



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2337

Introduced 2/14/2023, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

Restores the statutes to the form in which they existed before their amendment by Public Acts 101-652, 102-28, and 102-1104, with certain exceptions. Amends the Criminal Code of 2012 concerning aggravating factors for which the death penalty may be imposed. Amends the Code of Criminal Procedure of 1963. Eliminates a provision that abolishes the sentence of death. Transfers unobligated and unexpended moneys remaining in the Death Penalty Abolition Fund into the reestablished Capital Litigation Trust Fund. Enacts the Capital Crimes Litigation Act of 2023 and amends the State Appellate Defender Act to add provisions concerning the restoration of the death penalty. Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Removes Tier 2 limitations on the amount of salary for annuity purposes; provides that the automatic annual increases to a retirement pension or survivor pension are calculated under the Tier 1 formulas; and provides that the amount of and eligibility for a retirement annuity are calculated under the Tier 1 provisions. Provides that the changes that provide benefit increases for firefighters and police officers apply without regard to whether the firefighter or police officer was in service on or after the effective date of the amendatory Act. Makes other and conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Amends the Illinois Municipal Code. Provides that a municipality that provides health insurance to police officers and firefighters shall maintain their health insurance plans after retirement and shall pay the cost of the health insurance premiums for each retiree who has completed 20 years of service. Makes other changes. Effective immediately.

LRB103 05867 HEP 50888 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public safety.

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

4 Article 1.

5 (5 ILCS 845/Act rep.)

6 Section 1-1. The Statewide Use of Force Standardization
7 Act is repealed.

8 (730 ILCS 205/Act rep.)

9 Section 1-5. The No Representation Without Population Act
10 is repealed.

11 (730 ILCS 210/Act rep.)

12 Section 1-10. The Reporting of Deaths in Custody Act is
13 repealed.

14 (5 ILCS 70/1.43 rep.)

15 Section 1-20. The Statute on Statutes is amended by
16 repealing Section 1.43.

17 (5 ILCS 100/5-45.35 rep.)

18 Section 1-22. The Illinois Administrative Procedure Act is
19 amended by repealing Section 5-45.35 as added by Public Act

1 102-1104.

2 Section 1-25. The Freedom of Information Act is amended by
3 changing Section 2.15 as follows:

4 (5 ILCS 140/2.15)

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

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

21 (b) Criminal history records. The following documents
22 maintained by a public body pertaining to criminal history
23 record information are public records subject to inspection
24 and copying by the public pursuant to this Act: (i) court

1 records that are public; (ii) records that are otherwise
2 available under State or local law; and (iii) records in which
3 the requesting party is the individual identified, except as
4 provided under Section 7(1)(d)(vi).

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

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

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

1 networking website" has the meaning provided in Section 10 of
2 the Right to Privacy in the Workplace Act.

3 (Source: P.A. 101-433, eff. 8-20-19; 101-652, eff. 1-1-23;
4 102-1104, eff. 1-1-23.)

5 Section 1-30. The State Records Act is amended by changing
6 Section 4a as follows:

7 (5 ILCS 160/4a)

8 Sec. 4a. Arrest records and reports.

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

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

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

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

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

20 (5) If the individual is incarcerated, the amount of
21 any bail or bond ~~(Blank)~~.

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

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

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

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

13 (3) compromise the security of any correctional
14 facility.

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

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

1 record.

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

5 (f) All information, including photographs, made available
6 under this Section is subject to the provisions of Section
7 2000 of the Consumer Fraud and Deceptive Business Practices
8 Act.

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

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

24 Section 1-35. The Illinois Public Labor Relations Act is
25 amended by changing Section 14 as follows:

1 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

4 (a) In the case of collective bargaining agreements
5 involving units of security employees of a public employer,
6 Peace Officer Units, or units of fire fighters or paramedics,
7 and in the case of disputes under Section 18, unless the
8 parties mutually agree to some other time limit, mediation
9 shall commence 30 days prior to the expiration date of such
10 agreement or at such later time as the mediation services
11 chosen under subsection (b) of Section 12 can be provided to
12 the parties. In the case of negotiations for an initial
13 collective bargaining agreement, mediation shall commence upon
14 15 days notice from either party or at such later time as the
15 mediation services chosen pursuant to subsection (b) of
16 Section 12 can be provided to the parties. In mediation under
17 this Section, if either party requests the use of mediation
18 services from the Federal Mediation and Conciliation Service,
19 the other party shall either join in such request or bear the
20 additional cost of mediation services from another source. The
21 mediator shall have a duty to keep the Board informed on the
22 progress of the mediation. If any dispute has not been
23 resolved within 15 days after the first meeting of the parties
24 and the mediator, or within such other time limit as may be
25 mutually agreed upon by the parties, either the exclusive

1 representative or employer may request of the other, in
2 writing, arbitration, and shall submit a copy of the request
3 to the Board.

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

10 (c) Within 7 days after the request of either party, the
11 parties shall request a panel of impartial arbitrators from
12 which they shall select the neutral chairman according to the
13 procedures provided in this Section. If the parties have
14 agreed to a contract that contains a grievance resolution
15 procedure as provided in Section 8, the chairman shall be
16 selected using their agreed contract procedure unless they
17 mutually agree to another procedure. If the parties fail to
18 notify the Board of their selection of neutral chairman within
19 7 days after receipt of the list of impartial arbitrators, the
20 Board shall appoint, at random, a neutral chairman from the
21 list. In the absence of an agreed contract procedure for
22 selecting an impartial arbitrator, either party may request a
23 panel from the Board. Within 7 days of the request of either
24 party, the Board shall select from the Public Employees Labor
25 Mediation Roster 7 persons who are on the labor arbitration
26 panels of either the American Arbitration Association or the

1 Federal Mediation and Conciliation Service, or who are members
2 of the National Academy of Arbitrators, as nominees for
3 impartial arbitrator of the arbitration panel. The parties may
4 select an individual on the list provided by the Board or any
5 other individual mutually agreed upon by the parties. Within 7
6 days following the receipt of the list, the parties shall
7 notify the Board of the person they have selected. Unless the
8 parties agree on an alternate selection procedure, they shall
9 alternatively strike one name from the list provided by the
10 Board until only one name remains. A coin toss shall determine
11 which party shall strike the first name. If the parties fail to
12 notify the Board in a timely manner of their selection for
13 neutral chairman, the Board shall appoint a neutral chairman
14 from the Illinois Public Employees Mediation/Arbitration
15 Roster.

