same elements as an offense now  
2 (the date the Class 1 or Class 2 forcible felony was committed)  
3 classified in Illinois as a Class 2 or greater Class felony  
4 that is a forcible felony as defined in Section 2-8 of the  
5 Criminal Code of 2012, except for an offense listed in  
6 subsection (c) of this Section, and those charges are  
7 separately brought and tried and arise out of different series  
8 of acts, that defendant shall be sentenced as a Class X  
9 offender. This subsection does not apply unless:

10 (1) the first felony was committed after February 1,  
11 1978 (the effective date of Public Act 80-1099);

12 (2) the second felony was committed after conviction on  
13 the first; and

14 (3) the third felony was committed after conviction on  
15 the second.

16 (c) Subsection (b) of this Section does not apply to Class  
17 1 or Class 2 felony convictions for a violation of Section 16-1  
18 of the Criminal Code of 2012.

19 A person sentenced as a Class X offender under this  
20 subsection (b) is not eligible to apply for treatment as a  
21 condition of probation as provided by Section 40-10 of the  
22 Substance Use Disorder Act (20 ILCS 301/40-10).

23 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,  
24 eff. 1-1-19.)

1           Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

2           (a) COMMENCEMENT. A sentence of imprisonment shall  
3 commence on the date on which the offender is received by the  
4 Department or the institution at which the sentence is to be  
5 served.

6           (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
7 forth in subsection (e), the offender shall be given credit on  
8 the determinate sentence or maximum term and the minimum period  
9 of imprisonment for the number of days spent in custody as a  
10 result of the offense for which the sentence was imposed. The  
11 Department shall calculate the credit at the rate specified in  
12 Section 3-6-3 (730 ILCS 5/3-6-3). ~~The Except when prohibited by~~  
13 ~~subsection (d), the~~ trial court shall give credit to the  
14 defendant for time spent in home detention on the same  
15 sentencing terms as incarceration as provided in Section 5-8A-3  
16 (730 ILCS 5/5-8A-3). Home detention for purposes of credit  
17 includes restrictions on liberty such as curfews restricting  
18 movement for 12 hours or more per day and electronic monitoring  
19 that restricts travel or movement. Electronic monitoring is not  
20 required for home detention to be considered custodial for  
21 purposes of sentencing credit. The trial court may give credit  
22 to the defendant for the number of days spent confined for  
23 psychiatric or substance abuse treatment prior to judgment, if  
24 the court finds that the detention or confinement was  
25 custodial.

26           (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender

1 arrested on one charge and prosecuted on another charge for  
2 conduct that occurred prior to his or her arrest shall be given  
3 credit on the determinate sentence or maximum term and the  
4 minimum term of imprisonment for time spent in custody under  
5 the former charge not credited against another sentence.

6 (c-5) CREDIT; PROGRAMMING. The trial court shall give the  
7 defendant credit for successfully completing county  
8 programming while in custody prior to imposition of sentence at  
9 the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For the  
10 purposes of this subsection, "custody" includes time spent in  
11 home detention.

12 (d) (Blank). ~~NO CREDIT; SOME HOME DETENTION. An offender~~  
13 ~~sentenced to a term of imprisonment for an offense listed in~~  
14 ~~paragraph (2) of subsection (c) of Section 5 5 3 (730 ILCS~~  
15 ~~5/5 5 3) or in paragraph (3) of subsection (c 1) of Section~~  
16 ~~11 501 of the Illinois Vehicle Code (625 ILCS 5/11 501) shall~~  
17 ~~not receive credit for time spent in home detention prior to~~  
18 ~~judgment.~~

19 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
20 RELEASE, OR PROBATION. An offender charged with the commission  
21 of an offense committed while on parole, mandatory supervised  
22 release, or probation shall not be given credit for time spent  
23 in custody under subsection (b) for that offense for any time  
24 spent in custody as a result of a revocation of parole,  
25 mandatory supervised release, or probation where such  
26 revocation is based on a sentence imposed for a previous



1 conviction, regardless of the facts upon which the revocation  
2 of parole, mandatory supervised release, or probation is based,  
3 unless both the State and the defendant agree that the time  
4 served for a violation of mandatory supervised release, parole,  
5 or probation shall be credited towards the sentence for the  
6 current offense.

7 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12.)

8 (730 ILCS 5/5-5-3.2)

9 Sec. 5-5-3.2. Factors in aggravation and extended-term  
10 sentencing.

11 (a) The following factors shall be accorded weight in favor  
12 of imposing a term of imprisonment or may be considered by the  
13 court as reasons to impose a more severe sentence under Section  
14 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened  
16 serious harm;

17 (2) the defendant received compensation for committing  
18 the offense;

19 (3) the defendant has a history of prior delinquency or  
20 criminal activity;

21 (4) the defendant, by the duties of his office or by  
22 his position, was obliged to prevent the particular offense  
23 committed or to bring the offenders committing it to  
24 justice;

25 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that  
2 office;

3 (6) the defendant utilized his professional reputation  
4 or position in the community to commit the offense, or to  
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from  
7 committing the same crime;

8 (8) the defendant committed the offense against a  
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a  
11 person who has a physical disability or such person's  
12 property;

13 (10) by reason of another individual's actual or  
14 perceived race, color, creed, religion, ancestry, gender,  
15 sexual orientation, physical or mental disability, or  
16 national origin, the defendant committed the offense  
17 against (i) the person or property of that individual; (ii)  
18 the person or property of a person who has an association  
19 with, is married to, or has a friendship with the other  
20 individual; or (iii) the person or property of a relative  
21 (by blood or marriage) of a person described in clause (i)  
22 or (ii). For the purposes of this Section, "sexual  
23 orientation" has the meaning ascribed to it in paragraph  
24 (0-1) of Section 1-103 of the Illinois Human Rights Act;

25 (11) the offense took place in a place of worship or on  
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For  
2 purposes of this subparagraph, "place of worship" shall  
3 mean any church, synagogue or other building, structure or  
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed  
6 while he was on pretrial release ~~released on bail~~ or his  
7 own recognizance pending trial for a prior felony and was  
8 convicted of such prior felony, or the defendant was  
9 convicted of a felony committed while he was serving a  
10 period of probation, conditional discharge, or mandatory  
11 supervised release under subsection (d) of Section 5-8-1  
12 for a prior felony;

13 (13) the defendant committed or attempted to commit a  
14 felony while he was wearing a bulletproof vest. For the  
15 purposes of this paragraph (13), a bulletproof vest is any  
16 device which is designed for the purpose of protecting the  
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or  
19 supervision such as, but not limited to, family member as  
20 defined in Section 11-0.1 of the Criminal Code of 2012,  
21 teacher, scout leader, baby sitter, or day care worker, in  
22 relation to a victim under 18 years of age, and the  
23 defendant committed an offense in violation of Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
25 11-14.4 except for an offense that involves keeping a place  
26 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,

1 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
2 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 against that victim;

4 (15) the defendant committed an offense related to the  
5 activities of an organized gang. For the purposes of this  
6 factor, "organized gang" has the meaning ascribed to it in  
7 Section 10 of the Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (16) the defendant committed an offense in violation of  
10 one of the following Sections while in a school, regardless  
11 of the time of day or time of year; on any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related activity; on  
14 the real property of a school; or on a public way within  
15 1,000 feet of the real property comprising any school:  
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
21 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
22 Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation  
24 of one of the following Sections while in a day care  
25 center, regardless of the time of day or time of year; on  
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within  
2 1,000 feet of the real property comprising any day care  
3 center, regardless of the time of day or time of year:  
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
9 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
10 Criminal Code of 2012;

11 (17) the defendant committed the offense by reason of  
12 any person's activity as a community policing volunteer or  
13 to prevent any person from engaging in activity as a  
14 community policing volunteer. For the purpose of this  
15 Section, "community policing volunteer" has the meaning  
16 ascribed to it in Section 2-3.5 of the Criminal Code of  
17 2012;

18 (18) the defendant committed the offense in a nursing  
19 home or on the real property comprising a nursing home. For  
20 the purposes of this paragraph (18), "nursing home" means a  
21 skilled nursing or intermediate long term care facility  
22 that is subject to license by the Illinois Department of  
23 Public Health under the Nursing Home Care Act, the  
24 Specialized Mental Health Rehabilitation Act of 2013, the  
25 ID/DD Community Care Act, or the MC/DD Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of  
2 subsection (a) of Section 3 of the Firearm Owners  
3 Identification Card Act and has now committed either a  
4 felony violation of the Firearm Owners Identification Card  
5 Act or an act of armed violence while armed with a firearm;

6 (20) the defendant (i) committed the offense of  
7 reckless homicide under Section 9-3 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 or the offense of driving  
9 under the influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds or any combination  
11 thereof under Section 11-501 of the Illinois Vehicle Code  
12 or a similar provision of a local ordinance and (ii) was  
13 operating a motor vehicle in excess of 20 miles per hour  
14 over the posted speed limit as provided in Article VI of  
15 Chapter 11 of the Illinois Vehicle Code;

16 (21) the defendant (i) committed the offense of  
17 reckless driving or aggravated reckless driving under  
18 Section 11-503 of the Illinois Vehicle Code and (ii) was  
19 operating a motor vehicle in excess of 20 miles per hour  
20 over the posted speed limit as provided in Article VI of  
21 Chapter 11 of the Illinois Vehicle Code;

22 (22) the defendant committed the offense against a  
23 person that the defendant knew, or reasonably should have  
24 known, was a member of the Armed Forces of the United  
25 States serving on active duty. For purposes of this clause  
26 (22), the term "Armed Forces" means any of the Armed Forces

1 of the United States, including a member of any reserve  
2 component thereof or National Guard unit called to active  
3 duty;

4 (23) the defendant committed the offense against a  
5 person who was elderly or infirm or who was a person with a  
6 disability by taking advantage of a family or fiduciary  
7 relationship with the elderly or infirm person or person  
8 with a disability;

9 (24) the defendant committed any offense under Section  
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012 and possessed 100 or more images;

12 (25) the defendant committed the offense while the  
13 defendant or the victim was in a train, bus, or other  
14 vehicle used for public transportation;

15 (26) the defendant committed the offense of child  
16 pornography or aggravated child pornography, specifically  
17 including paragraph (1), (2), (3), (4), (5), or (7) of  
18 subsection (a) of Section 11-20.1 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 where a child engaged in,  
20 solicited for, depicted in, or posed in any act of sexual  
21 penetration or bound, fettered, or subject to sadistic,  
22 masochistic, or sadomasochistic abuse in a sexual context  
23 and specifically including paragraph (1), (2), (3), (4),  
24 (5), or (7) of subsection (a) of Section 11-20.1B or  
25 Section 11-20.3 of the Criminal Code of 1961 where a child  
26 engaged in, solicited for, depicted in, or posed in any act

1 of sexual penetration or bound, fettered, or subject to  
2 sadistic, masochistic, or sadomasochistic abuse in a  
3 sexual context;

4 (27) the defendant committed the offense of first  
5 degree murder, assault, aggravated assault, battery,  
6 aggravated battery, robbery, armed robbery, or aggravated  
7 robbery against a person who was a veteran and the  
8 defendant knew, or reasonably should have known, that the  
9 person was a veteran performing duties as a representative  
10 of a veterans' organization. For the purposes of this  
11 paragraph (27), "veteran" means an Illinois resident who  
12 has served as a member of the United States Armed Forces, a  
13 member of the Illinois National Guard, or a member of the  
14 United States Reserve Forces; and "veterans' organization"  
15 means an organization comprised of members of which  
16 substantially all are individuals who are veterans or  
17 spouses, widows, or widowers of veterans, the primary  
18 purpose of which is to promote the welfare of its members  
19 and to provide assistance to the general public in such a  
20 way as to confer a public benefit;

21 (28) the defendant committed the offense of assault,  
22 aggravated assault, battery, aggravated battery, robbery,  
23 armed robbery, or aggravated robbery against a person that  
24 the defendant knew or reasonably should have known was a  
25 letter carrier or postal worker while that person was  
26 performing his or her duties delivering mail for the United



1 States Postal Service;

2 (29) the defendant committed the offense of criminal  
3 sexual assault, aggravated criminal sexual assault,  
4 criminal sexual abuse, or aggravated criminal sexual abuse  
5 against a victim with an intellectual disability, and the  
6 defendant holds a position of trust, authority, or  
7 supervision in relation to the victim;

8 (30) the defendant committed the offense of promoting  
9 juvenile prostitution, patronizing a prostitute, or  
10 patronizing a minor engaged in prostitution and at the time  
11 of the commission of the offense knew that the prostitute  
12 or minor engaged in prostitution was in the custody or  
13 guardianship of the Department of Children and Family  
14 Services;

15 (31) the defendant (i) committed the offense of driving  
16 while under the influence of alcohol, other drug or drugs,  
17 intoxicating compound or compounds or any combination  
18 thereof in violation of Section 11-501 of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance  
20 and (ii) the defendant during the commission of the offense  
21 was driving his or her vehicle upon a roadway designated  
22 for one-way traffic in the opposite direction of the  
23 direction indicated by official traffic control devices;

24 ~~or~~

25 (32) the defendant committed the offense of reckless  
26 homicide while committing a violation of Section 11-907 of

1 the Illinois Vehicle Code;~~i~~

2 (33) ~~(32)~~ the defendant was found guilty of an  
3 administrative infraction related to an act or acts of  
4 public indecency or sexual misconduct in the penal  
5 institution. In this paragraph (33) ~~(32)~~, "penal  
6 institution" has the same meaning as in Section 2-14 of the  
7 Criminal Code of 2012; ~~or~~

8 (34) ~~(32)~~ the defendant committed the offense of  
9 leaving the scene of an accident in violation of subsection  
10 (b) of Section 11-401 of the Illinois Vehicle Code and the  
11 accident resulted in the death of a person and at the time  
12 of the offense, the defendant was: (i) driving under the  
13 influence of alcohol, other drug or drugs, intoxicating  
14 compound or compounds or any combination thereof as defined  
15 by Section 11-501 of the Illinois Vehicle Code; or (ii)  
16 operating the motor vehicle while using an electronic  
17 communication device as defined in Section 12-610.2 of the  
18 Illinois Vehicle Code.

