



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4208

Introduced 11/14/2022, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Deletes provisions that for 4 years after the end of each reporting period, each certified law enforcement officer shall maintain sufficient documentation necessary to corroborate compliance with the mandatory training requirements under the Act. Deletes specific minimum hours of training in certain areas. Amends the Interference With Penal Institution Article of the Criminal Code of 2012. In the definition of "firearm", deletes language providing that a firearm includes any device that is powered by electrical charging units, such as batteries, and that fires one or several barbs attached to a length of wire and that, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of normal functioning, commonly referred to as a stun gun or taser. Amends the Code of Criminal Procedure of 1963. Provides that a law enforcement officer shall issue a citation in lieu of custodial arrest, upon proper identification, for a person accused of a Class B misdemeanor offense, a Class C misdemeanor offense, a petty offense, or a business offense. Provides an exemption if: (1) a law enforcement officer reasonably believes the accused poses a threat to the community or any person or that in the mind of the law enforcement officer a custodial arrest is necessary to discontinue the criminal behavior or breach of the peace, or (2) a custodial arrest is necessary to address an obvious medical or mental health issue that poses a risk to an individual's own safety. Deletes language providing that those released on citation shall be scheduled into court within 21 days. Deletes language providing that if a defendant is charged with a felony offense, but has a warrant in another county, the defendant shall be taken to the county that issued the warrant within 72 hours of the completion of condition or detention hearing, so that release or detention status can be resolved. Amends the Unified Code of Corrections. Deletes from the electronic monitoring and home detention provisions that an offender who violates the terms or conditions of electronic monitoring or home detention must remain in violation for at least 48 hours in order for the offender to be guilty of a violation.

LRB102 27278 RLC 39065 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Police Training Act is amended by
5 changing Sections 8.4, 10.6, and 10.17 as follows:

6 (50 ILCS 705/8.4)

7 Sec. 8.4. Law enforcement compliance verification.

8 (a)(1) Unless on inactive status under subsection (b) of
9 Section 8.1 or subsection (b) of Section 8.2, every law
10 enforcement officer subject to this Act shall submit a
11 verification form that confirms compliance with this Act. The
12 verification shall apply to the 3 calendar years preceding the
13 date of verification. Law enforcement officers shall submit
14 the officer's first report by January 30 during the initial
15 three-year reporting period, as determined on the basis of the
16 law enforcement officer's last name under paragraph (2) of
17 this subsection then every third year of the officer's
18 applicable three-year report period as determined by the
19 Board. At the conclusion of each law enforcement officer's
20 applicable reporting period, the chief administrative officer
21 of the officer's law enforcement agency is to determine the
22 compliance of each officer under this Section. An officer may
23 verify their successful completion of training requirements

1 with their law enforcement agency. Each law enforcement
2 officer is responsible for reporting and demonstrating
3 compliance to the officer's chief administrative officer.

4 (2) The applicable three-year reporting period shall begin
5 on January 30, 2023 for law enforcement officers whose last
6 names begin with the letters A through G, on January 30, 2024
7 for law enforcement officers whose last names begin with the
8 letters H through O, and January 30, 2025 for law enforcement
9 officers whose last names begin with the letters P through Z.

10 (3) The compliance verification form shall be in a form
11 and manner prescribed by the Board and, at a minimum, include
12 the following: (i) verification that the law enforcement
13 officer has completed the mandatory training programs in the
14 preceding 3 years; (ii) the law enforcement officer's current
15 employment information, including but not limited to, the
16 termination of any previous law enforcement or security
17 employment in the relevant time period; and (iii) a statement
18 verifying that the officer has not committed misconduct under
19 Section 6.1.

20 (b) (1) On October 1 of each year, the Board shall send
21 notice to all certified law enforcement officers, unless
22 exempted in (a), of the upcoming deadline to submit the
23 compliance verification form. No later than March 1 of each
24 year, the Board shall send notice to all certified law
25 enforcement officers who have failed to submit the compliance
26 verification form, as well as the officer's law enforcement

1 agencies. The Board shall not send a notice of noncompliance
2 to law enforcement officers whom the Board knows, based on the
3 status of the law enforcement officer's certification status,
4 are inactive or retired. The Board may accept compliance
5 verification forms until April 1 of the year in which a law
6 enforcement officer is required to submit the form.