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

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

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

1 appropriate order. Any failure to obey the order may be
2 punished by the court as contempt.

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

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

1 which, in the opinion of the arbitration panel, more nearly
2 complies with the applicable factors prescribed in subsection
3 (h). The findings, opinions and order as to all other issues
4 shall be based upon the applicable factors prescribed in
5 subsection (h).

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

14 (1) The lawful authority of the employer.

15 (2) Stipulations of the parties.

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

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

24 (A) In public employment in comparable
25 communities.

26 (B) In private employment in comparable

1 communities.

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

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

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

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

18 (i) In the case of peace officers, the arbitration
19 decision shall be limited to wages, hours, and conditions of
20 employment (which may include residency requirements in
21 municipalities with a population under 1,000,000, ~~100,000~~, but
22 those residency requirements shall not allow residency outside
23 of Illinois) and shall not include the following: i) residency
24 requirements in municipalities with a population of at least
25 1,000,000 ~~100,000~~; ii) the type of equipment, other than
26 uniforms, issued or used; iii) manning; iv) the total number

1 of employees employed by the department; v) mutual aid and
2 assistance agreements to other units of government; and vi)
3 the criterion pursuant to which force, including deadly force,
4 can be used; provided, nothing herein shall preclude an
5 arbitration decision regarding equipment or manning levels if
6 such decision is based on a finding that the equipment or
7 manning considerations in a specific work assignment involve a
8 serious risk to the safety of a peace officer beyond that which
9 is inherent in the normal performance of police duties.
10 Limitation of the terms of the arbitration decision pursuant
11 to this subsection shall not be construed to limit the factors
12 upon which the decision may be based, as set forth in
13 subsection (h).

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

1 including deadly force, can be used; provided, however,
2 nothing herein shall preclude an arbitration decision
3 regarding equipment levels if such decision is based on a
4 finding that the equipment considerations in a specific work
5 assignment involve a serious risk to the safety of a fire
6 fighter beyond that which is inherent in the normal
7 performance of fire fighter duties. Limitation of the terms of
8 the arbitration decision pursuant to this subsection shall not
9 be construed to limit the facts upon which the decision may be
10 based, as set forth in subsection (h).

11 The changes to this subsection (i) made by Public Act
12 90-385 (relating to residency requirements) do not apply to
13 persons who are employed by a combined department that
14 performs both police and firefighting services; these persons
15 shall be governed by the provisions of this subsection (i)
16 relating to peace officers, as they existed before the
17 amendment by Public Act 90-385.

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

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

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

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

1 appropriate circuit court within 90 days following the
2 issuance of the arbitration order. The pendency of such
3 proceeding for review shall not automatically stay the order
4 of the arbitration panel. The party against whom the final
5 decision of any such court shall be adverse, if such court
6 finds such appeal or petition to be frivolous, shall pay
7 reasonable attorneys' fees and costs to the successful party
8 as determined by said court in its discretion. If said court's
9 decision affirms the award of money, such award, if
10 retroactive, shall bear interest at the rate of 12 percent per
11 annum from the effective retroactive date.

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

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

25 (n) All of the terms decided upon by the arbitration panel
26 shall be included in an agreement to be submitted to the public

1 employer's governing body for ratification and adoption by
2 law, ordinance or the equivalent appropriate means.

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

1 (o) If the governing body of the employer votes to reject
2 the panel's decision, the parties shall return to the panel
3 within 30 days from the issuance of the reasons for rejection
4 for further proceedings and issuance of a supplemental
5 decision. All reasonable costs of such supplemental proceeding
6 including the exclusive representative's reasonable attorney's
7 fees, as established by the Board, shall be paid by the
8 employer.

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

14 ~~The amendatory changes to this Section made by Public Act~~
15 ~~101-652 take effect July 1, 2022.~~

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

17 Section 1-40. The Community-Law Enforcement and Other
18 First Responder Partnership for Deflection and Substance Use
19 Disorder Treatment Act is amended by changing Sections 1, 5,
20 10, 15, 20, 30, and 35 as follows:

21 (5 ILCS 820/1)

22 Sec. 1. Short title. This Act may be cited as the
23 Community-Law Enforcement ~~and Other First Responder~~
24 Partnership for Deflection and Substance Use Disorder

1 Treatment Act.

2 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

3 (5 ILCS 820/5)

4 Sec. 5. Purposes. The General Assembly hereby acknowledges
5 that opioid use disorders, overdoses, and deaths in Illinois
6 are persistent and growing concerns for Illinois communities.
7 These concerns compound existing challenges to adequately
8 address and manage substance use and mental health disorders.
9 Law enforcement officers, ~~other first responders, and~~
10 ~~co-responders~~ have a unique opportunity to facilitate
11 connections to community-based behavioral health interventions
12 that provide substance use treatment and can help save and
13 restore lives; help reduce drug use, overdose incidence,
14 criminal offending, and recidivism; and help prevent arrest
15 and conviction records that destabilize health, families, and
16 opportunities for community citizenship and self-sufficiency.
17 These efforts are bolstered when pursued in partnership with
18 licensed behavioral health treatment providers and community
19 members or organizations. It is the intent of the General
20 Assembly to authorize law enforcement ~~and other first~~
21 ~~responders~~ to develop and implement collaborative deflection
22 programs in Illinois that offer immediate pathways to
23 substance use treatment and other services as an alternative
24 to traditional case processing and involvement in the criminal
25 justice system, ~~and to unnecessary admission to emergency~~

1 ~~departments.~~

2 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

3 (5 ILCS 820/10)

4 Sec. 10. Definitions. In this Act:

5 "Case management" means those services which will assist
6 persons in gaining access to needed social, educational,
7 medical, substance use and mental health treatment, and other
8 services.