19 For the purposes of this Section:

20 "School" is defined as a public or private elementary or  
21 secondary school, community college, college, or university.

22 "Day care center" means a public or private State certified  
23 and licensed day care center as defined in Section 2.09 of the  
24 Child Care Act of 1969 that displays a sign in plain view  
25 stating that the property is a day care center.

26 "Intellectual disability" means significantly subaverage

1 intellectual functioning which exists concurrently with  
2 impairment in adaptive behavior.

3 "Public transportation" means the transportation or  
4 conveyance of persons by means available to the general public,  
5 and includes paratransit services.

6 "Traffic control devices" means all signs, signals,  
7 markings, and devices that conform to the Illinois Manual on  
8 Uniform Traffic Control Devices, placed or erected by authority  
9 of a public body or official having jurisdiction, for the  
10 purpose of regulating, warning, or guiding traffic.

11 (b) The following factors, related to all felonies, may be  
12 considered by the court as reasons to impose an extended term  
13 sentence under Section 5-8-2 upon any offender:

14 (1) When a defendant is convicted of any felony, after  
15 having been previously convicted in Illinois or any other  
16 jurisdiction of the same or similar class felony or greater  
17 class felony, when such conviction has occurred within 10  
18 years after the previous conviction, excluding time spent  
19 in custody, and such charges are separately brought and  
20 tried and arise out of different series of acts; or

21 (2) When a defendant is convicted of any felony and the  
22 court finds that the offense was accompanied by  
23 exceptionally brutal or heinous behavior indicative of  
24 wanton cruelty; or

25 (3) When a defendant is convicted of any felony  
26 committed against:

1 (i) a person under 12 years of age at the time of  
2 the offense or such person's property;

3 (ii) a person 60 years of age or older at the time  
4 of the offense or such person's property; or

5 (iii) a person who had a physical disability at the  
6 time of the offense or such person's property; or

7 (4) When a defendant is convicted of any felony and the  
8 offense involved any of the following types of specific  
9 misconduct committed as part of a ceremony, rite,  
10 initiation, observance, performance, practice or activity  
11 of any actual or ostensible religious, fraternal, or social  
12 group:

13 (i) the brutalizing or torturing of humans or  
14 animals;

15 (ii) the theft of human corpses;

16 (iii) the kidnapping of humans;

17 (iv) the desecration of any cemetery, religious,  
18 fraternal, business, governmental, educational, or  
19 other building or property; or

20 (v) ritualized abuse of a child; or

21 (5) When a defendant is convicted of a felony other  
22 than conspiracy and the court finds that the felony was  
23 committed under an agreement with 2 or more other persons  
24 to commit that offense and the defendant, with respect to  
25 the other individuals, occupied a position of organizer,  
26 supervisor, financier, or any other position of management

1 or leadership, and the court further finds that the felony  
2 committed was related to or in furtherance of the criminal  
3 activities of an organized gang or was motivated by the  
4 defendant's leadership in an organized gang; or

5 (6) When a defendant is convicted of an offense  
6 committed while using a firearm with a laser sight attached  
7 to it. For purposes of this paragraph, "laser sight" has  
8 the meaning ascribed to it in Section 26-7 of the Criminal  
9 Code of 2012; or

10 (7) When a defendant who was at least 17 years of age  
11 at the time of the commission of the offense is convicted  
12 of a felony and has been previously adjudicated a  
13 delinquent minor under the Juvenile Court Act of 1987 for  
14 an act that if committed by an adult would be a Class X or  
15 Class 1 felony when the conviction has occurred within 10  
16 years after the previous adjudication, excluding time  
17 spent in custody; or

18 (8) When a defendant commits any felony and the  
19 defendant used, possessed, exercised control over, or  
20 otherwise directed an animal to assault a law enforcement  
21 officer engaged in the execution of his or her official  
22 duties or in furtherance of the criminal activities of an  
23 organized gang in which the defendant is engaged; or

24 (9) When a defendant commits any felony and the  
25 defendant knowingly video or audio records the offense with  
26 the intent to disseminate the recording.

1 (c) The following factors may be considered by the court as  
2 reasons to impose an extended term sentence under Section 5-8-2  
3 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

4 (1) When a defendant is convicted of first degree  
5 murder, after having been previously convicted in Illinois  
6 of any offense listed under paragraph (c)(2) of Section  
7 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
8 within 10 years after the previous conviction, excluding  
9 time spent in custody, and the charges are separately  
10 brought and tried and arise out of different series of  
11 acts.

12 (1.5) When a defendant is convicted of first degree  
13 murder, after having been previously convicted of domestic  
14 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
15 (720 ILCS 5/12-3.3) committed on the same victim or after  
16 having been previously convicted of violation of an order  
17 of protection (720 ILCS 5/12-30) in which the same victim  
18 was the protected person.

19 (2) When a defendant is convicted of voluntary  
20 manslaughter, second degree murder, involuntary  
21 manslaughter, or reckless homicide in which the defendant  
22 has been convicted of causing the death of more than one  
23 individual.

24 (3) When a defendant is convicted of aggravated  
25 criminal sexual assault or criminal sexual assault, when  
26 there is a finding that aggravated criminal sexual assault

1 or criminal sexual assault was also committed on the same  
2 victim by one or more other individuals, and the defendant  
3 voluntarily participated in the crime with the knowledge of  
4 the participation of the others in the crime, and the  
5 commission of the crime was part of a single course of  
6 conduct during which there was no substantial change in the  
7 nature of the criminal objective.

8 (4) If the victim was under 18 years of age at the time  
9 of the commission of the offense, when a defendant is  
10 convicted of aggravated criminal sexual assault or  
11 predatory criminal sexual assault of a child under  
12 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
13 of Section 12-14.1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

15 (5) When a defendant is convicted of a felony violation  
16 of Section 24-1 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
18 finding that the defendant is a member of an organized  
19 gang.

20 (6) When a defendant was convicted of unlawful use of  
21 weapons under Section 24-1 of the Criminal Code of 1961 or  
22 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
23 a weapon that is not readily distinguishable as one of the  
24 weapons enumerated in Section 24-1 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

26 (7) When a defendant is convicted of an offense

1 involving the illegal manufacture of a controlled  
2 substance under Section 401 of the Illinois Controlled  
3 Substances Act (720 ILCS 570/401), the illegal manufacture  
4 of methamphetamine under Section 25 of the Methamphetamine  
5 Control and Community Protection Act (720 ILCS 646/25), or  
6 the illegal possession of explosives and an emergency  
7 response officer in the performance of his or her duties is  
8 killed or injured at the scene of the offense while  
9 responding to the emergency caused by the commission of the  
10 offense. In this paragraph, "emergency" means a situation  
11 in which a person's life, health, or safety is in jeopardy;  
12 and "emergency response officer" means a peace officer,  
13 community policing volunteer, fireman, emergency medical  
14 technician-ambulance, emergency medical  
15 technician-intermediate, emergency medical  
16 technician-paramedic, ambulance driver, other medical  
17 assistance or first aid personnel, or hospital emergency  
18 room personnel.

19 (8) When the defendant is convicted of attempted mob  
20 action, solicitation to commit mob action, or conspiracy to  
21 commit mob action under Section 8-1, 8-2, or 8-4 of the  
22 Criminal Code of 2012, where the criminal object is a  
23 violation of Section 25-1 of the Criminal Code of 2012, and  
24 an electronic communication is used in the commission of  
25 the offense. For the purposes of this paragraph (8),  
26 "electronic communication" shall have the meaning provided



1 in Section 26.5-0.1 of the Criminal Code of 2012.

2 (d) For the purposes of this Section, "organized gang" has  
3 the meaning ascribed to it in Section 10 of the Illinois  
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) The court may impose an extended term sentence under  
6 Article 4.5 of Chapter V upon an offender who has been  
7 convicted of a felony violation of Section 11-1.20, 11-1.30,  
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
9 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
10 when the victim of the offense is under 18 years of age at the  
11 time of the commission of the offense and, during the  
12 commission of the offense, the victim was under the influence  
13 of alcohol, regardless of whether or not the alcohol was  
14 supplied by the offender; and the offender, at the time of the  
15 commission of the offense, knew or should have known that the  
16 victim had consumed alcohol.

17 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
18 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

19 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

20 Sec. 5-6-4. Violation, Modification or Revocation of  
21 Probation, of Conditional Discharge or Supervision or of a  
22 sentence of county impact incarceration - Hearing.

23 (a) Except in cases where conditional discharge or  
24 supervision was imposed for a petty offense as defined in  
25 Section 5-1-17, when a petition is filed charging a violation

1 of a condition, the court may:

2 (1) in the case of probation violations, order the  
3 issuance of a notice to the offender to be present by the  
4 County Probation Department or such other agency  
5 designated by the court to handle probation matters; and in  
6 the case of conditional discharge or supervision  
7 violations, such notice to the offender shall be issued by  
8 the Circuit Court Clerk; and in the case of a violation of  
9 a sentence of county impact incarceration, such notice  
10 shall be issued by the Sheriff;

11 (2) order a summons to the offender to be present for  
12 hearing; or

13 (3) order a warrant for the offender's arrest where  
14 there is danger of his fleeing the jurisdiction or causing  
15 serious harm to others or when the offender fails to answer  
16 a summons or notice from the clerk of the court or Sheriff.

17 Personal service of the petition for violation of probation  
18 or the issuance of such warrant, summons or notice shall toll  
19 the period of probation, conditional discharge, supervision,  
20 or sentence of county impact incarceration until the final  
21 determination of the charge, and the term of probation,  
22 conditional discharge, supervision, or sentence of county  
23 impact incarceration shall not run until the hearing and  
24 disposition of the petition for violation.

25 (b) The court shall conduct a hearing of the alleged  
26 violation. The court shall admit the offender to pretrial

1 release ~~bail~~ pending the hearing unless the alleged violation  
2 is itself a criminal offense in which case the offender shall  
3 be admitted to pretrial release ~~bail~~ on such terms as are  
4 provided in the Code of Criminal Procedure of 1963, as amended.  
5 In any case where an offender remains incarcerated only as a  
6 result of his alleged violation of the court's earlier order of  
7 probation, supervision, conditional discharge, or county  
8 impact incarceration such hearing shall be held within 14 days  
9 of the onset of said incarceration, unless the alleged  
10 violation is the commission of another offense by the offender  
11 during the period of probation, supervision or conditional  
12 discharge in which case such hearing shall be held within the  
13 time limits described in Section 103-5 of the Code of Criminal  
14 Procedure of 1963, as amended.

15 (c) The State has the burden of going forward with the  
16 evidence and proving the violation by the preponderance of the  
17 evidence. The evidence shall be presented in open court with  
18 the right of confrontation, cross-examination, and  
19 representation by counsel.

20 (d) Probation, conditional discharge, periodic  
21 imprisonment and supervision shall not be revoked for failure  
22 to comply with conditions of a sentence or supervision, which  
23 imposes financial obligations upon the offender unless such  
24 failure is due to his willful refusal to pay.

25 (e) If the court finds that the offender has violated a  
26 condition at any time prior to the expiration or termination of

1 the period, it may continue him on the existing sentence, with  
2 or without modifying or enlarging the conditions, or may impose  
3 any other sentence that was available under Article 4.5 of  
4 Chapter V of this Code or Section 11-501 of the Illinois  
5 Vehicle Code at the time of initial sentencing. If the court  
6 finds that the person has failed to successfully complete his  
7 or her sentence to a county impact incarceration program, the  
8 court may impose any other sentence that was available under  
9 Article 4.5 of Chapter V of this Code or Section 11-501 of the  
10 Illinois Vehicle Code at the time of initial sentencing, except  
11 for a sentence of probation or conditional discharge. If the  
12 court finds that the offender has violated paragraph (8.6) of  
13 subsection (a) of Section 5-6-3, the court shall revoke the  
14 probation of the offender. If the court finds that the offender  
15 has violated subsection (o) of Section 5-6-3.1, the court shall  
16 revoke the supervision of the offender.