7 (2) No earlier than April 1 of the year in which a law
8 enforcement officer is required to submit a verification form,
9 the Board may determine a law enforcement officer's
10 certification to be inactive if the law enforcement officer
11 failed to either: (1) submit a compliance verification in
12 accordance with this Section; or (2) report an exemption from
13 the requirements of this Section. The Board shall then send
14 notice, by mail or email, to any such law enforcement officer
15 and the officer's law enforcement agency that the officer's
16 certificate will be deemed inactive on the date specified in
17 the notice, which shall be no sooner than 21 days from the date
18 of the notice, because of the officer's failure to comply or
19 report compliance, or failure to report an exemption. The
20 Board shall deem inactive the certificate of such law
21 enforcement officers on the date specified in the notice
22 unless the Board determines before that date that the law
23 enforcement officer has complied. A determination that a
24 certificate is inactive under this section is not a
25 disciplinary sanction.

26 (3) A law enforcement officer who was on inactive status

1 shall, upon return to active status, be required to complete
2 the deferred training programs within 1 year.

3 (4) The Board may waive the reporting requirements, as
4 required in this section, if the law enforcement officer or
5 the officer's law enforcement agency demonstrates the
6 existence of mitigating circumstances justifying the law
7 enforcement officer's failure to obtain the training
8 requirements due to failure of the officer's law enforcement
9 agency or the Board to offer the training requirement during
10 the officer's required compliance verification period. If the
11 Board finds that the law enforcement officer can meet the
12 training requirements with extended time, the Board may allow
13 the law enforcement officer a maximum of six additional months
14 to complete the requirements.

15 (5) A request for a training waiver under this subsection
16 due to the mitigating circumstance shall be in writing,
17 accompanied by verifying documentation, and shall be submitted
18 to the Board not less than 30 days before the end of the law
19 enforcement officer's required compliance verification period.

20 (6) A law enforcement officer whose request for waiver
21 under this subsection is denied, is entitled to a request for a
22 review by the Board. The law enforcement officer or the
23 officer's law enforcement agency must request a review within
24 20 days after the waiver being denied. The burden of proof
25 shall be on the law enforcement officer to show why the officer
26 is entitled to a waiver.

1 (c) Recordkeeping and audits.

2 (1) (Blank). ~~For four years after the end of each~~
3 ~~reporting period, each certified law enforcement officer~~
4 ~~shall maintain sufficient documentation necessary to~~
5 ~~corroborate compliance with the mandatory training~~
6 ~~requirements under this Act.~~

7 (2) Notwithstanding any other provision in state law,
8 for 4 ~~four~~ years after the end of each reporting period,
9 each law enforcement agency shall maintain sufficient
10 documentation necessary to corroborate compliance with the
11 mandatory training requirements under this Act of each
12 officer it employs or employed within the relevant time
13 period.

14 (3) The Board may audit compliance verification forms
15 submitted to determine the accuracy of the submissions.
16 The audit may include but is not limited to, training
17 verification and a law enforcement officer background
18 check.

19 (d) Audits that reveal an inaccurate verification.

20 (1) If an audit conducted under paragraph (3) of
21 subsection (c) of this Section reveals inaccurate
22 information, the Board shall provide the law enforcement
23 officer and employing law enforcement agency with written
24 notice containing: (i) the results of the audit,
25 specifying each alleged inaccuracy; (ii) a summary of the
26 basis of that determination; and (iii) a deadline, which

1 shall be at least 30 days from the date of the notice, for
2 the law enforcement officer to file a written response if
3 the law enforcement officer objects to any of the contents
4 of the notice.

5 (2) After considering any response from the law
6 enforcement officer, if the Board determines that the law
7 enforcement officer filed an inaccurate verification, the
8 law enforcement officer shall be given 60 days in which to
9 file an amended verification form, together with all
10 documentation specified in paragraph (e) (1), demonstrating
11 full compliance with the applicable requirements.

12 (3) If the results of the audit suggest that the law
13 enforcement officer willfully filed a false verification
14 form, the Board shall submit a formal complaint to the
15 Panel for decertification. An officer who has been
16 decertified for willfully filing a false verification form
17 shall not be eligible for reactivation under subsection
18 (e).

19 (e) Reactivation. A law enforcement officer who has been
20 deemed inactive due to noncompliance with the reporting
21 requirements under paragraph (a) (1) may request to have the
22 Board re-activate his or her certification upon submitting a
23 compliance verification form that shows full compliance for
24 the period in which the law enforcement officer was deemed
25 inactive due to noncompliance. The Board shall make a
26 determination regarding a submission under this subsection

1 active no later than 7 days after the Board determines full
2 compliance or continued noncompliance.