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

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

21 "Deflection program" means a program in which a peace
22 officer or member of a law enforcement agency ~~or other first~~
23 ~~responder~~ facilitates contact between an individual and a
24 licensed substance use treatment provider or clinician for
25 assessment and coordination of treatment planning, ~~including~~

1 ~~ee responder approaches that incorporate behavioral health,~~
2 ~~peer, or social work professionals with law enforcement or~~
3 ~~other first responders at the scene.~~ This facilitation
4 includes defined criteria for eligibility and communication
5 protocols agreed to by the law enforcement agency ~~or other~~
6 ~~first responder entity~~ and the licensed treatment provider for
7 the purpose of providing substance use treatment to those
8 persons in lieu of arrest or further justice system
9 involvement, ~~or unnecessary admissions to the emergency~~
10 ~~department.~~ Deflection programs may include, but are not
11 limited to, the following types of responses:

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

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

21 (3) an active outreach deflection response initiated
22 by a peace officer or law enforcement agency ~~or other~~
23 ~~first responder~~ as a result of proactive identification of
24 persons thought likely to have a substance use disorder;

25 (4) an officer ~~or other first responder~~ prevention
26 deflection response initiated by a peace officer or law

1 enforcement agency in response to a community call when no
2 criminal charges are present; and

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

6 "Law enforcement agency" means a municipal police
7 department or county sheriff's office of this State, the
8 Illinois State Police, or other law enforcement agency whose
9 officers, by statute, are granted and authorized to exercise
10 powers similar to those conferred upon any peace officer
11 employed by a law enforcement agency of this State.

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

24 "Peace officer" means any peace officer or member of any
25 duly organized State, county, or municipal peace officer unit,
26 any police force of another State, or any police force whose

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

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

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

17 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
18 102-813, eff. 5-13-22.)

19 (5 ILCS 820/15)

20 Sec. 15. Authorization.

21 (a) Any law enforcement agency ~~or other first responder~~
22 ~~entity~~ may establish a deflection program subject to the
23 provisions of this Act in partnership with one or more
24 licensed providers of substance use disorder treatment
25 services and one or more community members or organizations.

1 ~~Programs established by another first responder entity shall~~
2 ~~also include a law enforcement agency.~~

3 (b) The deflection program may involve a post-overdose
4 deflection response, a self-referral deflection response, an
5 active outreach deflection response, an officer ~~or other first~~
6 ~~responder~~ prevention deflection response, or an officer
7 intervention deflection response, or any combination of those.

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

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

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

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

25 (2) an agreement with the Illinois Criminal Justice
26 Information Authority to collect and evaluate relevant

1 statistical data related to the program, as established by
2 the Illinois Criminal Justice Information Authority in
3 paragraph (2) of subsection (a) of Section 25 of this Act.

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

10 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
11 101-652, eff. 7-1-21.)

12 (5 ILCS 820/20)

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

25 (Source: P.A. 100-1025, eff. 1-1-19; 101-652, eff. 7-1-21.)

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; 101-652, eff. 7-1-21.)

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.~~

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

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

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

26 (3) peer recovery or recovery support services that

1 include the perspectives of persons with the experience of
2 recovering from a substance use disorder, either
3 themselves or as family members;

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

6 (5) program evaluation activities. +

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

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
24 102-813, eff. 5-13-22.)

25 (5 ILCS 820/21 rep.)

1 Section 1-45. The Community-Law Enforcement Partnership
2 for Deflection and Substance Use Disorder Treatment Act is
3 amended by repealing Section 21.

4 (15 ILCS 205/10 rep.)

5 Section 1-50. The Attorney General Act is amended by
6 repealing Section 10.

7 Section 1-55. The Department of State Police Law of the
8 Civil Administrative Code of Illinois is amended by changing
9 Section 2605-302 as follows:

10 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)

11 Sec. 2605-302. Arrest reports.

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

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

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

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

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

23 (5) If the individual is incarcerated, the amount of

1 any bail or bond ~~(Blank)~~.

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

5 (b) The information required by this Section must be made
6 available to the news media for inspection and copying as soon
7 as practicable, but in no event shall the time period exceed 72
8 hours from the arrest. The information described in items (3),
9 (4), (5), and (6) of subsection (a), however, may be withheld
10 if it is determined that disclosure would (i) interfere with
11 pending or actually and reasonably contemplated law
12 enforcement proceedings conducted by any law enforcement or
13 correctional agency; (ii) endanger the life or physical safety
14 of law enforcement or correctional personnel or any other
15 person; or (iii) compromise the security of any correctional
16 facility.

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

25 (d) Each law enforcement or correctional agency may charge
26 fees for arrest records, but in no instance may the fee exceed

1 the actual cost of copying and reproduction. The fees may not
2 include the cost of the labor used to reproduce the arrest
3 record.

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

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

8 Section 1-60. The State Police Act is amended by changing
9 Section 14 as follows:

10 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

11 Sec. 14. Except as is otherwise provided in this Act, no
12 Illinois State Police officer shall be removed, demoted, or
13 suspended except for cause, upon written charges filed with
14 the Board by the Director and a hearing before the Board
15 thereon upon not less than 10 days' notice at a place to be
16 designated by the chairman thereof. At such hearing, the
17 accused shall be afforded full opportunity to be heard in his
18 or her own defense and to produce proof in his or her defense.
19 Anyone ~~It shall not be a requirement of a person~~ filing a
20 complaint against a State Police officer must ~~to~~ have the ~~a~~
21 complaint supported by a sworn affidavit. Any such complaint,
22 having been supported by a sworn affidavit, and having been
23 found, in total or in part, to contain false information,
24 shall be presented to the appropriate State's Attorney for a

1 ~~determination of prosecution or any other legal documentation.~~
2 ~~This ban on an affidavit requirement shall apply to any~~
3 ~~collective bargaining agreements entered after the effective~~
4 ~~date of this provision.~~

5 Before any such officer may be interrogated or examined by
6 or before the Board, or by an Illinois State Police agent or
7 investigator specifically assigned to conduct an internal
8 investigation, the results of which hearing, interrogation, or
9 examination may be the basis for filing charges seeking his or
10 her suspension for more than 15 days or his or her removal or
11 discharge, he or she shall be advised in writing as to what
12 specific improper or illegal act he or she is alleged to have
13 committed; he or she shall be advised in writing that his or
14 her admissions made in the course of the hearing,
15 interrogation, or examination may be used as the basis for
16 charges seeking his or her suspension, removal, or discharge;
17 and he or she shall be advised in writing that he or she has a
18 right to counsel of his or her choosing, who may be present to
19 advise him or her at any hearing, interrogation, or
20 examination. A complete record of any hearing, interrogation,
21 or examination shall be made, and a complete transcript or
22 electronic recording thereof shall be made available to such
23 officer without charge and without delay.