17 (f) The conditions of probation, of conditional discharge,  
18 of supervision, or of a sentence of county impact incarceration  
19 may be modified by the court on motion of the supervising  
20 agency or on its own motion or at the request of the offender  
21 after notice and a hearing.

22 (g) A judgment revoking supervision, probation,  
23 conditional discharge, or a sentence of county impact  
24 incarceration is a final appealable order.

25 (h) Resentencing after revocation of probation,  
26 conditional discharge, supervision, or a sentence of county

1 impact incarceration shall be under Article 4. The term on  
2 probation, conditional discharge or supervision shall not be  
3 credited by the court against a sentence of imprisonment or  
4 periodic imprisonment unless the court orders otherwise. The  
5 amount of credit to be applied against a sentence of  
6 imprisonment or periodic imprisonment when the defendant  
7 served a term or partial term of periodic imprisonment shall be  
8 calculated upon the basis of the actual days spent in  
9 confinement rather than the duration of the term.

10 (i) Instead of filing a violation of probation, conditional  
11 discharge, supervision, or a sentence of county impact  
12 incarceration, an agent or employee of the supervising agency  
13 with the concurrence of his or her supervisor may serve on the  
14 defendant a Notice of Intermediate Sanctions. The Notice shall  
15 contain the technical violation or violations involved, the  
16 date or dates of the violation or violations, and the  
17 intermediate sanctions to be imposed. Upon receipt of the  
18 Notice, the defendant shall immediately accept or reject the  
19 intermediate sanctions. If the sanctions are accepted, they  
20 shall be imposed immediately. If the intermediate sanctions are  
21 rejected or the defendant does not respond to the Notice, a  
22 violation of probation, conditional discharge, supervision, or  
23 a sentence of county impact incarceration shall be immediately  
24 filed with the court. The State's Attorney and the sentencing  
25 court shall be notified of the Notice of Sanctions. Upon  
26 successful completion of the intermediate sanctions, a court

1 may not revoke probation, conditional discharge, supervision,  
2 or a sentence of county impact incarceration or impose  
3 additional sanctions for the same violation. A notice of  
4 intermediate sanctions may not be issued for any violation of  
5 probation, conditional discharge, supervision, or a sentence  
6 of county impact incarceration which could warrant an  
7 additional, separate felony charge. The intermediate sanctions  
8 shall include a term of home detention as provided in Article  
9 8A of Chapter V of this Code for multiple or repeat violations  
10 of the terms and conditions of a sentence of probation,  
11 conditional discharge, or supervision.

12 (j) When an offender is re-sentenced after revocation of  
13 probation that was imposed in combination with a sentence of  
14 imprisonment for the same offense, the aggregate of the  
15 sentences may not exceed the maximum term authorized under  
16 Article 4.5 of Chapter V.

17 (k) (1) On and after the effective date of this amendatory  
18 Act of the 101st General Assembly, this subsection (k) shall  
19 apply to arrest warrants in Cook County only. An arrest warrant  
20 issued under paragraph (3) of subsection (a) when the  
21 underlying conviction is for the offense of theft, retail  
22 theft, or possession of a controlled substance shall remain  
23 active for a period not to exceed 10 years from the date the  
24 warrant was issued unless a motion to extend the warrant is  
25 filed by the office of the State's Attorney or by, or on behalf  
26 of, the agency supervising the wanted person. A motion to

1 extend the warrant shall be filed within one year before the  
2 warrant expiration date and notice shall be provided to the  
3 office of the sheriff.

4 (2) If a motion to extend a warrant issued under paragraph  
5 (3) of subsection (a) is not filed, the warrant shall be  
6 quashed and recalled as a matter of law under paragraph (1) of  
7 this subsection (k) and the wanted person's period of  
8 probation, conditional discharge, or supervision shall  
9 terminate unsatisfactorily as a matter of law.

10 (Source: P.A. 101-406, eff. 1-1-20.)

11 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

12 Sec. 5-6-4.1. Violation, Modification or Revocation of  
13 Conditional Discharge or Supervision - Hearing.)

14 (a) In cases where a defendant was placed upon supervision  
15 or conditional discharge for the commission of a petty offense,  
16 upon the oral or written motion of the State, or on the court's  
17 own motion, which charges that a violation of a condition of  
18 that conditional discharge or supervision has occurred, the  
19 court may:

20 (1) Conduct a hearing instanter if the offender is  
21 present in court;

22 (2) Order the issuance by the court clerk of a notice  
23 to the offender to be present for a hearing for violation;

24 (3) Order summons to the offender to be present; or

25 (4) Order a warrant for the offender's arrest.

1           The oral motion, if the defendant is present, or the  
2           issuance of such warrant, summons or notice shall toll the  
3           period of conditional discharge or supervision until the final  
4           determination of the charge, and the term of conditional  
5           discharge or supervision shall not run until the hearing and  
6           disposition of the petition for violation.

7           (b) The Court shall admit the offender to pretrial release  
8           ~~bail~~ pending the hearing.

9           (c) The State has the burden of going forward with the  
10          evidence and proving the violation by the preponderance of the  
11          evidence. The evidence shall be presented in open court with  
12          the right of confrontation, cross-examination, and  
13          representation by counsel.

14          (d) Conditional discharge or supervision shall not be  
15          revoked for failure to comply with the conditions of the  
16          discharge or supervision which imposed financial obligations  
17          upon the offender unless such failure is due to his wilful  
18          refusal to pay.

19          (e) If the court finds that the offender has violated a  
20          condition at any time prior to the expiration or termination of  
21          the period, it may continue him on the existing sentence or  
22          supervision with or without modifying or enlarging the  
23          conditions, or may impose any other sentence that was available  
24          under Article 4.5 of Chapter V of this Code or Section 11-501  
25          of the Illinois Vehicle Code at the time of initial sentencing.

26          (f) The conditions of conditional discharge and of



1 supervision may be modified by the court on motion of the  
2 probation officer or on its own motion or at the request of the  
3 offender after notice to the defendant and a hearing.

4 (g) A judgment revoking supervision is a final appealable  
5 order.

6 (h) Resentencing after revocation of conditional discharge  
7 or of supervision shall be under Article 4. Time served on  
8 conditional discharge or supervision shall be credited by the  
9 court against a sentence of imprisonment or periodic  
10 imprisonment unless the court orders otherwise.

11 (Source: P.A. 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

13 Sec. 5-8-6. Place of confinement.

14 (a) Except as otherwise provided in this subsection (a),  
15 offenders ~~Offenders~~ sentenced to a term of imprisonment for a  
16 felony shall be committed to the penitentiary system of the  
17 Department of Corrections. However, such sentence shall not  
18 limit the powers of the Department of Children and Family  
19 Services in relation to any child under the age of one year in  
20 the sole custody of a person so sentenced, nor in relation to  
21 any child delivered by a female so sentenced while she is so  
22 confined as a consequence of such sentence. Except as otherwise  
23 provided in this subsection (a), a ~~A~~ person sentenced for a  
24 felony may be assigned by the Department of Corrections to any  
25 of its institutions, facilities or programs. An offender

1 sentenced to a term of imprisonment for a Class 3 or 4 felony,  
2 other than a violent crime as defined in Section 3 of the  
3 Rights of Crime Victims and Witnesses Act, in which the  
4 sentencing order indicates that the offender has less than 4  
5 months remaining on his or her sentence accounting for time  
6 served may not be confined in the penitentiary system of the  
7 Department of Corrections but may be assigned to electronic  
8 home detention under Article 8A of this Chapter V, an adult  
9 transition center, or another facility or program within the  
10 Department of Corrections.

11 (b) Offenders sentenced to a term of imprisonment for less  
12 than one year shall be committed to the custody of the sheriff.  
13 A person committed to the Department of Corrections, prior to  
14 July 14, 1983, for less than one year may be assigned by the  
15 Department to any of its institutions, facilities or programs.

16 (c) All offenders under 18 years of age when sentenced to  
17 imprisonment shall be committed to the Department of Juvenile  
18 Justice and the court in its order of commitment shall set a  
19 definite term. The provisions of Section 3-3-3 shall be a part  
20 of such commitment as fully as though written in the order of  
21 commitment. The place of confinement for sentences imposed  
22 before the effective date of this amendatory Act of the 99th  
23 General Assembly are not affected or abated by this amendatory  
24 Act of the 99th General Assembly.

25 (d) No defendant shall be committed to the Department of  
26 Corrections for the recovery of a fine or costs.

1           (e) When a court sentences a defendant to a term of  
2 imprisonment concurrent with a previous and unexpired sentence  
3 of imprisonment imposed by any district court of the United  
4 States, it may commit the offender to the custody of the  
5 Attorney General of the United States. The Attorney General of  
6 the United States, or the authorized representative of the  
7 Attorney General of the United States, shall be furnished with  
8 the warrant of commitment from the court imposing sentence,  
9 which warrant of commitment shall provide that, when the  
10 offender is released from federal confinement, whether by  
11 parole or by termination of sentence, the offender shall be  
12 transferred by the Sheriff of the committing county to the  
13 Department of Corrections. The court shall cause the Department  
14 to be notified of such sentence at the time of commitment and  
15 to be provided with copies of all records regarding the  
16 sentence.

17       (Source: P.A. 99-628, eff. 1-1-17.)

18           (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

19           Sec. 5-8A-2. Definitions. As used in this Article:

20           (A) "Approved electronic monitoring device" means a device  
21 approved by the supervising authority which is primarily  
22 intended to record or transmit information as to the  
23 defendant's presence or nonpresence in the home, consumption of  
24 alcohol, consumption of drugs, location as determined through  
25 GPS, cellular triangulation, Wi-Fi, or other electronic means.

1           An approved electronic monitoring device may record or  
2 transmit: oral or wire communications or an auditory sound;  
3 visual images; or information regarding the offender's  
4 activities while inside the offender's home. These devices are  
5 subject to the required consent as set forth in Section 5-8A-5  
6 of this Article.

7           An approved electronic monitoring device may be used to  
8 record a conversation between the participant and the  
9 monitoring device, or the participant and the person  
10 supervising the participant solely for the purpose of  
11 identification and not for the purpose of eavesdropping or  
12 conducting any other illegally intrusive monitoring.

13           (A-10) "Department" means the Department of Corrections or  
14 the Department of Juvenile Justice.

15           (A-20) "Electronic monitoring" means the monitoring of an  
16 inmate, person, or offender with an electronic device both  
17 within and outside of their home under the terms and conditions  
18 established by the supervising authority.

19           (B) "Excluded offenses" means first degree murder, escape,  
20 predatory criminal sexual assault of a child, aggravated  
21 criminal sexual assault, criminal sexual assault, aggravated  
22 battery with a firearm as described in Section 12-4.2 or  
23 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
24 12-3.05, bringing or possessing a firearm, ammunition or  
25 explosive in a penal institution, any "Super-X" drug offense or  
26 calculated criminal drug conspiracy or streetgang criminal

1 drug conspiracy, or any predecessor or successor offenses with  
2 the same or substantially the same elements, or any inchoate  
3 offenses relating to the foregoing offenses.

4 (B-10) "GPS" means a device or system which utilizes the  
5 Global Positioning Satellite system for determining the  
6 location of a person, inmate or offender.

7 (C) "Home detention" means the confinement of a person  
8 convicted or charged with an offense to his or her place of  
9 residence under the terms and conditions established by the  
10 supervising authority. Confinement need not be 24 hours per day  
11 to qualify as home detention, and significant restrictions on  
12 liberty such as 7pm to 7am curfews shall qualify. Home  
13 confinement may or may not be accompanied by electronic  
14 monitoring, and electronic monitoring is not required for  
15 purposes of sentencing credit.

16 (D) "Participant" means an inmate or offender placed into  
17 an electronic monitoring program.

18 (E) "Supervising authority" means the Department of  
19 Corrections, the Department of Juvenile Justice, probation  
20 department, a Chief Judge's office, pretrial services division  
21 or department, sheriff, superintendent of municipal house of  
22 corrections or any other officer or agency charged with  
23 authorizing and supervising electronic monitoring and home  
24 detention.

25 (F) "Super-X drug offense" means a violation of Section  
26 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);

1 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
2 (C), or (D) of the Illinois Controlled Substances Act.

3 (G) "Wi-Fi" or "WiFi" means a device or system which  
4 utilizes a wireless local area network for determining the  
5 location of a person, inmate or offender.

6 (Source: P.A. 99-797, eff. 8-12-16.)