3 A law enforcement officer whose request for reactivation
4 under this subsection (e) is denied is entitled to request a
5 review by the Board. The law enforcement officer or the
6 officer's law enforcement agency must request a review within
7 20 days after reactivation being denied. The burden of proof
8 shall be on the law enforcement officer or law enforcement
9 agency to show that the officer is in full compliance.

10 (f) Notwithstanding any provision of law to the contrary,
11 the changes made to this Section by this amendatory Act of the
12 102nd General Assembly and Public Act 101-652 take effect July
13 1, 2022.

14 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22.)

15 (50 ILCS 705/10.6)

16 Sec. 10.6. Mandatory training to be completed every 3
17 years.

18 (a) The Board shall adopt rules and minimum standards for
19 in-service training requirements as set forth in this Section.
20 The training shall provide officers with knowledge of policies
21 and laws regulating the use of force; equip officers with
22 tactics and skills, including de-escalation techniques, to
23 prevent or reduce the need to use force or, when force must be
24 used, to use force that is objectively reasonable, necessary,
25 and proportional under the totality of the circumstances; and

1 ensure appropriate supervision and accountability. The
2 training shall include:

3 (1) Hands-on ~~At least 12 hours of hands on,~~
4 scenario-based role-playing.

5 (2) Instruction ~~At least 6 hours of instruction~~ on use
6 of force techniques, including the use of de-escalation
7 techniques to prevent or reduce the need for force
8 whenever safe and feasible.

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

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

14 (5) Training ~~At least 6 hours of training~~ focused on
15 high-risk traffic stops.

16 (b) Notwithstanding any provision of law to the contrary,
17 the changes made to this Section by ~~this amendatory Act of the~~
18 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
19 102-28, and Public Act 102-694 take effect July 1, 2022.

20 ~~This Section takes effect January 1, 2022.~~

21 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
22 102-694, eff. 1-7-22; revised 2-3-22.)

23 (50 ILCS 705/10.17)

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

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

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

1 mental health illness including signs and symptoms of mental
2 illness and common treatments and medications, and the
3 potential interactions law enforcement officers may have on a
4 regular basis with these individuals, their families, and
5 service providers including de-escalating a potential crisis
6 situation. This course, in addition to other traditional
7 learning settings, may be made available in an electronic
8 format.

9 The amendatory changes to this Section made by Public Act
10 101-652 shall take effect January 1, 2022.

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

12 Section 10. The Criminal Code of 2012 is amended by
13 changing Section 31A-0.1 as follows:

14 (720 ILCS 5/31A-0.1)

15 (Text of Section before amendment by P.A. 101-652)

16 Sec. 31A-0.1. Definitions. For the purposes of this
17 Article:

18 "Deliver" or "delivery" means the actual, constructive or
19 attempted transfer of possession of an item of contraband,
20 with or without consideration, whether or not there is an
21 agency relationship.

22 "Employee" means any elected or appointed officer, trustee
23 or employee of a penal institution or of the governing
24 authority of the penal institution, or any person who performs

1 services for the penal institution pursuant to contract with
2 the penal institution or its governing authority.

3 "Item of contraband" means any of the following:

4 (i) "Alcoholic liquor" as that term is defined in
5 Section 1-3.05 of the Liquor Control Act of 1934.

6 (ii) "Cannabis" as that term is defined in subsection
7 (a) of Section 3 of the Cannabis Control Act.

8 (iii) "Controlled substance" as that term is defined
9 in the Illinois Controlled Substances Act.

10 (iii-a) "Methamphetamine" as that term is defined in
11 the Illinois Controlled Substances Act or the
12 Methamphetamine Control and Community Protection Act.

13 (iv) "Hypodermic syringe" or hypodermic needle, or any
14 instrument adapted for use of controlled substances or
15 cannabis by subcutaneous injection.

16 (v) "Weapon" means any knife, dagger, dirk, billy,
17 razor, stiletto, broken bottle, or other piece of glass
18 which could be used as a dangerous weapon. This term
19 includes any of the devices or implements designated in
20 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
21 this Code, or any other dangerous weapon or instrument of
22 like character.