24 The Board shall have the power to secure by its subpoena
25 both the attendance and testimony of witnesses and the
26 production of books and papers in support of the charges and

1 for the defense. Each member of the Board or a designated
2 hearing officer shall have the power to administer oaths or
3 affirmations. If the charges against an accused are
4 established by a preponderance of evidence, the Board shall
5 make a finding of guilty and order either removal, demotion,
6 suspension for a period of not more than 180 days, or such
7 other disciplinary punishment as may be prescribed by the
8 rules and regulations of the Board which, in the opinion of the
9 members thereof, the offense merits. Thereupon the Director
10 shall direct such removal or other punishment as ordered by
11 the Board and if the accused refuses to abide by any such
12 disciplinary order, the Director shall remove him or her
13 forthwith.

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

19 The Board may include in its order appropriate sanctions
20 based upon the Board's rules and regulations. If the Board
21 finds that a party has made allegations or denials without
22 reasonable cause or has engaged in frivolous litigation for
23 the purpose of delay or needless increase in the cost of
24 litigation, it may order that party to pay the other party's
25 reasonable expenses, including costs and reasonable attorney's
26 fees. The State of Illinois and the Illinois State Police

1 shall be subject to these sanctions in the same manner as other
2 parties.

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

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

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

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

21 (20 ILCS 2610/17c rep.)

22 Section 1-65. The State Police Act is amended by repealing
23 Section 17c.

24 (20 ILCS 3930/7.7 rep.)

1 (20 ILCS 3930/7.8 rep.)

2 Section 1-70. The Illinois Criminal Justice Information
3 Act is amended by repealing Sections 7.7 and 7.8.

4 (30 ILCS 105/5.990 rep.)

5 Section 1-72. The State Finance Act is amended by
6 repealing Section 5.990 as added by Public Act 102-1104.

7 (50 ILCS 105/4.1 rep.)

8 Section 1-75. The Public Officer Prohibited Activities Act
9 is amended by repealing Section 4.1.

10 Section 1-80. The Local Records Act is amended by changing
11 Section 3b as follows:

12 (50 ILCS 205/3b)

13 Sec. 3b. Arrest records and reports.

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

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

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

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

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

3 (5) If the individual is incarcerated, the amount of
4 any bail or bond. ~~(Blank).~~

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

8 (b) The information required by this Section must be made
9 available to the news media for inspection and copying as soon
10 as practicable, but in no event shall the time period exceed 72
11 hours from the arrest. The information described in paragraphs
12 (3), (4), (5), and (6) of subsection (a), however, may be
13 withheld if it is determined that disclosure would:

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

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

20 (3) compromise the security of any correctional
21 facility.

22 (c) For the purposes of this Section the term "news media"
23 means personnel of a newspaper or other periodical issued at
24 regular intervals whether in print or electronic format, a
25 news service whether in print or electronic format, a radio
26 station, a television station, a television network, a

1 community antenna television service, or a person or
2 corporation engaged in making news reels or other motion
3 picture news for public showing.

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

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

12 (f) All information, including photographs, made available
13 under this Section is subject to the provisions of Section
14 2000 of the Consumer Fraud and Deceptive Business Practices
15 Act.

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

17 (50 ILCS 205/25 rep.)

18 Section 1-85. The Local Records Act is amended by
19 repealing Section 25.

20 Section 1-90. The Illinois Police Training Act is amended
21 by changing Sections 6.2, 7, and 10.17 as follows:

22 (50 ILCS 705/6.2)

23 Sec. 6.2. Officer professional conduct database. In order

1 to ensure the continuing effectiveness of this Section, it is
2 set forth in full and reenacted by this amendatory Act of the
3 102nd General Assembly. This reenactment is intended as a
4 continuation of this Section. This reenactment is not intended
5 to supersede any amendment to this Section that may be made by
6 any other Public Act of the 102nd General Assembly.

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

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

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

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

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

25 (c) The Board shall maintain a database readily available
26 to any chief administrative officer, or his or her designee,

1 of a law enforcement agency ~~or any State's Attorney~~ that shall
2 show each reported instance, including the name of the
3 officer, the nature of the violation, reason for the final
4 decision of discharge or dismissal, and any statement provided
5 by the officer.

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

9 (50 ILCS 705/7)

10 (Text of Section before amendment by P.A. 102-982)

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

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

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

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

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

1 selected by the board. The training in the use of
2 electronic control devices shall be conducted for
3 probationary law enforcement officers, including
4 University police officers. The curriculum shall also
5 include training on the use of a firearms restraining
6 order by providing instruction on the process used to file
7 a firearms restraining order and how to identify
8 situations in which a firearms restraining order is
9 appropriate.

10 b. Minimum courses of study, attendance requirements
11 and equipment requirements.

12 c. Minimum requirements for instructors.

13 d. Minimum basic training requirements, which a
14 probationary law enforcement officer must satisfactorily
15 complete before being eligible for permanent employment as
16 a local law enforcement officer for a participating local
17 governmental or State governmental agency. Those
18 requirements shall include training in first aid
19 (including cardiopulmonary resuscitation).

20 e. Minimum basic training requirements, which a
21 probationary county corrections officer must
22 satisfactorily complete before being eligible for
23 permanent employment as a county corrections officer for a
24 participating local governmental agency.

25 f. Minimum basic training requirements which a
26 probationary court security officer must satisfactorily

1 complete before being eligible for permanent employment as
2 a court security officer for a participating local
3 governmental agency. The Board shall establish those
4 training requirements which it considers appropriate for
5 court security officers and shall certify schools to
6 conduct that training.

7 A person hired to serve as a court security officer
8 must obtain from the Board a certificate (i) attesting to
9 the officer's successful completion of the training
10 course; (ii) attesting to the officer's satisfactory
11 completion of a training program of similar content and
12 number of hours that has been found acceptable by the
13 Board under the provisions of this Act; or (iii) attesting
14 to the Board's determination that the training course is
15 unnecessary because of the person's extensive prior law
16 enforcement experience.