7 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

8 Sec. 5-8A-4. Program description. The supervising  
9 authority may promulgate rules that prescribe reasonable  
10 guidelines under which an electronic monitoring and home  
11 detention program shall operate. When using electronic  
12 monitoring for home detention these rules may ~~shall~~ include but  
13 not be limited to the following:

14 (A) The participant may be instructed to ~~shall~~ remain  
15 within the interior premises or within the property  
16 boundaries of his or her residence at all times during the  
17 hours designated by the supervising authority. Such  
18 instances of approved absences from the home shall ~~may~~  
19 include but are not limited to the following:

20 (1) working or employment approved by the court or  
21 traveling to or from approved employment;

22 (2) unemployed and seeking employment approved for  
23 the participant by the court;

24 (3) undergoing medical, psychiatric, mental health  
25 treatment, counseling, or other treatment programs

1 approved for the participant by the court;

2 (4) attending an educational institution or a  
3 program approved for the participant by the court;

4 (5) attending a regularly scheduled religious  
5 service at a place of worship;

6 (6) participating in community work release or  
7 community service programs approved for the  
8 participant by the supervising authority; or

9 (7) for another compelling reason consistent with  
10 the public interest, as approved by the supervising  
11 authority.

12 (8) purchasing groceries, food, or other basic  
13 necessities.

14 (A-1) At a minimum, any person ordered to pretrial home  
15 confinement with or without electronic monitoring must be  
16 provided with open movement spread out over no fewer than  
17 two days per week, to participate in basic activities such  
18 as those listed in paragraph (A).

19 (B) The participant shall admit any person or agent  
20 designated by the supervising authority into his or her  
21 residence at any time for purposes of verifying the  
22 participant's compliance with the conditions of his or her  
23 detention.

24 (C) The participant shall make the necessary  
25 arrangements to allow for any person or agent designated by  
26 the supervising authority to visit the participant's place

1 of education or employment at any time, based upon the  
2 approval of the educational institution employer or both,  
3 for the purpose of verifying the participant's compliance  
4 with the conditions of his or her detention.

5 (D) The participant shall acknowledge and participate  
6 with the approved electronic monitoring device as  
7 designated by the supervising authority at any time for the  
8 purpose of verifying the participant's compliance with the  
9 conditions of his or her detention.

10 (E) The participant shall maintain the following:

11 (1) access to a working telephone ~~in the~~  
12 ~~participant's home;~~

13 (2) a monitoring device in the participant's home,  
14 or on the participant's person, or both; and

15 (3) a monitoring device in the participant's home  
16 and on the participant's person in the absence of a  
17 telephone.

18 (F) The participant shall obtain approval from the  
19 supervising authority before the participant changes  
20 residence or the schedule described in subsection (A) of  
21 this Section. Such approval shall not be unreasonably  
22 withheld.

23 (G) The participant shall not commit another crime  
24 during the period of home detention ordered by the Court.

25 (H) Notice to the participant that violation of the  
26 order for home detention may subject the participant to



1 prosecution for the crime of escape as described in Section  
2 5-8A-4.1.

3 (I) The participant shall abide by other conditions as  
4 set by the supervising authority.

5 (Source: P.A. 99-797, eff. 8-12-16.)

6 (730 ILCS 5/5-8A-4.1)

7 Sec. 5-8A-4.1. Escape; failure to comply with a condition  
8 of the electronic monitoring or home detention program.

9 (a) A person charged with or convicted of a felony, or  
10 charged with or adjudicated delinquent for an act which, if  
11 committed by an adult, would constitute a felony, conditionally  
12 released from the supervising authority through an electronic  
13 monitoring or home detention program, who knowingly violates a  
14 condition of the electronic monitoring or home detention  
15 program and remains in violation for at least 48 hours is  
16 guilty of a Class A misdemeanor ~~3-felony~~.

17 (b) A person charged with or convicted of a misdemeanor, or  
18 charged with or adjudicated delinquent for an act which, if  
19 committed by an adult, would constitute a misdemeanor,  
20 conditionally released from the supervising authority through  
21 an electronic monitoring or home detention program, who  
22 knowingly violates a condition of the electronic monitoring or  
23 home detention program and remains in violation for at least 48  
24 hours is guilty of a Class C ~~B~~ misdemeanor.

25 (c) A person who violates this Section while armed with a

1 dangerous weapon is guilty of a Class 4 ~~±~~ felony for the first  
2 offense and a Class 3 felony for a second or subsequent  
3 offense.

4 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

5 (730 ILCS 5/5-8A-7)

6 Sec. 5-8A-7. Domestic violence surveillance program. If  
7 the Prisoner Review Board, Department of Corrections,  
8 Department of Juvenile Justice, or court (the supervising  
9 authority) orders electronic surveillance as a condition of  
10 parole, aftercare release, mandatory supervised release, early  
11 release, probation, or conditional discharge for a violation of  
12 an order of protection or as a condition of pretrial release  
13 ~~bail~~ for a person charged with a violation of an order of  
14 protection, the supervising authority shall use the best  
15 available global positioning technology to track domestic  
16 violence offenders. Best available technology must have  
17 real-time and interactive capabilities that facilitate the  
18 following objectives: (1) immediate notification to the  
19 supervising authority of a breach of a court ordered exclusion  
20 zone; (2) notification of the breach to the offender; and (3)  
21 communication between the supervising authority, law  
22 enforcement, and the victim, regarding the breach. The  
23 supervising authority may also require that the electronic  
24 surveillance ordered under this Section monitor the  
25 consumption of alcohol or drugs.

1 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;  
2 100-201, eff. 8-18-17.)

3 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)  
4 Sec. 8-2-1. Saving Clause.

5 The repeal of Acts or parts of Acts enumerated in Section  
6 8-5-1 does not: (1) affect any offense committed, act done,  
7 prosecution pending, penalty, punishment or forfeiture  
8 incurred, or rights, powers or remedies accrued under any law  
9 in effect immediately prior to the effective date of this Code;  
10 (2) impair, avoid, or affect any grant or conveyance made or  
11 right acquired or cause of action then existing under any such  
12 repealed Act or amendment thereto; (3) affect or impair the  
13 validity of any pretrial release ~~bail or other bond~~ or other  
14 obligation issued or sold and constituting a valid obligation  
15 of the issuing authority immediately prior to the effective  
16 date of this Code; (4) the validity of any contract; or (5) the  
17 validity of any tax levied under any law in effect prior to the  
18 effective date of this Code. The repeal of any validating Act  
19 or part thereof shall not avoid the effect of the validation.  
20 No Act repealed by Section 8-5-1 shall repeal any Act or part  
21 thereof which embraces the same or a similar subject matter as  
22 the Act repealed.

23 (Source: P.A. 78-255.)

24 Section 10-285. The Probation and Probation Officers Act is

1 amended by changing Section 18 as follows:

2 (730 ILCS 110/18)

3 Sec. 18. Probation and court services departments  
4 considered pretrial services agencies. For the purposes of  
5 administering the provisions of Public Act 95-773, known as the  
6 Cindy Bischof Law, all probation and court services departments  
7 are to be considered pretrial services agencies under the  
8 Pretrial Services Act and under the pretrial release ~~bail-bond~~  
9 provisions of the Code of Criminal Procedure of 1963.  
10 (Source: P.A. 96-341, eff. 8-11-09.)

11 Section 10-290. The County Jail Act is amended by changing  
12 Section 5 as follows:

13 (730 ILCS 125/5) (from Ch. 75, par. 105)

14 Sec. 5. Costs of maintaining prisoners.

15 (a) Except as provided in subsections (b) and (c), all  
16 costs of maintaining persons committed for violations of  
17 Illinois law, shall be the responsibility of the county. Except  
18 as provided in subsection (b), all costs of maintaining persons  
19 committed under any ordinance or resolution of a unit of local  
20 government, including medical costs, is the responsibility of  
21 the unit of local government enacting the ordinance or  
22 resolution, and arresting the person.

23 (b) If a person who is serving a term of mandatory

1 supervised release for a felony is incarcerated in a county  
2 jail, the Illinois Department of Corrections shall pay the  
3 county in which that jail is located one-half of the cost of  
4 incarceration, as calculated by the Governor's Office of  
5 Management and Budget and the county's chief financial officer,  
6 for each day that the person remains in the county jail after  
7 notice of the incarceration is given to the Illinois Department  
8 of Corrections by the county, provided that (i) the Illinois  
9 Department of Corrections has issued a warrant for an alleged  
10 violation of mandatory supervised release by the person; (ii)  
11 if the person is incarcerated on a new charge, unrelated to the  
12 offense for which he or she is on mandatory supervised release,  
13 there has been a court hearing at which the conditions of  
14 pretrial release have ~~bail has~~ been set on the new charge;  
15 (iii) the county has notified the Illinois Department of  
16 Corrections that the person is incarcerated in the county jail,  
17 which notice shall not be given until the ~~bail~~ hearing has  
18 concluded, if the person is incarcerated on a new charge; and  
19 (iv) the person remains incarcerated in the county jail for  
20 more than 48 hours after the notice has been given to the  
21 Department of Corrections by the county. Calculation of the per  
22 diem cost shall be agreed upon prior to the passage of the  
23 annual State budget.

24 (c) If a person who is serving a term of mandatory  
25 supervised release is incarcerated in a county jail, following  
26 an arrest on a warrant issued by the Illinois Department of

1 Corrections, solely for violation of a condition of mandatory  
2 supervised release and not on any new charges for a new  
3 offense, then the Illinois Department of Corrections shall pay  
4 the medical costs incurred by the county in securing treatment  
5 for that person, for any injury or condition other than one  
6 arising out of or in conjunction with the arrest of the person  
7 or resulting from the conduct of county personnel, while he or  
8 she remains in the county jail on the warrant issued by the  
9 Illinois Department of Corrections.

10 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)

11 Section 10-295. The County Jail Good Behavior Allowance Act  
12 is amended by changing Section 3 as follows:

13 (730 ILCS 130/3) (from Ch. 75, par. 32)

14 Sec. 3. The good behavior of any person who commences a  
15 sentence of confinement in a county jail for a fixed term of  
16 imprisonment after January 1, 1987 shall entitle such person to  
17 a good behavior allowance, except that: (1) a person who  
18 inflicted physical harm upon another person in committing the  
19 offense for which he is confined shall receive no good behavior  
20 allowance; and (2) a person sentenced for an offense for which  
21 the law provides a mandatory minimum sentence shall not receive  
22 any portion of a good behavior allowance that would reduce the  
23 sentence below the mandatory minimum; and (3) a person  
24 sentenced to a county impact incarceration program; and (4) a

1 person who is convicted of criminal sexual assault under  
2 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of  
3 Section 12-13 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012, criminal sexual abuse, or aggravated criminal sexual  
5 abuse shall receive no good behavior allowance. The good  
6 behavior allowance provided for in this Section shall not apply  
7 to individuals sentenced for a felony to probation or  
8 conditional discharge where a condition of such probation or  
9 conditional discharge is that the individual serve a sentence  
10 of periodic imprisonment or to individuals sentenced under an  
11 order of court for civil contempt.

12 Such good behavior allowance shall be cumulative and  
13 awarded as provided in this Section.

14 The good behavior allowance rate shall be cumulative and  
15 awarded on the following basis:

16 The prisoner shall receive one day of good behavior  
17 allowance for each day of service of sentence in the county  
18 jail, and one day of good behavior allowance for each day of  
19 incarceration in the county jail before sentencing for the  
20 offense that he or she is currently serving sentence but was  
21 unable to comply with the conditions of pretrial release ~~post~~  
22 ~~bail~~ before sentencing, except that a prisoner serving a  
23 sentence of periodic imprisonment under Section 5-7-1 of the  
24 Unified Code of Corrections shall only be eligible to receive  
25 good behavior allowance if authorized by the sentencing judge.  
26 Each day of good behavior allowance shall reduce by one day the

1 prisoner's period of incarceration set by the court. For the  
2 purpose of calculating a prisoner's good behavior allowance, a  
3 fractional part of a day shall not be calculated as a day of  
4 service of sentence in the county jail unless the fractional  
5 part of the day is over 12 hours in which case a whole day shall  
6 be credited on the good behavior allowance.

7 If consecutive sentences are served and the time served  
8 amounts to a total of one year or more, the good behavior  
9 allowance shall be calculated on a continuous basis throughout  
10 the entire time served beginning on the first date of sentence  
11 or incarceration, as the case may be.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

13 Section 10-296. The Veterans and Servicemembers Court  
14 Treatment Act is amended by changing Section 20 as follows:

15 (730 ILCS 167/20)

16 Sec. 20. Eligibility. Veterans and Servicemembers are  
17 eligible for Veterans and Servicemembers Courts, provided the  
18 following:

19 (a) A defendant, who is eligible for probation based on the  
20 nature of the crime convicted of and in consideration of his or  
21 her criminal background, if any, may be admitted into a  
22 Veterans and Servicemembers Court program before adjudication  
23 only upon the agreement of the defendant and with the approval  
24 of the Court. A defendant may be admitted into a Veterans and



1 Servicemembers Court program post-adjudication only with the  
2 approval of the court.

3 (b) A defendant shall be excluded from Veterans and  
4 Servicemembers Court program if any of one of the following  
5 applies:

6 (1) The crime is a crime of violence as set forth in  
7 clause (3) of this subsection (b).

8 (2) The defendant does not demonstrate a willingness to  
9 participate in a treatment program.