23 (vi) "Firearm" means any device, by whatever name
24 known, which is designed to expel a projectile or
25 projectiles by the action of an explosion, expansion of
26 gas or escape of gas, including but not limited to:

1 (A) any pneumatic gun, spring gun, or B-B gun
2 which expels a single globular projectile not
3 exceeding .18 inch in diameter; or

4 (B) any device used exclusively for signaling or
5 safety and required as recommended by the United
6 States Coast Guard or the Interstate Commerce
7 Commission; or

8 (C) any device used exclusively for the firing of
9 stud cartridges, explosive rivets or industrial
10 ammunition; or

11 (D) any device which is powered by electrical
12 charging units, such as batteries, and which fires one
13 or several barbs attached to a length of wire and
14 which, upon hitting a human, can send out current
15 capable of disrupting the person's nervous system in
16 such a manner as to render him or her incapable of
17 normal functioning, commonly referred to as a stun gun
18 or taser.

19 (vii) "Firearm ammunition" means any self-contained
20 cartridge or shotgun shell, by whatever name known, which
21 is designed to be used or adaptable to use in a firearm,
22 including but not limited to:

23 (A) any ammunition exclusively designed for use
24 with a device used exclusively for signaling or safety
25 and required or recommended by the United States Coast
26 Guard or the Interstate Commerce Commission; or

1 (B) any ammunition designed exclusively for use
2 with a stud or rivet driver or other similar
3 industrial ammunition.

4 (viii) "Explosive" means, but is not limited to, bomb,
5 bombshell, grenade, bottle or other container containing
6 an explosive substance of over one-quarter ounce for like
7 purposes such as black powder bombs and Molotov cocktails
8 or artillery projectiles.

9 (ix) "Tool to defeat security mechanisms" means, but
10 is not limited to, handcuff or security restraint key,
11 tool designed to pick locks, popper, or any device or
12 instrument used to or capable of unlocking or preventing
13 from locking any handcuff or security restraints, doors to
14 cells, rooms, gates or other areas of the penal
15 institution.

16 (x) "Cutting tool" means, but is not limited to,
17 hacksaw blade, wirecutter, or device, instrument or file
18 capable of cutting through metal.

19 (xi) "Electronic contraband" for the purposes of
20 Section 31A-1.1 of this Article means, but is not limited
21 to, any electronic, video recording device, computer, or
22 cellular communications equipment, including, but not
23 limited to, cellular telephones, cellular telephone
24 batteries, videotape recorders, pagers, computers, and
25 computer peripheral equipment brought into or possessed in
26 a penal institution without the written authorization of

1 the Chief Administrative Officer. "Electronic contraband"
2 for the purposes of Section 31A-1.2 of this Article,
3 means, but is not limited to, any electronic, video
4 recording device, computer, or cellular communications
5 equipment, including, but not limited to, cellular
6 telephones, cellular telephone batteries, videotape
7 recorders, pagers, computers, and computer peripheral
8 equipment.

9 "Penal institution" means any penitentiary, State farm,
10 reformatory, prison, jail, house of correction, police
11 detention area, half-way house or other institution or place
12 for the incarceration or custody of persons under sentence for
13 offenses awaiting trial or sentence for offenses, under arrest
14 for an offense, a violation of probation, a violation of
15 parole, a violation of aftercare release, or a violation of
16 mandatory supervised release, or awaiting a bail setting
17 hearing or preliminary hearing; provided that where the place
18 for incarceration or custody is housed within another public
19 building this Article shall not apply to that part of the
20 building unrelated to the incarceration or custody of persons.
21 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14.)

22 (Text of Section after amendment by P.A. 101-652)

23 Sec. 31A-0.1. Definitions. For the purposes of this
24 Article:

25 "Deliver" or "delivery" means the actual, constructive or

1 attempted transfer of possession of an item of contraband,
2 with or without consideration, whether or not there is an
3 agency relationship.

4 "Employee" means any elected or appointed officer, trustee
5 or employee of a penal institution or of the governing
6 authority of the penal institution, or any person who performs
7 services for the penal institution pursuant to contract with
8 the penal institution or its governing authority.

9 "Item of contraband" means any of the following:

10 (i) "Alcoholic liquor" as that term is defined in
11 Section 1-3.05 of the Liquor Control Act of 1934.

12 (ii) "Cannabis" as that term is defined in subsection
13 (a) of Section 3 of the Cannabis Control Act.