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

24 All individuals hired as court security officers on or
25 after June 1, 1997 (the effective date of Public Act
26 89-685) shall be certified within 12 months of the date of

1 their hire, unless a waiver has been obtained by the
2 Board, or they shall forfeit their positions.

3 The Sheriff's Merit Commission, if one exists, or the
4 Sheriff's Office if there is no Sheriff's Merit
5 Commission, shall maintain a list of all individuals who
6 have filed applications to become court security officers
7 and who meet the eligibility requirements established
8 under this Act. Either the Sheriff's Merit Commission, or
9 the Sheriff's Office if no Sheriff's Merit Commission
10 exists, shall establish a schedule of reasonable intervals
11 for verification of the applicants' qualifications under
12 this Act and as established by the Board.

13 g. Minimum in-service training requirements, which a
14 law enforcement officer must satisfactorily complete every
15 3 years. Those requirements shall include constitutional
16 and proper use of law enforcement authority, procedural
17 justice, civil rights, human rights, mental health
18 awareness and response, officer wellness, reporting child
19 abuse and neglect, and cultural competency, ~~including~~
20 ~~implicit bias and racial and ethnic sensitivity.~~ These
21 trainings shall consist of at least 30 hours of training
22 every 3 years.

23 h. Minimum in-service training requirements, which a
24 law enforcement officer must satisfactorily complete at
25 least annually. Those requirements shall include law
26 updates, ~~emergency medical response training and~~

1 ~~certification, crisis intervention training, and officer~~
2 ~~wellness and mental health~~ and use of force training which
3 shall include scenario based training, or similar training
4 approved by the Board.

5 ~~i. Minimum in service training requirements as set~~
6 ~~forth in Section 10.6.~~

7 ~~The amendatory changes to this Section made by Public Act~~
8 ~~101-652 shall take effect January 1, 2022.~~

9 Notwithstanding any provision of law to the contrary, the
10 changes made to this Section by ~~this amendatory Act of the~~
11 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
12 102-28, and Public Act 102-694 take effect July 1, 2022.

13 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
14 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
15 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
16 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
17 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
18 eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

19 (Text of Section after amendment by P.A. 102-982)

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

23 a. The curriculum for probationary law enforcement
24 officers which shall be offered by all certified schools
25 shall include, but not be limited to, courses of

1 procedural justice, arrest and use and control tactics,
2 search and seizure, including temporary questioning, civil
3 rights, human rights, human relations, cultural
4 competency, including implicit bias and racial and ethnic
5 sensitivity, criminal law, law of criminal procedure,
6 constitutional and proper use of law enforcement
7 authority, crisis intervention training, vehicle and
8 traffic law including uniform and non-discriminatory
9 enforcement of the Illinois Vehicle Code, traffic control
10 and crash investigation, techniques of obtaining physical
11 evidence, court testimonies, statements, reports, firearms
12 training, training in the use of electronic control
13 devices, including the psychological and physiological
14 effects of the use of those devices on humans, first-aid
15 (including cardiopulmonary resuscitation), training in the
16 administration of opioid antagonists as defined in
17 paragraph (1) of subsection (e) of Section 5-23 of the
18 Substance Use Disorder Act, handling of juvenile
19 offenders, recognition of mental conditions and crises,
20 including, but not limited to, the disease of addiction,
21 which require immediate assistance and response and
22 methods to safeguard and provide assistance to a person in
23 need of mental treatment, recognition of abuse, neglect,
24 financial exploitation, and self-neglect of adults with
25 disabilities and older adults, as defined in Section 2 of
26 the Adult Protective Services Act, crimes against the

1 elderly, law of evidence, the hazards of high-speed police
2 vehicle chases with an emphasis on alternatives to the
3 high-speed chase, and physical training. The curriculum
4 shall include specific training in techniques for
5 immediate response to and investigation of cases of
6 domestic violence and of sexual assault of adults and
7 children, including cultural perceptions and common myths
8 of sexual assault and sexual abuse as well as interview
9 techniques that are age sensitive and are trauma informed,
10 victim centered, and victim sensitive. The curriculum
11 shall include training in techniques designed to promote
12 effective communication at the initial contact with crime
13 victims and ways to comprehensively explain to victims and
14 witnesses their rights under the Rights of Crime Victims
15 and Witnesses Act and the Crime Victims Compensation Act.
16 The curriculum shall also include training in effective
17 recognition of and responses to stress, trauma, and
18 post-traumatic stress experienced by law enforcement
19 officers that is consistent with Section 25 of the
20 Illinois Mental Health First Aid Training Act in a peer
21 setting, including recognizing signs and symptoms of
22 work-related cumulative stress, issues that may lead to
23 suicide, and solutions for intervention with peer support
24 resources. The curriculum shall include a block of
25 instruction addressing the mandatory reporting
26 requirements under the Abused and Neglected Child

1 Reporting Act. The curriculum shall also include a block
2 of instruction aimed at identifying and interacting with
3 persons with autism and other developmental or physical
4 disabilities, reducing barriers to reporting crimes
5 against persons with autism, and addressing the unique
6 challenges presented by cases involving victims or
7 witnesses with autism and other developmental
8 disabilities. The curriculum shall include training in the
9 detection and investigation of all forms of human
10 trafficking. The curriculum shall also include instruction
11 in trauma-informed responses designed to ensure the
12 physical safety and well-being of a child of an arrested
13 parent or immediate family member; this instruction must
14 include, but is not limited to: (1) understanding the
15 trauma experienced by the child while maintaining the
16 integrity of the arrest and safety of officers, suspects,
17 and other involved individuals; (2) de-escalation tactics
18 that would include the use of force when reasonably
19 necessary; and (3) inquiring whether a child will require
20 supervision and care. ~~The curriculum for probationary law~~
21 ~~enforcement officers shall include: (1) at least 12 hours~~
22 ~~of hands-on, scenario-based role playing; (2) at least 6~~
23 ~~hours of instruction on use of force techniques, including~~
24 ~~the use of de-escalation techniques to prevent or reduce~~
25 ~~the need for force whenever safe and feasible; (3)~~
26 ~~specific training on officer safety techniques, including~~

1 ~~cover, concealment, and time; and (4) at least 6 hours of~~
2 ~~training focused on high-risk traffic stops.~~ The
3 curriculum for permanent law enforcement officers shall
4 include, but not be limited to: (1) refresher and
5 in-service training in any of the courses listed above in
6 this subparagraph, (2) advanced courses in any of the
7 subjects listed above in this subparagraph, (3) training
8 for supervisory personnel, and (4) specialized training in
9 subjects and fields to be selected by the board. The
10 training in the use of electronic control devices shall be
11 conducted for probationary law enforcement officers,
12 including University police officers. The curriculum shall
13 also include training on the use of a firearms restraining
14 order by providing instruction on the process used to file
15 a firearms restraining order and how to identify
16 situations in which a firearms restraining order is
17 appropriate.