10 (3) The defendant has been convicted of a crime of  
11 violence within the past 10 years excluding incarceration  
12 time, including first degree murder, second degree murder,  
13 predatory criminal sexual assault of a child, aggravated  
14 criminal sexual assault, criminal sexual assault, armed  
15 robbery, aggravated arson, arson, aggravated kidnapping  
16 and kidnapping, aggravated battery resulting in great  
17 bodily harm or permanent disability, stalking, aggravated  
18 stalking, or any offense involving the discharge of a  
19 firearm.

20 (4) (Blank).

21 (5) (Blank). ~~The crime for which the defendant has been~~  
22 ~~convicted is non-probationable.~~

23 (6) The sentence imposed on the defendant, whether the  
24 result of a plea or a finding of guilt, renders the  
25 defendant ineligible for probation.

26 (Source: P.A. 99-480, eff. 9-9-15; 100-426, eff. 1-1-18.)

1           Section 10-297. The Mental Health Court Treatment Act is  
2 amended by changing Section 20 as follows:

3           (730 ILCS 168/20)

4           Sec. 20. Eligibility.

5           (a) A defendant, who is eligible for probation based on the  
6 nature of the crime convicted of and in consideration of his or  
7 her criminal background, if any, may be admitted into a mental  
8 health court program only upon the agreement of the defendant  
9 and with the approval of the court.

10          (b) A defendant shall be excluded from a mental health  
11 court program if any one of the following applies:

12           (1) The crime is a crime of violence as set forth in  
13 clause (3) of this subsection (b).

14           (2) The defendant does not demonstrate a willingness to  
15 participate in a treatment program.

16           (3) The defendant has been convicted of a crime of  
17 violence within the past 10 years excluding incarceration  
18 time. As used in this paragraph (3), "crime of violence"  
19 means: first degree murder, second degree murder,  
20 predatory criminal sexual assault of a child, aggravated  
21 criminal sexual assault, criminal sexual assault, armed  
22 robbery, aggravated arson, arson, aggravated kidnapping,  
23 kidnapping, aggravated battery resulting in great bodily  
24 harm or permanent disability, stalking, aggravated

1 stalking, or any offense involving the discharge of a  
2 firearm.

3 (4) (Blank).

4 (5) (Blank). ~~The crime for which the defendant has been~~  
5 ~~convicted is non probationable.~~

6 (6) The sentence imposed on the defendant, whether the  
7 result of a plea or a finding of guilt, renders the  
8 defendant ineligible for probation.

9 (c) A defendant charged with prostitution under Section  
10 11-14 of the Criminal Code of 2012 may be admitted into a  
11 mental health court program, if available in the jurisdiction  
12 and provided that the requirements in subsections (a) and (b)  
13 are satisfied. Mental health court programs may include  
14 specialized service programs specifically designed to address  
15 the trauma associated with prostitution and human trafficking,  
16 and may offer those specialized services to defendants admitted  
17 to the mental health court program. Judicial circuits  
18 establishing these specialized programs shall partner with  
19 prostitution and human trafficking advocates, survivors, and  
20 service providers in the development of the programs.

21 (Source: P.A. 100-426, eff. 1-1-18.)

22 Section 10-300. The Code of Civil Procedure is amended by  
23 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and  
24 21-103 as follows:

1 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

2 Sec. 10-106. Grant of relief - Penalty. Unless it shall  
3 appear from the complaint itself, or from the documents thereto  
4 annexed, that the party can neither be discharged, admitted to  
5 pretrial release ~~bail~~ nor otherwise relieved, the court shall  
6 forthwith award relief by habeas corpus. Any judge empowered to  
7 grant relief by habeas corpus who shall corruptly refuse to  
8 grant the relief when legally applied for in a case where it  
9 may lawfully be granted, or who shall for the purpose of  
10 oppression unreasonably delay the granting of such relief  
11 shall, for every such offense, forfeit to the prisoner or party  
12 affected a sum not exceeding \$1,000.

13 (Source: P.A. 83-707.)

14 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

15 Sec. 10-125. New commitment. In all cases where the  
16 imprisonment is for a criminal, or supposed criminal matter, if  
17 it appears to the court that there is sufficient legal cause  
18 for the commitment of the prisoner, although such commitment  
19 may have been informally made, or without due authority, or the  
20 process may have been executed by a person not duly authorized,  
21 the court shall make a new commitment in proper form, and  
22 direct it to the proper officer, or admit the party to pretrial  
23 release ~~bail~~ if the case is eligible for pretrial release  
24 ~~bailable~~. The court shall also, when necessary, take the  
25 recognizance of all material witnesses against the prisoner, as

1 in other cases. The recognizances shall be in the form provided  
2 by law, and returned as other recognizances. If any judge shall  
3 neglect or refuse to bind any such prisoner or witness by  
4 recognizance, or to return a recognizance when taken as  
5 hereinabove stated, he or she shall be guilty of a Class A  
6 misdemeanor in office, and be proceeded against accordingly.

7 (Source: P.A. 82-280.)

8 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

9 Sec. 10-127. Grant of habeas corpus. It is not lawful for  
10 any court, on a second order of habeas corpus obtained by such  
11 prisoner, to discharge the prisoner, if he or she is clearly  
12 and specifically charged in the warrant of commitment with a  
13 criminal offense; but the court shall, on the return of such  
14 second order, have power only to admit such prisoner to  
15 pretrial release ~~bail~~ where the offense is eligible for  
16 pretrial release ~~bailable~~ by law, or remand him or her to  
17 prison where the offense is not eligible for pretrial release  
18 ~~bailable~~, or being eligible for pretrial release ~~bailable~~,  
19 where such prisoner fails to comply with the terms of pretrial  
20 release ~~give the bail required~~.

21 (Source: P.A. 82-280.)

22 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

23 Sec. 10-135. Habeas corpus to testify. The several courts  
24 having authority to grant relief by habeas corpus, may enter

1 orders, when necessary, to bring before them any prisoner to  
2 testify, or to be surrendered in discharge of pretrial release  
3 ~~bail~~, or for trial upon any criminal charge lawfully pending in  
4 the same court or to testify in a criminal proceeding in  
5 another state as provided for by Section 2 of the "Uniform Act  
6 to secure the attendance of witnesses from within or without a  
7 state in criminal proceedings", approved July 23, 1959, as  
8 heretofore or hereafter amended; and the order may be directed  
9 to any county in the State, and there be served and returned by  
10 any officer to whom it is directed.

11 (Source: P.A. 82-280.)

12 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

13 Sec. 10-136. Prisoner remanded or punished. After a  
14 prisoner has given his or her testimony, or been surrendered,  
15 or his or her pretrial release ~~bail~~ discharged, or he or she  
16 has been tried for the crime with which he or she is charged,  
17 he or she shall be returned to the jail or other place of  
18 confinement from which he or she was taken for that purpose. If  
19 such prisoner is convicted of a crime punishable with death or  
20 imprisonment in the penitentiary, he or she may be punished  
21 accordingly; but in any case where the prisoner has been taken  
22 from the penitentiary, and his or her punishment is by  
23 imprisonment, the time of such imprisonment shall not commence  
24 to run until the expiration of the time of service under any  
25 former sentence.

1 (Source: P.A. 82-280.)

2 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

3 Sec. 21-103. Notice by publication.

4 (a) Previous notice shall be given of the intended  
5 application by publishing a notice thereof in some newspaper  
6 published in the municipality in which the person resides if  
7 the municipality is in a county with a population under  
8 2,000,000, or if the person does not reside in a municipality  
9 in a county with a population under 2,000,000, or if no  
10 newspaper is published in the municipality or if the person  
11 resides in a county with a population of 2,000,000 or more,  
12 then in some newspaper published in the county where the person  
13 resides, or if no newspaper is published in that county, then  
14 in some convenient newspaper published in this State. The  
15 notice shall be inserted for 3 consecutive weeks after filing,  
16 the first insertion to be at least 6 weeks before the return  
17 day upon which the petition is to be heard, and shall be signed  
18 by the petitioner or, in case of a minor, the minor's parent or  
19 guardian, and shall set forth the return day of court on which  
20 the petition is to be heard and the name sought to be assumed.

21 (b) The publication requirement of subsection (a) shall not  
22 be required in any application for a change of name involving a  
23 minor if, before making judgment under this Article, reasonable  
24 notice and opportunity to be heard is given to any parent whose  
25 parental rights have not been previously terminated and to any

1 person who has physical custody of the child. If any of these  
2 persons are outside this State, notice and opportunity to be  
3 heard shall be given under Section 21-104.

4 (b-3) The publication requirement of subsection (a) shall  
5 not be required in any application for a change of name  
6 involving a person who has received a judgment for dissolution  
7 of marriage or declaration of invalidity of marriage and wishes  
8 to change his or her name to resume the use of his or her former  
9 or maiden name.

10 (b-5) Upon motion, the court may issue an order directing  
11 that the notice and publication requirement be waived for a  
12 change of name involving a person who files with the court a  
13 written declaration that the person believes that publishing  
14 notice of the name change would put the person at risk of  
15 physical harm or discrimination. The person must provide  
16 evidence to support the claim that publishing notice of the  
17 name change would put the person at risk of physical harm or  
18 discrimination.

19 (c) The Director of State Police or his or her designee may  
20 apply to the circuit court for an order directing that the  
21 notice and publication requirements of this Section be waived  
22 if the Director or his or her designee certifies that the name  
23 change being sought is intended to protect a witness during and  
24 following a criminal investigation or proceeding.

25 (c-1) The court may enter a written order waiving the  
26 publication requirement of subsection (a) if:



1 (i) the petitioner is 18 years of age or older; and  
2 (ii) concurrent with the petition, the petitioner  
3 files with the court a statement, verified under oath as  
4 provided under Section 1-109 of this Code, attesting that  
5 the petitioner is or has been a person protected under the  
6 Illinois Domestic Violence Act of 1986, the Stalking No  
7 Contact Order Act, the Civil No Contact Order Act, Article  
8 112A of the Code of Criminal Procedure of 1963, a condition  
9 of pretrial release ~~bail~~ under subsections (b) through (d)  
10 of Section 110-10 of the Code of Criminal Procedure of  
11 1963, or a similar provision of a law in another state or  
12 jurisdiction.

13 The petitioner may attach to the statement any supporting  
14 documents, including relevant court orders.

15 (c-2) If the petitioner files a statement attesting that  
16 disclosure of the petitioner's address would put the petitioner  
17 or any member of the petitioner's family or household at risk  
18 or reveal the confidential address of a shelter for domestic  
19 violence victims, that address may be omitted from all  
20 documents filed with the court, and the petitioner may  
21 designate an alternative address for service.

22 (c-3) Court administrators may allow domestic abuse  
23 advocates, rape crisis advocates, and victim advocates to  
24 assist petitioners in the preparation of name changes under  
25 subsection (c-1).

26 (c-4) If the publication requirements of subsection (a)

1 have been waived, the circuit court shall enter an order  
2 impounding the case.

3 (d) The maximum rate charged for publication of a notice  
4 under this Section may not exceed the lowest classified rate  
5 paid by commercial users for comparable space in the newspaper  
6 in which the notice appears and shall include all cash  
7 discounts, multiple insertion discounts, and similar benefits  
8 extended to the newspaper's regular customers.

9 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.  
10 100-565 for the effective date of P.A. 100-520); 100-788, eff.  
11 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,  
12 eff. 1-1-20.)

13 Section 10-305. The Civil No Contact Order Act is amended  
14 by changing Section 220 as follows:

15 (740 ILCS 22/220)

16 Sec. 220. Enforcement of a civil no contact order.

17 (a) Nothing in this Act shall preclude any Illinois court  
18 from enforcing a valid protective order issued in another  
19 state.

20 (b) Illinois courts may enforce civil no contact orders  
21 through both criminal proceedings and civil contempt  
22 proceedings, unless the action which is second in time is  
23 barred by collateral estoppel or the constitutional  
24 prohibition against double jeopardy.

1 (b-1) The court shall not hold a school district or private  
2 or non-public school or any of its employees in civil or  
3 criminal contempt unless the school district or private or  
4 non-public school has been allowed to intervene.

5 (b-2) The court may hold the parents, guardian, or legal  
6 custodian of a minor respondent in civil or criminal contempt  
7 for a violation of any provision of any order entered under  
8 this Act for conduct of the minor respondent in violation of  
9 this Act if the parents, guardian, or legal custodian directed,  
10 encouraged, or assisted the respondent minor in such conduct.

11 (c) Criminal prosecution. A violation of any civil no  
12 contact order, whether issued in a civil or criminal  
13 proceeding, shall be enforced by a criminal court when the  
14 respondent commits the crime of violation of a civil no contact  
15 order pursuant to Section 219 by having knowingly violated:

16 (1) remedies described in Section 213 and included in a  
17 civil no contact order; or

18 (2) a provision of an order, which is substantially  
19 similar to provisions of Section 213, in a valid civil no  
20 contact order which is authorized under the laws of another  
21 state, tribe, or United States territory.

22 Prosecution for a violation of a civil no contact order  
23 shall not bar a concurrent prosecution for any other crime,  
24 including any crime that may have been committed at the time of  
25 the violation of the civil no contact order.