14 (iii) "Controlled substance" as that term is defined
15 in the Illinois Controlled Substances Act.

16 (iii-a) "Methamphetamine" as that term is defined in
17 the Illinois Controlled Substances Act or the
18 Methamphetamine Control and Community Protection Act.

19 (iv) "Hypodermic syringe" or hypodermic needle, or any
20 instrument adapted for use of controlled substances or
21 cannabis by subcutaneous injection.

22 (v) "Weapon" means any knife, dagger, dirk, billy,
23 razor, stiletto, broken bottle, or other piece of glass
24 which could be used as a dangerous weapon. This term
25 includes any of the devices or implements designated in
26 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of

1 this Code, or any other dangerous weapon or instrument of
2 like character.

3 (vi) "Firearm" means any device, by whatever name
4 known, which is designed to expel a projectile or
5 projectiles by the action of an explosion, expansion of
6 gas or escape of gas, including but not limited to:

7 (A) any pneumatic gun, spring gun, or B-B gun
8 which expels a single globular projectile not
9 exceeding .18 inch in diameter; or

10 (B) any device used exclusively for signaling or
11 safety and required as recommended by the United
12 States Coast Guard or the Interstate Commerce
13 Commission; or

14 (C) any device used exclusively for the firing of
15 stud cartridges, explosive rivets or industrial
16 ammunition; or

17 (D) (blank). ~~any device which is powered by~~
18 ~~electrical charging units, such as batteries, and~~
19 ~~which fires one or several barbs attached to a length~~
20 ~~of wire and which, upon hitting a human, can send out~~
21 ~~current capable of disrupting the person's nervous~~
22 ~~system in such a manner as to render him or her~~
23 ~~incapable of normal functioning, commonly referred to~~
24 ~~as a stun gun or taser.~~

25 (vii) "Firearm ammunition" means any self-contained
26 cartridge or shotgun shell, by whatever name known, which

1 is designed to be used or adaptable to use in a firearm,
2 including but not limited to:

3 (A) any ammunition exclusively designed for use
4 with a device used exclusively for signaling or safety
5 and required or recommended by the United States Coast
6 Guard or the Interstate Commerce Commission; or

7 (B) any ammunition designed exclusively for use
8 with a stud or rivet driver or other similar
9 industrial ammunition.

10 (viii) "Explosive" means, but is not limited to, bomb,
11 bombshell, grenade, bottle or other container containing
12 an explosive substance of over one-quarter ounce for like
13 purposes such as black powder bombs and Molotov cocktails
14 or artillery projectiles.

15 (ix) "Tool to defeat security mechanisms" means, but
16 is not limited to, handcuff or security restraint key,
17 tool designed to pick locks, popper, or any device or
18 instrument used to or capable of unlocking or preventing
19 from locking any handcuff or security restraints, doors to
20 cells, rooms, gates or other areas of the penal
21 institution.

22 (x) "Cutting tool" means, but is not limited to,
23 hacksaw blade, wirecutter, or device, instrument or file
24 capable of cutting through metal.

25 (xi) "Electronic contraband" for the purposes of
26 Section 31A-1.1 of this Article means, but is not limited

1 to, any electronic, video recording device, computer, or
2 cellular communications equipment, including, but not
3 limited to, cellular telephones, cellular telephone
4 batteries, videotape recorders, pagers, computers, and
5 computer peripheral equipment brought into or possessed in
6 a penal institution without the written authorization of
7 the Chief Administrative Officer. "Electronic contraband"
8 for the purposes of Section 31A-1.2 of this Article,
9 means, but is not limited to, any electronic, video
10 recording device, computer, or cellular communications
11 equipment, including, but not limited to, cellular
12 telephones, cellular telephone batteries, videotape
13 recorders, pagers, computers, and computer peripheral
14 equipment.

15 "Penal institution" means any penitentiary, State farm,
16 reformatory, prison, jail, house of correction, police
17 detention area, half-way house or other institution or place
18 for the incarceration or custody of persons under sentence for
19 offenses awaiting trial or sentence for offenses, under arrest
20 for an offense, a violation of probation, a violation of
21 parole, a violation of aftercare release, or a violation of
22 mandatory supervised release, or awaiting a hearing on the
23 setting of conditions of pretrial release or preliminary
24 hearing; provided that where the place for incarceration or
25 custody is housed within another public building this Article
26 shall not apply to that part of the building unrelated to the

1 incarceration or custody of persons.