18 b. Minimum courses of study, attendance requirements
19 and equipment requirements.

20 c. Minimum requirements for instructors.

21 d. Minimum basic training requirements, which a
22 probationary law enforcement officer must satisfactorily
23 complete before being eligible for permanent employment as
24 a local law enforcement officer for a participating local
25 governmental or State governmental agency. Those
26 requirements shall include training in first aid

1 (including cardiopulmonary resuscitation).

2 e. Minimum basic training requirements, which a
3 probationary county corrections officer must
4 satisfactorily complete before being eligible for
5 permanent employment as a county corrections officer for a
6 participating local governmental agency.

7 f. Minimum basic training requirements which a
8 probationary court security officer must satisfactorily
9 complete before being eligible for permanent employment as
10 a court security officer for a participating local
11 governmental agency. The Board shall establish those
12 training requirements which it considers appropriate for
13 court security officers and shall certify schools to
14 conduct that training.

15 A person hired to serve as a court security officer
16 must obtain from the Board a certificate (i) attesting to
17 the officer's successful completion of the training
18 course; (ii) attesting to the officer's satisfactory
19 completion of a training program of similar content and
20 number of hours that has been found acceptable by the
21 Board under the provisions of this Act; or (iii) attesting
22 to the Board's determination that the training course is
23 unnecessary because of the person's extensive prior law
24 enforcement experience.

25 Individuals who currently serve as court security
26 officers shall be deemed qualified to continue to serve in

1 that capacity so long as they are certified as provided by
2 this Act within 24 months of June 1, 1997 (the effective
3 date of Public Act 89-685). Failure to be so certified,
4 absent a waiver from the Board, shall cause the officer to
5 forfeit his or her position.

6 All individuals hired as court security officers on or
7 after June 1, 1997 (the effective date of Public Act
8 89-685) shall be certified within 12 months of the date of
9 their hire, unless a waiver has been obtained by the
10 Board, or they shall forfeit their positions.

11 The Sheriff's Merit Commission, if one exists, or the
12 Sheriff's Office if there is no Sheriff's Merit
13 Commission, shall maintain a list of all individuals who
14 have filed applications to become court security officers
15 and who meet the eligibility requirements established
16 under this Act. Either the Sheriff's Merit Commission, or
17 the Sheriff's Office if no Sheriff's Merit Commission
18 exists, shall establish a schedule of reasonable intervals
19 for verification of the applicants' qualifications under
20 this Act and as established by the Board.

21 g. Minimum in-service training requirements, which a
22 law enforcement officer must satisfactorily complete every
23 3 years. Those requirements shall include constitutional
24 and proper use of law enforcement authority, procedural
25 justice, civil rights, human rights, mental health
26 awareness and response, officer wellness, reporting child

1 abuse and neglect, and cultural competency, ~~including~~
2 ~~implicit bias and racial and ethnic sensitivity~~. These
3 trainings shall consist of at least 30 hours of training
4 every 3 years.

5 h. Minimum in-service training requirements, which a
6 law enforcement officer must satisfactorily complete at
7 least annually. Those requirements shall include law
8 updates, ~~emergency medical response training and~~
9 ~~certification, crisis intervention training, and officer~~
10 ~~wellness and mental health~~ and use of force training which
11 shall include scenario based training, or similar training
12 approved by the Board.

13 ~~i. Minimum in-service training requirements as set~~
14 ~~forth in Section 10.6.~~

15 ~~The amendatory changes to this Section made by Public Act~~
16 ~~101-652 shall take effect January 1, 2022.~~

17 Notwithstanding any provision of law to the contrary, the
18 changes made to this Section by ~~this amendatory Act of the~~
19 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
20 102-28, and Public Act 102-694 take effect July 1, 2022.

21 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
22 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
23 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
24 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
25 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
26 eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23;

1 revised 8-11-22.)

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

1 training program.

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

14 The amendatory changes to this Section made by Public Act
15 101-652 shall take effect January 1, 2022.

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

17 (50 ILCS 705/10.6 rep.)

18 Section 1-95. The Illinois Police Training Act is amended
19 by repealing Section 10.6.

20 Section 1-100. The Law Enforcement Officer-Worn Body
21 Camera Act is amended by changing Sections 10-10, 10-15,
22 10-20, and 10-25 as follows:

23 (50 ILCS 706/10-10)

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

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

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

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

9 "Community caretaking function" means a task undertaken by
10 a law enforcement officer in which the officer is performing
11 an articulable act unrelated to the investigation of a crime.

12 "Community caretaking function" includes, but is not limited
13 to, participating in town halls or other community outreach,
14 helping a child find his or her parents, providing death
15 notifications, and performing in-home or hospital well-being
16 checks on the sick, elderly, or persons presumed missing.

17 ~~"Community caretaking function" excludes law~~
18 ~~enforcement related encounters or activities.~~

19 "Fund" means the Law Enforcement Camera Grant Fund.

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

26 "Law enforcement officer" or "officer" means any person

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

6 "Law enforcement agency" means all State agencies with law
7 enforcement officers, county sheriff's offices, municipal,
8 special district, college, or unit of local government police
9 departments.

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

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

24 "Officer-worn body camera" means an electronic camera
25 system for creating, generating, sending, receiving, storing,
26 displaying, and processing audiovisual recordings that may be

1 worn about the person of a law enforcement officer.

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

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

6 "Recording" means the process of capturing data or
7 information stored on a recording medium as required under
8 this Act.