26 (d) Contempt of court. A violation of any valid Illinois

1 civil no contact order, whether issued in a civil or criminal  
2 proceeding, may be enforced through civil or criminal contempt  
3 procedures, as appropriate, by any court with jurisdiction,  
4 regardless of where the act or acts which violated the civil no  
5 contact order were committed, to the extent consistent with the  
6 venue provisions of this Act.

7 (1) In a contempt proceeding where the petition for a  
8 rule to show cause or petition for adjudication of criminal  
9 contempt sets forth facts evidencing an immediate danger  
10 that the respondent will flee the jurisdiction or inflict  
11 physical abuse on the petitioner or minor children or on  
12 dependent adults in the petitioner's care, the court may  
13 order the attachment of the respondent without prior  
14 service of the petition for a rule to show cause, the rule  
15 to show cause, the petition for adjudication of criminal  
16 contempt or the adjudication of criminal contempt.  
17 Conditions of release ~~Bond~~ shall be set unless specifically  
18 denied in writing.

19 (2) A petition for a rule to show cause or a petition  
20 for adjudication of criminal contempt for violation of a  
21 civil no contact order shall be treated as an expedited  
22 proceeding.

23 (e) Actual knowledge. A civil no contact order may be  
24 enforced pursuant to this Section if the respondent violates  
25 the order after the respondent has actual knowledge of its  
26 contents as shown through one of the following means:

1 (1) by service, delivery, or notice under Section 208;

2 (2) by notice under Section 218;

3 (3) by service of a civil no contact order under  
4 Section 218; or

5 (4) by other means demonstrating actual knowledge of  
6 the contents of the order.

7 (f) The enforcement of a civil no contact order in civil or  
8 criminal court shall not be affected by either of the  
9 following:

10 (1) the existence of a separate, correlative order,  
11 entered under Section 202; or

12 (2) any finding or order entered in a conjoined  
13 criminal proceeding.

14 (g) Circumstances. The court, when determining whether or  
15 not a violation of a civil no contact order has occurred, shall  
16 not require physical manifestations of abuse on the person of  
17 the victim.

18 (h) Penalties.

19 (1) Except as provided in paragraph (3) of this  
20 subsection, where the court finds the commission of a crime  
21 or contempt of court under subsection (a) or (b) of this  
22 Section, the penalty shall be the penalty that generally  
23 applies in such criminal or contempt proceedings, and may  
24 include one or more of the following: incarceration,  
25 payment of restitution, a fine, payment of attorneys' fees  
26 and costs, or community service.

1           (2) The court shall hear and take into account evidence  
2 of any factors in aggravation or mitigation before deciding  
3 an appropriate penalty under paragraph (1) of this  
4 subsection.

5           (3) To the extent permitted by law, the court is  
6 encouraged to:

7           (i) increase the penalty for the knowing violation  
8 of any civil no contact order over any penalty  
9 previously imposed by any court for respondent's  
10 violation of any civil no contact order or penal  
11 statute involving petitioner as victim and respondent  
12 as defendant;

13           (ii) impose a minimum penalty of 24 hours  
14 imprisonment for respondent's first violation of any  
15 civil no contact order; and

16           (iii) impose a minimum penalty of 48 hours  
17 imprisonment for respondent's second or subsequent  
18 violation of a civil no contact order unless the court  
19 explicitly finds that an increased penalty or that  
20 period of imprisonment would be manifestly unjust.

21           (4) In addition to any other penalties imposed for a  
22 violation of a civil no contact order, a criminal court may  
23 consider evidence of any previous violations of a civil no  
24 contact order:

25           (i) to ~~increase, revoke or~~ modify the conditions of  
26 pretrial release ~~bail bond~~ on an underlying criminal

1 charge pursuant to Section 110-6 of the Code of  
2 Criminal Procedure of 1963;

3 (ii) to revoke or modify an order of probation,  
4 conditional discharge or supervision, pursuant to  
5 Section 5-6-4 of the Unified Code of Corrections; or

6 (iii) to revoke or modify a sentence of periodic  
7 imprisonment, pursuant to Section 5-7-2 of the Unified  
8 Code of Corrections.

9 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

10 Section 10-307. The Crime Victims Compensation Act is  
11 amended by changing Sections 2, 2.5, 4.1, 6.1, and 7.1 as  
12 follows:

13 (740 ILCS 45/2) (from Ch. 70, par. 72)

14 Sec. 2. Definitions. As used in this Act, unless the  
15 context otherwise requires:

16 (a) "Applicant" means any person who applies for  
17 compensation under this Act or any person the Court of Claims  
18 or the Attorney General finds is entitled to compensation,  
19 including the guardian of a minor or of a person under legal  
20 disability. It includes any person who was a dependent of a  
21 deceased victim of a crime of violence for his or her support  
22 at the time of the death of that victim.

23 The changes made to this subsection by this amendatory Act  
24 of the 101st General Assembly apply to actions commenced or

1 pending on or after January 1, 2021.

2 (b) "Court of Claims" means the Court of Claims created by  
3 the Court of Claims Act.

4 (c) "Crime of violence" means and includes any offense  
5 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
6 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
7 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
8 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,  
9 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,  
10 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or  
11 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or  
12 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of  
13 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
14 the Cemetery Protection Act, Section 125 of the Stalking No  
15 Contact Order Act, Section 219 of the Civil No Contact Order  
16 Act, driving under the influence as defined in Section 11-501  
17 of the Illinois Vehicle Code, a violation of Section 11-401 of  
18 the Illinois Vehicle Code, provided the victim was a pedestrian  
19 or was operating a vehicle moved solely by human power or a  
20 mobility device at the time of contact, and a violation of  
21 Section 11-204.1 of the Illinois Vehicle Code; so long as the  
22 offense did not occur during a civil riot, insurrection or  
23 rebellion. "Crime of violence" does not include any other  
24 offense or accident involving a motor vehicle except those  
25 vehicle offenses specifically provided for in this paragraph.  
26 "Crime of violence" does include all of the offenses



1 specifically provided for in this paragraph that occur within  
2 this State but are subject to federal jurisdiction and crimes  
3 involving terrorism as defined in 18 U.S.C. 2331.

4 (d) "Victim" means (1) a person killed or injured in this  
5 State as a result of a crime of violence perpetrated or  
6 attempted against him or her, (2) the spouse, ~~or~~ parent, or  
7 child of a person killed or injured in this State as a result  
8 of a crime of violence perpetrated or attempted against the  
9 person, or anyone living in the household of a person killed or  
10 injured in a relationship that is substantially similar to that  
11 of a parent, spouse, or child, (3) a person killed or injured  
12 in this State while attempting to assist a person against whom  
13 a crime of violence is being perpetrated or attempted, if that  
14 attempt of assistance would be expected of a reasonable person  
15 under the circumstances, (4) a person killed or injured in this  
16 State while assisting a law enforcement official apprehend a  
17 person who has perpetrated a crime of violence or prevent the  
18 perpetration of any such crime if that assistance was in  
19 response to the express request of the law enforcement  
20 official, (5) a person who personally witnessed a violent  
21 crime, (5.05) a person who will be called as a witness by the  
22 prosecution to establish a necessary nexus between the offender  
23 and the violent crime, (5.1) solely for the purpose of  
24 compensating for pecuniary loss incurred for psychological  
25 treatment of a mental or emotional condition caused or  
26 aggravated by the crime, any other person under the age of 18

1 who is the brother, sister, half brother, or half sister,  
2 ~~child, or stepchild~~ of a person killed or injured in this State  
3 as a result of a crime of violence, (6) an Illinois resident  
4 who is a victim of a "crime of violence" as defined in this Act  
5 except, if the crime occurred outside this State, the resident  
6 has the same rights under this Act as if the crime had occurred  
7 in this State upon a showing that the state, territory,  
8 country, or political subdivision of a country in which the  
9 crime occurred does not have a compensation of victims of  
10 crimes law for which that Illinois resident is eligible, (7) a  
11 deceased person whose body is dismembered or whose remains are  
12 desecrated as the result of a crime of violence, or (8) solely  
13 for the purpose of compensating for pecuniary loss incurred for  
14 psychological treatment of a mental or emotional condition  
15 caused or aggravated by the crime, any parent, spouse, or child  
16 under the age of 18 of a deceased person whose body is  
17 dismembered or whose remains are desecrated as the result of a  
18 crime of violence.

19 (e) "Dependent" means a relative of a deceased victim who  
20 was wholly or partially dependent upon the victim's income at  
21 the time of his or her death and shall include the child of a  
22 victim born after his or her death.

23 (f) "Relative" means a spouse, parent, grandparent,  
24 stepfather, stepmother, child, grandchild, brother,  
25 brother-in-law, sister, sister-in-law, half brother, half  
26 sister, spouse's parent, nephew, niece, uncle, ~~or~~ aunt, or

1 anyone living in the household of a person killed or injured in  
2 a relationship that is substantially similar to that of a  
3 parent, spouse, or child.

4 (g) "Child" means a ~~an unmarried~~ son or daughter ~~who is~~  
5 ~~under 18 years of age~~ and includes a stepchild, an adopted  
6 child or a child born out of wedlock.

7 (h) "Pecuniary loss" means, in the case of injury,  
8 appropriate medical expenses and hospital expenses including  
9 expenses of medical examinations, rehabilitation, medically  
10 required nursing care expenses, appropriate psychiatric care  
11 or psychiatric counseling expenses, appropriate expenses for  
12 care or counseling by a licensed clinical psychologist,  
13 licensed clinical social worker, licensed professional  
14 counselor, or licensed clinical professional counselor and  
15 expenses for treatment by Christian Science practitioners and  
16 nursing care appropriate thereto; transportation expenses to  
17 and from medical and counseling treatment facilities;  
18 prosthetic appliances, eyeglasses, and hearing aids necessary  
19 or damaged as a result of the crime; costs associated with  
20 trafficking tattoo removal by a person authorized or licensed  
21 to perform the specific removal procedure; replacement costs  
22 for clothing and bedding used as evidence; costs associated  
23 with temporary lodging or relocation necessary as a result of  
24 the crime, including, but not limited to, the first month's  
25 rent and security deposit of the dwelling that the claimant  
26 relocated to and other reasonable relocation expenses incurred

1 as a result of the violent crime; locks or windows necessary or  
2 damaged as a result of the crime; the purchase, lease, or  
3 rental of equipment necessary to create usability of and  
4 accessibility to the victim's real and personal property, or  
5 the real and personal property which is used by the victim,  
6 necessary as a result of the crime; the costs of appropriate  
7 crime scene clean-up; replacement services loss, to a maximum  
8 of \$1,250 per month; dependents replacement services loss, to a  
9 maximum of \$1,250 per month; loss of tuition paid to attend  
10 grammar school or high school when the victim had been enrolled  
11 as a student prior to the injury, or college or graduate school  
12 when the victim had been enrolled as a day or night student  
13 prior to the injury when the victim becomes unable to continue  
14 attendance at school as a result of the crime of violence  
15 perpetrated against him or her; loss of earnings, loss of  
16 future earnings because of disability resulting from the  
17 injury, and, in addition, in the case of death, expenses for  
18 funeral, burial, and travel and transport for survivors of  
19 homicide victims to secure bodies of deceased victims and to  
20 transport bodies for burial all of which may be awarded up to  
21 ~~not exceed~~ a maximum of \$10,000 ~~\$7,500~~ and loss of support of  
22 the dependents of the victim; in the case of dismemberment or  
23 desecration of a body, expenses for funeral and burial, all of  
24 which may be awarded up to ~~not exceed~~ a maximum of \$10,000  
25 ~~\$7,500~~. Loss of future earnings shall be reduced by any income  
26 from substitute work actually performed by the victim or by

1 income he or she would have earned in available appropriate  
2 substitute work he or she was capable of performing but  
3 unreasonably failed to undertake. Loss of earnings, loss of  
4 future earnings and loss of support shall be determined on the  
5 basis of the victim's average net monthly earnings for the 6  
6 months immediately preceding the date of the injury or on  
7 \$2,400 ~~\$1,250~~ per month, whichever is less or, in cases where  
8 the absences commenced more than 3 years from the date of the  
9 crime, on the basis of the net monthly earnings for the 6  
10 months immediately preceding the date of the first absence, not  
11 to exceed \$2,400 ~~\$1,250~~ per month. If a divorced or legally  
12 separated applicant is claiming loss of support for a minor  
13 child of the deceased, the amount of support for each child  
14 shall be based either on the amount of support pursuant to the  
15 judgment prior to the date of the deceased victim's injury or  
16 death, or, if the subject of pending litigation filed by or on  
17 behalf of the divorced or legally separated applicant prior to  
18 the injury or death, on the result of that litigation. Real and  
19 personal property includes, but is not limited to, vehicles,  
20 houses, apartments, town houses, or condominiums. Pecuniary  
21 loss does not include pain and suffering or property loss or  
22 damage.

23 The changes made to this subsection by this amendatory Act  
24 of the 101st General Assembly apply to actions commenced or  
25 pending on or after January 1, 2021.

26 (i) "Replacement services loss" means expenses reasonably

1 incurred in obtaining ordinary and necessary services in lieu  
2 of those the injured person would have performed, not for  
3 income, but for the benefit of himself or herself or his or her  
4 family, if he or she had not been injured.