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

3 Section 15. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 109-1 and 109-2 as follows:

5 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 109-1. Person arrested.

8 (a) A person arrested with or without a warrant shall be
9 taken without unnecessary delay before the nearest and most
10 accessible judge in that county, except when such county is a
11 participant in a regional jail authority, in which event such
12 person may be taken to the nearest and most accessible judge,
13 irrespective of the county where such judge presides, and a
14 charge shall be filed. Whenever a person arrested either with
15 or without a warrant is required to be taken before a judge, a
16 charge may be filed against such person by way of a two-way
17 closed circuit television system, except that a hearing to
18 deny bail to the defendant may not be conducted by way of
19 closed circuit television.

20 (a-5) A person charged with an offense shall be allowed
21 counsel at the hearing at which bail is determined under
22 Article 110 of this Code. If the defendant desires counsel for
23 his or her initial appearance but is unable to obtain counsel,
24 the court shall appoint a public defender or licensed attorney

1 at law of this State to represent him or her for purposes of
2 that hearing.

3 (b) The judge shall:

4 (1) Inform the defendant of the charge against him and
5 shall provide him with a copy of the charge;

6 (2) Advise the defendant of his right to counsel and
7 if indigent shall appoint a public defender or licensed
8 attorney at law of this State to represent him in
9 accordance with the provisions of Section 113-3 of this
10 Code;

11 (3) Schedule a preliminary hearing in appropriate
12 cases;

13 (4) Admit the defendant to bail in accordance with the
14 provisions of Article 110 of this Code; and

15 (5) Order the confiscation of the person's passport or
16 impose travel restrictions on a defendant arrested for
17 first degree murder or other violent crime as defined in
18 Section 3 of the Rights of Crime Victims and Witnesses
19 Act, if the judge determines, based on the factors in
20 Section 110-5 of this Code, that this will reasonably
21 ensure the appearance of the defendant and compliance by
22 the defendant with all conditions of release.

23 (c) The court may issue an order of protection in
24 accordance with the provisions of Article 112A of this Code.

25 (d) At the initial appearance of a defendant in any
26 criminal proceeding, the court must advise the defendant in

1 open court that any foreign national who is arrested or
2 detained has the right to have notice of the arrest or
3 detention given to his or her country's consular
4 representatives and the right to communicate with those
5 consular representatives if the notice has not already been
6 provided. The court must make a written record of so advising
7 the defendant.

8 (e) If consular notification is not provided to a
9 defendant before his or her first appearance in court, the
10 court shall grant any reasonable request for a continuance of
11 the proceedings to allow contact with the defendant's
12 consulate. Any delay caused by the granting of the request by a
13 defendant shall temporarily suspend for the time of the delay
14 the period within which a person shall be tried as prescribed
15 by subsections (a), (b), or (e) of Section 103-5 of this Code
16 and on the day of the expiration of delay the period shall
17 continue at the point at which it was suspended.

18 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
19 eff. 1-1-18.)

20 (Text of Section after amendment by P.A. 101-652)

21 Sec. 109-1. Person arrested; release from law enforcement
22 custody and court appearance; geographical constraints prevent
23 in-person appearances.

24 (a) A person arrested with or without a warrant for an
25 offense for which pretrial release may be denied under

1 paragraphs (1) through (6) of Section 110-6.1 shall be taken
2 without unnecessary delay before the nearest and most
3 accessible judge in that county, except when such county is a
4 participant in a regional jail authority, in which event such
5 person may be taken to the nearest and most accessible judge,
6 irrespective of the county where such judge presides, and a
7 charge shall be filed. Whenever a person arrested either with
8 or without a warrant is required to be taken before a judge, a
9 charge may be filed against such person by way of a two-way
10 closed circuit television system, except that a hearing to
11 deny pretrial release to the defendant may not be conducted by
12 way of closed circuit television.