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

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

15 (50 ILCS 706/10-15)

16 Sec. 10-15. Applicability.

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

25 ~~(b) Except as provided in subsection (b 5), all law~~

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

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

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

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

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

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

18 ~~(b 5) If a law enforcement agency that serves a~~
19 ~~municipality with a population of at least 100,000 but not~~
20 ~~more than 500,000 or a law enforcement agency that serves a~~
21 ~~county with a population of at least 100,000 but not more than~~
22 ~~500,000 has ordered by October 1, 2022 or purchased by that~~
23 ~~date officer-worn body cameras for use by the law enforcement~~
24 ~~agency, then the law enforcement agency may implement the use~~
25 ~~of body cameras for all of its law enforcement officers by no~~
26 ~~later than July 1, 2023. Records of purchase within this~~

1 ~~timeline shall be submitted to the Illinois Law Enforcement~~
2 ~~Training Standards Board by January 1, 2023.~~

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

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

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

13 (50 ILCS 706/10-20)

14 Sec. 10-20. Requirements.

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

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

1 to July 1, 2015.

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

6 (3) Cameras must be turned on at all times when the
7 officer is in uniform and is responding to calls for
8 service or engaged in any law enforcement-related
9 encounter or activity, that occurs while the officer is on
10 duty.

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

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

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

23 (4) Cameras must be turned off when:

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

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

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

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

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

20 (4.5) Cameras may be turned off when the officer is
21 engaged in community caretaking functions. However, the
22 camera must be turned on when the officer has reason to
23 believe that the person on whose behalf the officer is
24 performing a community caretaking function has committed
25 or is in the process of committing a crime. If exigent
26 circumstances exist which prevent the camera from being

1 turned on, the camera must be turned on as soon as
2 practicable.

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

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

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

26 (a) has been involved in or is a witness to an

1 officer-involved shooting, use of deadly force
2 incident, or use of force incidents resulting in
3 great bodily harm;

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

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

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

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

26 (A) Under no circumstances shall any recording,

1 except for a non-law enforcement related activity or
2 encounter, made with an officer-worn body camera be
3 altered, erased, or destroyed prior to the expiration
4 of the 90-day storage period. In the event any
5 recording made with an officer-worn body camera is
6 altered, erased, or destroyed prior to the expiration
7 of the 90-day storage period, the law enforcement
8 agency shall maintain, for a period of one year, a
9 written record including (i) the name of the
10 individual who made such alteration, erasure, or
11 destruction, and (ii) the reason for any such
12 alteration, erasure, or destruction.

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

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

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

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

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

1 offense;

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

5 (vi) the supervisor of the officer,
6 prosecutor, defendant, or court determines that
7 the encounter has evidentiary value in a criminal
8 prosecution; or

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

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

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

1 ~~altering the officer-worn body camera video in any~~
2 ~~way.~~

3 (8) Following the 90-day storage period, recordings
4 may be retained if a supervisor at the law enforcement
5 agency designates the recording for training purposes. If
6 the recording is designated for training purposes, the
7 recordings may be viewed by officers, in the presence of a
8 supervisor or training instructor, for the purposes of
9 instruction, training, or ensuring compliance with agency
10 policies.

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

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

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

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

19 (D) as corroboration of other evidence of
20 misconduct.

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

24 (10) The law enforcement agency shall ensure proper
25 care and maintenance of officer-worn body cameras. Upon
26 becoming aware, officers must as soon as practical

1 document and notify the appropriate supervisor of any
2 technical difficulties, failures, or problems with the
3 officer-worn body camera or associated equipment. Upon
4 receiving notice, the appropriate supervisor shall make
5 every reasonable effort to correct and repair any of the
6 officer-worn body camera equipment.

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

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

24 (1) if the subject of the encounter has a reasonable
25 expectation of privacy, at the time of the recording, any
26 recording which is flagged, due to the filing of a

1 complaint, discharge of a firearm, use of force, arrest or
2 detention, or resulting death or bodily harm, shall be
3 disclosed in accordance with the Freedom of Information
4 Act if:

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

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

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

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

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

1 result of the encounter.

2 Only recordings or portions of recordings responsive to
3 the request shall be available for inspection or reproduction.
4 Any recording disclosed under the Freedom of Information Act
5 shall be redacted to remove identification of any person that
6 appears on the recording and is not the officer, a subject of
7 the encounter, or directly involved in the encounter. Nothing
8 in this subsection (b) shall require the disclosure of any
9 recording or portion of any recording which would be exempt
10 from disclosure under the Freedom of Information Act.

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

14 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
15 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
16 12-6-22.)

17 (50 ILCS 706/10-25)

18 Sec. 10-25. Reporting.

19 (a) Each law enforcement agency which employs the use of
20 officer-worn body cameras must provide an annual report ~~on the~~
21 ~~use of officer-worn body cameras~~ to the Board, on or before May
22 1 of the year. The report shall include:

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

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

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

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

7 (5) for each recording used in prosecutions of
8 conservation, criminal, or traffic offenses or municipal
9 ordinance violations:

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

12 (B) the offense charged and the date charges were
13 filed; and ~~(blank); and~~

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

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

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

20 Section 1-103. The Law Enforcement Camera Grant Act is
21 amended by changing Section 10 as follows:

22 (50 ILCS 707/10)

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

1 (a) The Law Enforcement Camera Grant Fund is created as a
2 special fund in the State treasury. From appropriations to the
3 Board from the Fund, the Board must make grants to units of
4 local government in Illinois and Illinois public universities
5 for the purpose of (1) purchasing in-car video cameras for use
6 in law enforcement vehicles, (2) purchasing officer-worn body
7 cameras and associated technology for law enforcement
8 officers, and (3) training for law enforcement officers in the
9 operation of the cameras. ~~Grants under this Section may be
10 used to offset data storage costs for officer worn body
11 cameras.~~

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

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

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

22 (c) (Blank).

23 (d) (Blank).

24 (e) (Blank).

25 (f) (Blank).

26 (g) (Blank).

1 (h) (Blank).

2 (Source: P.A. 102-16, eff. 6-17-21; 102-1104, eff. 12-6-22.)

3 Section 1-105. The Uniform Crime Reporting Act is amended
4 by changing Sections 5-10, 5-12, and 5-20 as follows:

5 (50 ILCS 709/5-10)

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

18 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22.)