5 (j) "Dependents replacement services loss" means loss  
6 reasonably incurred by dependents or private legal guardians of  
7 minor dependents after a victim's death in obtaining ordinary  
8 and necessary services in lieu of those the victim would have  
9 performed, not for income, but for their benefit, if he or she  
10 had not been fatally injured.

11 (k) "Survivor" means immediate family including a parent,  
12 stepfather, stepmother, child, brother, sister, or spouse.

13 (l) "Parent" means a natural parent, adopted parent,  
14 stepparent, or permanent legal guardian of another person.

15 (m) "Trafficking tattoo" is a tattoo which is applied to a  
16 victim in connection with the commission of a violation of  
17 Section 10-9 of the Criminal Code of 2012.

18 (Source: P.A. 100-690, eff. 1-1-19; 101-81, eff. 7-12-19.)

19 (740 ILCS 45/2.5)

20 Sec. 2.5. Felon as victim. A victim's criminal history or  
21 felony status shall not automatically prevent compensation to  
22 that victim or the victim's family. However, no compensation  
23 may be granted to a victim or applicant under this Act while  
24 the applicant or victim is held in a correctional institution.  
25 ~~Notwithstanding paragraph (d) of Section 2, "victim" does not~~

1 ~~include a person who is convicted of a felony until that person~~  
2 ~~is discharged from probation or is released from a correctional~~  
3 ~~institution and has been discharged from parole or mandatory~~  
4 ~~supervised release, if any.~~ For purposes of this Section, the  
5 death of a felon who is serving a term of parole, probation, or  
6 mandatory supervised release shall be considered a discharge  
7 from that sentence. ~~No compensation may be granted to an~~  
8 ~~applicant under this Act during a period of time that the~~  
9 ~~applicant is held in a correctional institution.~~

10 A victim who has been convicted of a felony may apply for  
11 assistance under this Act at any time but no award of  
12 compensation may be considered until the applicant meets the  
13 requirements of this Section.

14 The changes made to this Section by this amendatory Act of  
15 the 96th General Assembly apply to actions commenced or pending  
16 on or after the effective date of this amendatory Act of the  
17 96th General Assembly.

18 (Source: P.A. 96-267, eff. 8-11-09.)

19 (740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

20 Sec. 4.1. In addition to other powers and duties set forth  
21 in this Act and other powers exercised by the Attorney General,  
22 the Attorney General shall:

23 (1) investigate all claims and prepare and present an  
24 investigatory report and a draft award determination ~~a~~  
25 ~~report of each applicant's claim~~ to the Court of Claims for

1 a review period of 28 business days; ~~prior to the issuance~~  
2 ~~of an order by the Court of Claims,~~

3 (2) upon conclusion of the review by the Court of  
4 Claims, provide the applicant with a compensation  
5 determination letter;

6 (3) prescribe and furnish all applications and other  
7 forms required to be filed in the office of the Attorney  
8 General by the terms of this Act; and

9 (4) represent the interests of the State of Illinois in  
10 any hearing before the Court of Claims.

11 The changes made to this Section by this amendatory Act of  
12 the 101st General Assembly apply to actions commenced or  
13 pending on or after January 1, 2021.

14 (Source: P.A. 97-817, eff. 1-1-13.)

15 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

16 Sec. 6.1. Right to compensation. A person is entitled to  
17 compensation under this Act if:

18 (a) Within 5 ~~2~~ years of the occurrence of the crime, or  
19 within one year after a criminal charge of a person for an  
20 offense, upon which the claim is based, the applicant  
21 presents ~~he files~~ an application, under oath, to the  
22 Attorney General that is filed with the Court of Claims and  
23 on a form prescribed in accordance with Section 7.1  
24 furnished by the Attorney General. If the person entitled  
25 to compensation is under 18 years of age or under other



1 legal disability at the time of the occurrence or is  
2 determined by a court to be under a legal disability as a  
3 result of the occurrence, he or she may present ~~file~~ the  
4 application required by this subsection within 3 ~~2~~ years  
5 after he or she attains the age of 18 years or the  
6 disability is removed, as the case may be. Legal disability  
7 includes a diagnosis of posttraumatic stress disorder.

8 (a-1) The Attorney General and the Court of Claims may  
9 accept an application presented after the period provided  
10 in subsection (a) if the Attorney General determines that  
11 the applicant had good cause for a delay.

12 (b) For all crimes of violence, except those listed in  
13 subsection (b-1) of this Section, the appropriate law  
14 enforcement officials were notified within 72 hours of the  
15 perpetration of the crime allegedly causing the death or  
16 injury to the victim or, in the event such notification was  
17 made more than 72 hours after the perpetration of the  
18 crime, the applicant establishes that such notice was  
19 timely under the circumstances.

20 (b-1) For victims of offenses defined in Sections 10-9,  
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
22 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, the appropriate law enforcement  
24 officials were notified within 7 days of the perpetration  
25 of the crime allegedly causing death or injury to the  
26 victim or, in the event that the notification was made more

1 than 7 days after the perpetration of the crime, the  
2 applicant establishes that the notice was timely under the  
3 circumstances. If the applicant or victim has obtained an  
4 order of protection, a civil no contact order, or a  
5 stalking no contact order, has presented himself or herself  
6 to a hospital for medical care or sexual assault evidence  
7 collection ~~and medical care~~, or is engaged in a legal  
8 proceeding involving a claim that the applicant or victim  
9 is a victim of human trafficking, such action shall  
10 constitute appropriate notification under this subsection  
11 (b-1) or subsection (b) of this Section.

12 (c) The applicant has cooperated with law enforcement  
13 officials in the apprehension and prosecution of the  
14 assailant. If the applicant or victim has obtained an order  
15 of protection, a civil no contact order, or a stalking no  
16 contact order, has presented himself or herself to a  
17 hospital for medical care or sexual assault evidence  
18 collection ~~and medical care~~, or is engaged in a legal  
19 proceeding involving a claim that the applicant or victim  
20 is a victim of human trafficking, such action shall  
21 constitute cooperation under this subsection (c). If the  
22 victim is under 18 years of age at the time of the  
23 commission of the offense, the following shall constitute  
24 cooperation under this subsection (c):

25 (1) the applicant or the victim files a police  
26 report with a law enforcement agency;

1 (2) a mandated reporter reports the crime to law  
2 enforcement; or

3 (3) a person with firsthand knowledge of the crime  
4 reports the crime to law enforcement.

5 (d) The applicant is not the offender or an accomplice  
6 of the offender and the award would not unjustly benefit  
7 the offender or his accomplice.

8 (e) (Blank). ~~The injury to or death of the victim was~~  
9 ~~not substantially attributable to his own wrongful act and~~  
10 ~~was not substantially provoked by the victim.~~

11 (f) For victims of offenses defined in Section 10-9 of  
12 the Criminal Code of 2012, the victim submits a statement  
13 under oath on a form prescribed by the Attorney General  
14 attesting that the removed tattoo was applied in connection  
15 with the commission of the offense.

16 (g) In determining whether cooperation has been  
17 reasonable, the Attorney General and Court of Claims may  
18 consider the victim's age, physical condition,  
19 psychological state, cultural or linguistic barriers, and  
20 compelling health and safety concerns, including, but not  
21 limited to, a reasonable fear of retaliation or harm that  
22 would jeopardize the well-being of the victim or the  
23 victim's family, and giving due consideration to the degree  
24 of cooperation that the victim or derivative victim is  
25 capable of in light of the presence of any of these  
26 factors, or any other factor the Attorney General considers

1       relevant.

2       The changes made to this Section by this amendatory Act of  
3 the 101st General Assembly apply to actions commenced or  
4 pending on or after January 1, 2021.

5       (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;  
6       100-1037, eff. 1-1-19.)

7       (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

8       Sec. 7.1. (a) The application shall set out:

9           (1) the name and address of the victim;

10          (2) if the victim is deceased, the name and address of  
11 the applicant and his or her relationship to the victim,  
12 the names and addresses of other persons dependent on the  
13 victim for their support and the extent to which each is so  
14 dependent, and other persons who may be entitled to  
15 compensation for a pecuniary loss;

16          (3) the date and nature of the crime on which the  
17 application for compensation is based;

18          (4) the date and place where and the law enforcement  
19 officials to whom notification of the crime was given;

20          (5) the nature and extent of the injuries sustained by  
21 the victim, and the names and addresses of those giving  
22 medical and hospitalization treatment to the victim;

23          (6) the pecuniary loss to the applicant and to such  
24 other persons as are specified under item (2) resulting  
25 from the injury or death;

1           (7) the amount of benefits, payments, or awards, if  
2 any, payable under:

3           (a) the Workers' Compensation Act,

4           (b) the Dram Shop Act,

5           (c) any claim, demand, or cause of action based  
6 upon the crime-related injury or death,

7           (d) the Federal Medicare program,

8           (e) the State Public Aid program,

9           (f) Social Security Administration burial  
10 benefits,

11           (g) Veterans administration burial benefits,

12           (h) life, health, accident or liability insurance,

13           (i) the Criminal Victims' Escrow Account Act,

14           (j) the Sexual Assault Survivors Emergency  
15 Treatment Act,

16           (k) restitution, or

17           (l) any other source;

18           (8) releases authorizing the surrender to the Court of  
19 Claims or Attorney General of reports, documents and other  
20 information relating to the matters specified under this  
21 Act and rules promulgated in accordance with the Act;

22           (9) such other information as the Court of Claims or  
23 the Attorney General reasonably requires.

24           (b) The Attorney General may require that materials  
25 substantiating the facts stated in the application be submitted  
26 with that application.

1 (c) An applicant, on his or her own motion, may file an  
2 amended application or additional substantiating materials to  
3 correct inadvertent errors or omissions at any time before the  
4 original application has been disposed of by the Court of  
5 Claims or the Attorney General. In either case, the filing of  
6 additional information or of an amended application shall be  
7 considered for the purpose of this Act to have been filed at  
8 the same time as the original application.

9 For claims submitted on or after January 1, 2021, an  
10 amended application or additional substantiating materials to  
11 correct inadvertent errors or omissions may be filed at any  
12 time before the original application is disposed of by the  
13 Attorney General or the Court of Claims.

14 (d) Determinations submitted by the Attorney General to the  
15 Court of Claims shall be available to the Court of Claims for  
16 review. The Attorney General shall provide the sources and  
17 evidence relied upon as a basis for a compensation  
18 determination.

19 (e) The changes made to this Section by this amendatory Act  
20 of the 101st General Assembly apply to actions commenced or  
21 pending on or after January 1, 2021.

22 (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

23 Section 10-310. The Illinois Domestic Violence Act of 1986  
24 is amended by changing Sections 223 and 301 as follows:

1 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

2 Sec. 223. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of  
4 protection, whether issued in a civil or criminal proceeding,  
5 shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of an  
7 order of protection pursuant to Section 12-3.4 or 12-30 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012, by  
9 having knowingly violated:

10 (i) remedies described in paragraphs (1), (2),  
11 (3), (14), or (14.5) of subsection (b) of Section 214  
12 of this Act; or

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraphs (1), (2),  
15 (3), (14), and (14.5) of subsection (b) of Section 214  
16 of this Act, in a valid order of protection which is  
17 authorized under the laws of another state, tribe, or  
18 United States territory; or

19 (iii) any other remedy when the act constitutes a  
20 crime against the protected parties as defined by the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection  
23 shall not bar concurrent prosecution for any other crime,  
24 including any crime that may have been committed at the  
25 time of the violation of the order of protection; or

26 (2) The respondent commits the crime of child abduction

1           pursuant to Section 10-5 of the Criminal Code of 1961 or  
2           the Criminal Code of 2012, by having knowingly violated:

3                   (i) remedies described in paragraphs (5), (6) or  
4                   (8) of subsection (b) of Section 214 of this Act; or

5                   (ii) a remedy, which is substantially similar to  
6                   the remedies authorized under paragraphs (5), (6), or  
7                   (8) of subsection (b) of Section 214 of this Act, in a  
8                   valid order of protection which is authorized under the  
9                   laws of another state, tribe, or United States  
10                  territory.

11           (b) When violation is contempt of court. A violation of any  
12           valid Illinois order of protection, whether issued in a civil  
13           or criminal proceeding, may be enforced through civil or  
14           criminal contempt procedures, as appropriate, by any court with  
15           jurisdiction, regardless where the act or acts which violated  
16           the order of protection were committed, to the extent  
17           consistent with the venue provisions of this Act. Nothing in  
18           this Act shall preclude any Illinois court from enforcing any  
19           valid order of protection issued in another state. Illinois  
20           courts may enforce orders of protection through both criminal  
21           prosecution and contempt proceedings, unless the action which  
22           is second in time is barred by collateral estoppel or the  
23           constitutional prohibition against double jeopardy.