13 (a-1) A law enforcement officer shall issue a citation in
14 lieu of custodial arrest, upon proper identification, for a
15 person accused of a Class B misdemeanor offense, a Class C
16 misdemeanor offense, a petty offense, or a business offense.
17 However, this subsection does not apply if: (1) a law
18 enforcement officer reasonably believes the accused poses a
19 threat to the community or any person or that in the mind of
20 the law enforcement officer a custodial arrest is necessary to
21 discontinue the criminal behavior or breach of the peace, or
22 (2) a custodial arrest is necessary to address an obvious
23 medical or mental health issue that poses a risk to an
24 individual's own safety. ~~Law enforcement shall issue a~~
25 ~~citation in lieu of custodial arrest, upon proper~~
26 ~~identification, for those accused of traffic and Class B and C~~

1 ~~riminal misdemeanor offenses, or of petty and business~~
2 ~~offenses, who pose no obvious threat to the community or any~~
3 ~~person, or who have no obvious medical or mental health issues~~
4 ~~that pose a risk to their own safety. Those released on~~
5 ~~citation shall be scheduled into court within 21 days.~~

6 (a-3) A person arrested with or without a warrant for an
7 offense for which pretrial release may not be denied may,
8 except as otherwise provided in this Code, be released by the
9 officer without appearing before a judge. ~~The releasing~~
10 ~~officer shall issue the person a summons to appear within 21~~
11 ~~days.~~ A presumption in favor of pretrial release shall be ~~by~~
12 applied by an arresting officer in the exercise of his or her
13 discretion under this Section.

14 (a-5) A person charged with an offense shall be allowed
15 counsel at the hearing at which pretrial release is determined
16 under Article 110 of this Code. If the defendant desires
17 counsel for his or her initial appearance but is unable to
18 obtain counsel, the court shall appoint a public defender or
19 licensed attorney at law of this State to represent him or her
20 for purposes of that hearing.

21 (b) Upon initial appearance of a person before the court,
22 the judge shall:

23 (1) inform the defendant of the charge against him and
24 shall provide him with a copy of the charge;

25 (2) advise the defendant of his right to counsel and
26 if indigent shall appoint a public defender or licensed

1 attorney at law of this State to represent him in
2 accordance with the provisions of Section 113-3 of this
3 Code;

4 (3) schedule a preliminary hearing in appropriate
5 cases;

6 (4) admit the defendant to pretrial release in
7 accordance with the provisions of Article 110 ~~110/5~~ of
8 this Code, or upon verified petition of the State, proceed
9 with the setting of a detention hearing as provided in
10 Section 110-6.1; and

11 (5) order ~~Order~~ the confiscation of the person's
12 passport or impose travel restrictions on a defendant
13 arrested for first degree murder or other violent crime as
14 defined in Section 3 of the Rights of Crime Victims and
15 Witnesses Act, if the judge determines, based on the
16 factors in Section 110-5 of this Code, that this will
17 reasonably ensure the appearance of the defendant and
18 compliance by the defendant with all conditions of
19 release.

20 (c) The court may issue an order of protection in
21 accordance with the provisions of Article 112A of this Code.
22 Crime victims shall be given notice by the State's Attorney's
23 office of this hearing as required in paragraph (2) of
24 subsection (b) of Section 4.5 of the Rights of Crime Victims
25 and Witnesses Act and shall be informed of their opportunity
26 at this hearing to obtain an order of protection under Article

1 112A of this Code.

2 (d) At the initial appearance of a defendant in any
3 criminal proceeding, the court must advise the defendant in
4 open court that any foreign national who is arrested or
5 detained has the right to have notice of the arrest or
6 detention given to his or her country's consular
7 representatives and the right to communicate with those
8 consular representatives if the notice has not already been
9 provided. The court must make a written record of so advising
10 the defendant.

11 (e) If consular notification is not provided to a
12 defendant before his or her first appearance in court, the
13 court shall grant any reasonable request for a continuance of
14 the proceedings to allow contact with the defendant's
15 consulate. Any delay caused by the granting of the request by a
16 defendant shall temporarily suspend for the time of the delay
17 the period within which a person shall be tried as prescribed
18 by subsection ~~subsections~~ (a), (b), or (e) of Section 103-5 of
19 this Code and on the day of the expiration of delay the period
20 shall continue at the point at which it was suspended.

21 (f) At the hearing at which conditions of pretrial release
22 are determined, the person charged shall be present in person
23 rather than by video phone or any other form of electronic
24 communication, unless the physical health and safety of the
25 person would be endangered by appearing in court or the
26 accused waives the right to be present in person.

1 (g) Defense counsel shall be given adequate opportunity to
2 confer with the defendant ~~Defendant~~ prior to any hearing in
3 which conditions of release or the detention of the defendant
4 ~~Defendant~~ is to be considered, with a physical accommodation
5 made to facilitate attorney/client consultation.

6 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23;
7 revised 11-24-21.)

8 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 109-2. Person arrested in another county.

11 (a) Any person arrested in a county other than the one in
12 which a warrant for his arrest was issued shall be taken
13 without unnecessary delay before the nearest and most
14 accessible judge in the county where the arrest was made or, if
15 no additional delay is created, before the nearest and most
16 accessible judge in the county from which the warrant was
17 issued. He shall be admitted to bail in the amount specified in
18 the warrant or, for offenses other than felonies, in an amount
19 as set by the judge, and such bail shall be conditioned on his
20 appearing in the court issuing the warrant on a certain date.
21 The judge may hold a hearing to determine if the defendant is
22 the same person as named in the warrant.

23 (b) Notwithstanding the provisions of subsection (a), any
24 person arrested in a county other than the one in which a
25 warrant for his arrest was issued, may waive the right to be

1 taken before a judge in the county where the arrest was made.
2 If a person so arrested waives such right, the arresting
3 agency shall surrender such person to a law enforcement agency
4 of the county that issued the warrant without unnecessary
5 delay. The provisions of Section 109-1 shall then apply to the
6 person so arrested.

7 (Source: P.A. 86-298.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 109-2. Person arrested in another county.

10 (a) Any person arrested in a county other than the one in
11 which a warrant for his arrest was issued shall be taken
12 without unnecessary delay before the nearest and most
13 accessible judge in the county where the arrest was made or, if
14 no additional delay is created, before the nearest and most
15 accessible judge in the county from which the warrant was
16 issued. Upon arrival in the county in which the warrant was
17 issued, the status of the arrested person's release status
18 shall be determined by the release revocation process
19 described in Section 110-6. The judge may hold a hearing to
20 determine if the defendant is the same person as named in the
21 warrant.

22 (b) Notwithstanding the provisions of subsection (a), any
23 person arrested in a county other than the one in which a
24 warrant for his arrest was issued, may waive the right to be
25 taken before a judge in the county where the arrest was made.

1 If a person so arrested waives such right, the arresting
2 agency shall surrender such person to a law enforcement agency
3 of the county that issued the warrant without unnecessary
4 delay. The provisions of Section 109-1 shall then apply to the
5 person so arrested.

6 (c) (Blank). ~~If a defendant is charged with a felony~~
7 ~~offense, but has a warrant in another county, the defendant~~
8 ~~shall be taken to the county that issued the warrant within 72~~
9 ~~hours of the completion of condition or detention hearing, so~~
10 ~~that release or detention status can be resolved. This~~
11 ~~provision shall not apply to warrants issued outside of~~
12 ~~Illinois.~~

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

14 Section 20. The Unified Code of Corrections is amended by
15 changing Section 5-8A-4.1 as follows:

16 (730 ILCS 5/5-8A-4.1)

17 Sec. 5-8A-4.1. Escape; failure to comply with a condition
18 of the electronic monitoring or home detention program.

19 (a) A person charged with or convicted of a felony, or
20 charged with or adjudicated delinquent for an act which, if
21 committed by an adult, would constitute a felony,
22 conditionally released from the supervising authority through
23 an electronic monitoring or home detention program, who
24 knowingly violates a condition of the electronic monitoring or

1 home detention program ~~and remains in violation for at least~~
2 ~~48 hours~~ is guilty of a Class 3 felony.

3 (b) A person charged with or convicted of a misdemeanor,
4 or charged with or adjudicated delinquent for an act which, if
5 committed by an adult, would constitute a misdemeanor,
6 conditionally released from the supervising authority through
7 an electronic monitoring or home detention program, who
8 knowingly violates a condition of the electronic monitoring or
9 home detention program ~~and remains in violation for at least~~
10 ~~48 hours~~ is guilty of a Class B misdemeanor.

11 (c) A person who violates this Section while armed with a
12 dangerous weapon is guilty of a Class 1 felony.

13 (Source: P.A. 100-431, eff. 8-25-17; 101-652, eff. 7-1-21.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 705/8.4

4 50 ILCS 705/10.6

5 50 ILCS 705/10.17

6 720 ILCS 5/31A-0.1

7 725 ILCS 5/109-1 from Ch. 38, par. 109-1

8 725 ILCS 5/109-2 from Ch. 38, par. 109-2

9 730 ILCS 5/5-8A-4.1