24                   (1) In a contempt proceeding where the petition for a  
25                   rule to show cause sets forth facts evidencing an immediate  
26                   danger that the respondent will flee the jurisdiction,



1           conceal a child, or inflict physical abuse on the  
2           petitioner or minor children or on dependent adults in  
3           petitioner's care, the court may order the attachment of  
4           the respondent without prior service of the rule to show  
5           cause or the petition for a rule to show cause. Conditions  
6           of release Bond shall be set unless specifically denied in  
7           writing.

8           (2) A petition for a rule to show cause for violation  
9           of an order of protection shall be treated as an expedited  
10          proceeding.

11          (b-1) The court shall not hold a school district or private  
12          or non-public school or any of its employees in civil or  
13          criminal contempt unless the school district or private or  
14          non-public school has been allowed to intervene.

15          (b-2) The court may hold the parents, guardian, or legal  
16          custodian of a minor respondent in civil or criminal contempt  
17          for a violation of any provision of any order entered under  
18          this Act for conduct of the minor respondent in violation of  
19          this Act if the parents, guardian, or legal custodian directed,  
20          encouraged, or assisted the respondent minor in such conduct.

21          (c) Violation of custody or support orders or temporary or  
22          final judgments allocating parental responsibilities. A  
23          violation of remedies described in paragraphs (5), (6), (8), or  
24          (9) of subsection (b) of Section 214 of this Act may be  
25          enforced by any remedy provided by Section 607.5 of the  
26          Illinois Marriage and Dissolution of Marriage Act. The court

1 may enforce any order for support issued under paragraph (12)  
2 of subsection (b) of Section 214 in the manner provided for  
3 under Parts V and VII of the Illinois Marriage and Dissolution  
4 of Marriage Act.

5 (d) Actual knowledge. An order of protection may be  
6 enforced pursuant to this Section if the respondent violates  
7 the order after the respondent has actual knowledge of its  
8 contents as shown through one of the following means:

9 (1) By service, delivery, or notice under Section 210.

10 (2) By notice under Section 210.1 or 211.

11 (3) By service of an order of protection under Section  
12 222.

13 (4) By other means demonstrating actual knowledge of  
14 the contents of the order.

15 (e) The enforcement of an order of protection in civil or  
16 criminal court shall not be affected by either of the  
17 following:

18 (1) The existence of a separate, correlative order,  
19 entered under Section 215.

20 (2) Any finding or order entered in a conjoined  
21 criminal proceeding.

22 (f) Circumstances. The court, when determining whether or  
23 not a violation of an order of protection has occurred, shall  
24 not require physical manifestations of abuse on the person of  
25 the victim.

26 (g) Penalties.

1           (1) Except as provided in paragraph (3) of this  
2 subsection, where the court finds the commission of a crime  
3 or contempt of court under subsections (a) or (b) of this  
4 Section, the penalty shall be the penalty that generally  
5 applies in such criminal or contempt proceedings, and may  
6 include one or more of the following: incarceration,  
7 payment of restitution, a fine, payment of attorneys' fees  
8 and costs, or community service.

9           (2) The court shall hear and take into account evidence  
10 of any factors in aggravation or mitigation before deciding  
11 an appropriate penalty under paragraph (1) of this  
12 subsection.

13           (3) To the extent permitted by law, the court is  
14 encouraged to:

15           (i) increase the penalty for the knowing violation  
16 of any order of protection over any penalty previously  
17 imposed by any court for respondent's violation of any  
18 order of protection or penal statute involving  
19 petitioner as victim and respondent as defendant;

20           (ii) impose a minimum penalty of 24 hours  
21 imprisonment for respondent's first violation of any  
22 order of protection; and

23           (iii) impose a minimum penalty of 48 hours  
24 imprisonment for respondent's second or subsequent  
25 violation of an order of protection

26 unless the court explicitly finds that an increased penalty

1 or that period of imprisonment would be manifestly unjust.

2 (4) In addition to any other penalties imposed for a  
3 violation of an order of protection, a criminal court may  
4 consider evidence of any violations of an order of  
5 protection:

6 (i) to increase, revoke or modify the conditions of  
7 pretrial release ~~bail bond~~ on an underlying criminal  
8 charge pursuant to Section 110-6 of the Code of  
9 Criminal Procedure of 1963;

10 (ii) to revoke or modify an order of probation,  
11 conditional discharge or supervision, pursuant to  
12 Section 5-6-4 of the Unified Code of Corrections;

13 (iii) to revoke or modify a sentence of periodic  
14 imprisonment, pursuant to Section 5-7-2 of the Unified  
15 Code of Corrections.

16 (5) In addition to any other penalties, the court shall  
17 impose an additional fine of \$20 as authorized by Section  
18 5-9-1.11 of the Unified Code of Corrections upon any person  
19 convicted of or placed on supervision for a violation of an  
20 order of protection. The additional fine shall be imposed  
21 for each violation of this Section.

22 (Source: P.A. 99-90, eff. 1-1-16.)

23 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

24 Sec. 301. Arrest without warrant.

25 (a) Any law enforcement officer may make an arrest without

1 warrant if the officer has probable cause to believe that the  
2 person has committed or is committing any crime, including but  
3 not limited to violation of an order of protection, under  
4 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, even if the crime was not committed in  
6 the presence of the officer.

7 (b) The law enforcement officer may verify the existence of  
8 an order of protection by telephone or radio communication with  
9 his or her law enforcement agency or by referring to the copy  
10 of the order provided by the petitioner or respondent.

11 (c) Any law enforcement officer may make an arrest without  
12 warrant if the officer has reasonable grounds to believe a  
13 defendant at liberty under the provisions of subdivision (d) (1)  
14 or (d) (2) of Section 110-10 of the Code of Criminal Procedure  
15 of 1963 has violated a condition of his or her pretrial release  
16 ~~bail bond~~ or recognizance.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

18 Section 10-315. The Industrial and Linen Supplies Marking  
19 Law is amended by changing Section 11 as follows:

20 (765 ILCS 1045/11) (from Ch. 140, par. 111)

21 Sec. 11. Search warrant.

22 Whenever the registrant, or officer, or authorized agent of  
23 any firm, partnership or corporation which is a registrant  
24 under this Act, takes an oath before any circuit court, that he

1 has reason to believe that any supplies are being unlawfully  
2 used, sold, or secreted in any place, the court shall issue a  
3 search warrant to any police officer authorizing such officer  
4 to search the premises wherein it is alleged such articles may  
5 be found and take into custody any person in whose possession  
6 the articles are found. Any person so seized shall be taken  
7 without unnecessary delay before the court issuing the search  
8 warrant. The court is empowered to impose conditions of  
9 pretrial release ~~bail~~ on any such person to compel his  
10 attendance at any continued hearing.

11 (Source: P.A. 77-1273.)

12 Section 10-320. The Illinois Torture Inquiry and Relief  
13 Commission Act is amended by changing Section 50 as follows:

14 (775 ILCS 40/50)

15 Sec. 50. Post-commission judicial review.

16 (a) If the Commission concludes there is sufficient  
17 evidence of torture to merit judicial review, the Chair of the  
18 Commission shall request the Chief Judge of the Circuit Court  
19 of Cook County for assignment to a trial judge for  
20 consideration. The court may receive proof by affidavits,  
21 depositions, oral testimony, or other evidence. In its  
22 discretion the court may order the petitioner brought before  
23 the court for the hearing. Notwithstanding the status of any  
24 other postconviction proceedings relating to the petitioner,

1 if the court finds in favor of the petitioner, it shall enter  
2 an appropriate order with respect to the judgment or sentence  
3 in the former proceedings and such supplementary orders as to  
4 rearraignment, retrial, custody, pretrial release ~~bail~~ or  
5 discharge, or for such relief as may be granted under a  
6 petition for a certificate of innocence, as may be necessary  
7 and proper.

8 (b) The State's Attorney, or the State's Attorney's  
9 designee, shall represent the State at the hearing before the  
10 assigned judge.

11 (Source: P.A. 96-223, eff. 8-10-09.)

12 Section 10-325. The Unemployment Insurance Act is amended  
13 by changing Section 602 as follows:

14 (820 ILCS 405/602) (from Ch. 48, par. 432)

15 Sec. 602. Discharge for misconduct - Felony.

16 A. An individual shall be ineligible for benefits for the  
17 week in which he has been discharged for misconduct connected  
18 with his work and, thereafter, until he has become reemployed  
19 and has had earnings equal to or in excess of his current  
20 weekly benefit amount in each of four calendar weeks which are  
21 either for services in employment, or have been or will be  
22 reported pursuant to the provisions of the Federal Insurance  
23 Contributions Act by each employing unit for which such  
24 services are performed and which submits a statement certifying

1 to that fact. The requalification requirements of the preceding  
2 sentence shall be deemed to have been satisfied, as of the date  
3 of reinstatement, if, subsequent to his discharge by an  
4 employing unit for misconduct connected with his work, such  
5 individual is reinstated by such employing unit. For purposes  
6 of this subsection, the term "misconduct" means the deliberate  
7 and willful violation of a reasonable rule or policy of the  
8 employing unit, governing the individual's behavior in  
9 performance of his work, provided such violation has harmed the  
10 employing unit or other employees or has been repeated by the  
11 individual despite a warning or other explicit instruction from  
12 the employing unit. The previous definition notwithstanding,  
13 "misconduct" shall include any of the following work-related  
14 circumstances:

15 1. Falsification of an employment application, or any  
16 other documentation provided to the employer, to obtain  
17 employment through subterfuge.

18 2. Failure to maintain licenses, registrations, and  
19 certifications reasonably required by the employer, or  
20 those that the individual is required to possess by law, to  
21 perform his or her regular job duties, unless the failure  
22 is not within the control of the individual.

23 3. Knowing, repeated violation of the attendance  
24 policies of the employer that are in compliance with State  
25 and federal law following a written warning for an  
26 attendance violation, unless the individual can



1 demonstrate that he or she has made a reasonable effort to  
2 remedy the reason or reasons for the violations or that the  
3 reason or reasons for the violations were out of the  
4 individual's control. Attendance policies of the employer  
5 shall be reasonable and provided to the individual in  
6 writing, electronically, or via posting in the workplace.

7 4. Damaging the employer's property through conduct  
8 that is grossly negligent.

9 5. Refusal to obey an employer's reasonable and lawful  
10 instruction, unless the refusal is due to the lack of  
11 ability, skills, or training for the individual required to  
12 obey the instruction or the instruction would result in an  
13 unsafe act.

14 6. Consuming alcohol or illegal or non-prescribed  
15 prescription drugs, or using an impairing substance in an  
16 off-label manner, on the employer's premises during  
17 working hours in violation of the employer's policies.

18 7. Reporting to work under the influence of alcohol,  
19 illegal or non-prescribed prescription drugs, or an  
20 impairing substance used in an off-label manner in  
21 violation of the employer's policies, unless the  
22 individual is compelled to report to work by the employer  
23 outside of scheduled and on-call working hours and informs  
24 the employer that he or she is under the influence of  
25 alcohol, illegal or non-prescribed prescription drugs, or  
26 an impairing substance used in an off-label manner in

1 violation of the employer's policies.

2 8. Grossly negligent conduct endangering the safety of  
3 the individual or co-workers.

4 For purposes of paragraphs 4 and 8, conduct is "grossly  
5 negligent" when the individual is, or reasonably should be,  
6 aware of a substantial risk that the conduct will result in the  
7 harm sought to be prevented and the conduct constitutes a  
8 substantial deviation from the standard of care a reasonable  
9 person would exercise in the situation.

10 Nothing in paragraph 6 or 7 prohibits the lawful use of  
11 over-the-counter drug products as defined in Section 206 of the  
12 Illinois Controlled Substances Act, provided that the  
13 medication does not affect the safe performance of the  
14 employee's work duties.

15 B. Notwithstanding any other provision of this Act, no  
16 benefit rights shall accrue to any individual based upon wages  
17 from any employer for service rendered prior to the day upon  
18 which such individual was discharged because of the commission  
19 of a felony in connection with his work, or because of theft in  
20 connection with his work, for which the employer was in no way  
21 responsible; provided, that the employer notified the Director  
22 of such possible ineligibility within the time limits specified  
23 by regulations of the Director, and that the individual has  
24 admitted his commission of the felony or theft to a  
25 representative of the Director, or has signed a written  
26 admission of such act and such written admission has been

1 presented to a representative of the Director, or such act has  
2 resulted in a conviction or order of supervision by a court of  
3 competent jurisdiction; and provided further, that if by reason  
4 of such act, he is in legal custody, held on pretrial release  
5 ~~bail~~ or is a fugitive from justice, the determination of his  
6 benefit rights shall be held in abeyance pending the result of  
7 any legal proceedings arising therefrom.

8 (Source: P.A. 99-488, eff. 1-3-16.)

9 Section 10-995. No acceleration or delay. Where this Act  
10 makes changes in a statute that is represented in this Act by  
11 text that is not yet or no longer in effect (for example, a  
12 Section represented by multiple versions), the use of that text  
13 does not accelerate or delay the taking effect of (i) the  
14 changes made by this Act or (ii) provisions derived from any  
15 other Public Act.

16 Article 999.

17 Effective Date

18 Section 999-99. Effective date. This Act takes effect upon  
19 becoming law."