20 (50 ILCS 709/5-12)

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

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

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

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

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

1 between the victim and the offender;

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

8 (6) data on offenses and incidents reported by schools
9 to local law enforcement. The data shall include offenses
10 defined as an attack against school personnel,
11 intimidation offenses, drug incidents, and incidents
12 involving weapons.†

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

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

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

2 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

4 (50 ILCS 709/5-20)

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

16 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
17 102-813, eff. 5-13-22.)

18 (50 ILCS 709/5-11 rep.)

19 Section 1-110. The Uniform Crime Reporting Act is amended
20 by repealing Section 5-11.

21 Section 1-115. The Uniform Peace Officers' Disciplinary
22 Act is amended by changing Sections 3.2, 3.4, and 3.8 as
23 follows:

1 (50 ILCS 725/3.2) (from Ch. 85, par. 2555)

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

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

10 (50 ILCS 725/3.4) (from Ch. 85, par. 2557)

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

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

21 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

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

23 (a) No officer shall be interrogated without first being

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

7 (b) Anyone ~~It shall not be a requirement for a person~~
8 filing a complaint against a sworn peace officer must ~~to~~ have
9 the complaint supported by a sworn affidavit. Any complaint,
10 having been supported by a sworn affidavit, and having been
11 found, in total or in part, to contain knowingly false
12 material information, shall be presented to the appropriate
13 State's Attorney for a determination of prosecution. ~~or any~~
14 ~~other legal documentation. This ban on an affidavit~~
15 ~~requirement shall apply to any collective bargaining~~
16 ~~agreements entered after the effective date of this provision.~~
17 (Source: P.A. 101-652, eff. 7-1-21.)

18 Section 1-120. The Uniform Peace Officers' Disciplinary
19 Act is amended by reenacting Section 6 as follows:

20 (50 ILCS 725/6) (from Ch. 85, par. 2567)

21 Sec. 6. Except as otherwise provided in this Act, the
22 provisions of this Act apply only to the extent there is no
23 collective bargaining agreement currently in effect dealing
24 with the subject matter of this Act.

1 (Source: P.A. 100-911, eff. 8-17-18.)

2 (50 ILCS 727/1-35 rep.)

3 Section 1-125. The Police and Community Relations
4 Improvement Act is amended by repealing Section 1-35.

5 Section 1-130. The Counties Code is amended by changing
6 Sections 3-4013, 4-5001, 4-12001, and 4-12001.1 as follows:

7 (55 ILCS 5/3-4013)

8 (Section scheduled to be repealed on December 31, 2023)

9 Sec. 3-4013. Public Defender Quality Defense Task Force.

10 (a) The Public Defender Quality Defense Task Force is
11 established to: (i) examine the current caseload and determine
12 the optimal caseload for public defenders in the State; (ii)
13 examine the quality of legal services being offered to
14 defendants by public defenders of the State; and (iii) make
15 recommendations to improve the caseload of public defenders
16 and quality of legal services offered by public defenders; ~~and~~
17 ~~(iv) provide recommendations to the General Assembly and~~
18 ~~Governor on legislation to provide for an effective public~~
19 ~~defender system throughout the State and encourage the active~~
20 ~~and substantial participation of the private bar in the~~
21 ~~representation of accused people.~~

22 (b) The following members shall be appointed to the Task
23 Force by the Governor no later than 30 days after the effective

1 date of this amendatory Act of the 102nd General Assembly:

2 (1) 2 assistant public defenders from the Office of
3 the Cook County Public Defender.

4 (2) 5 public defenders or assistant public defenders
5 from 5 counties other than Cook County.

6 (3) One Cook County circuit judge experienced in the
7 litigation of criminal law matters.

8 (4) One circuit judge from outside of Cook County
9 experienced in the litigation of criminal law matters.

10 (5) One representative from the Office of the State
11 Appellate Defender.

12 Task Force members shall serve without compensation but
13 may be reimbursed for their expenses incurred in performing
14 their duties. If a vacancy occurs in the Task Force
15 membership, the vacancy shall be filled in the same manner as
16 the original appointment for the remainder of the Task Force.

17 (c) The Task Force shall hold a minimum of 2 public
18 hearings. At the public hearings, the Task Force shall take
19 testimony of public defenders, former criminal defendants
20 represented by public defenders, and any other person the Task
21 Force believes would aid the Task Force's examination and
22 recommendations under subsection (a). The Task may meet as
23 such other times as it deems appropriate.

24 (d) The Office of the State Appellate Defender shall
25 provide administrative and other support to the Task Force.

26 (e) The Task Force shall prepare a report that summarizes

1 its work and makes recommendations resulting from its study.
2 The Task Force shall submit the report of its findings and
3 recommendations to the Governor and the General Assembly no
4 later than December 31, ~~2023~~ 2022.

5 (f) This Section is repealed on December 31, ~~2024~~ 2023.

6 (Source: P.A. 102-430, eff. 8-20-21; 102-1104, eff. 12-6-22.)

7 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

8 Sec. 4-5001. Sheriffs; counties of first and second class.

9 The fees of sheriffs in counties of the first and second class,
10 except when increased by county ordinance under this Section,
11 shall be as follows:

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

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

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

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

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

22 For serving or attempting to serve a warrant of arrest,
23 \$8, to be paid upon conviction.

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

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

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

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

5 For advertising property for sale, \$5.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 For making certificate of redemption, \$3.

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

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

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

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

26 For conveying each prisoner from the prisoner's own county

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 100-173, eff. 1-1-18; 100-863, eff. 8-14-18;
22 101-652.)

23 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

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

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

4 Fees for Sheriff

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

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

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

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

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

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

17 For summoning each juror, \$10.

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

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

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

1 For serving or attempting to serve notice of judgment,
2 \$35.

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

5 For executing order of court to seize personal property,
6 \$25.

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

14 For advertising property for sale, \$20.

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

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

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

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

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

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

4 For taking special bail, \$5.

5 For returning each process, \$15.

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

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

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

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

13 For committing to or discharging each prisoner from jail,
14 \$3.

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

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

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

24 For discharging such prisoners, \$3.

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

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

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

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

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

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

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

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

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

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

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

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

1 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

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

9 Fees for Sheriff

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

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, \$25.

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

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

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

22 For summoning each juror, \$4.

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

25 For serving or attempting to serve an order for

1 attachment, on each defendant, \$25.

2 For serving or attempting to serve an order or judgment
3 for the possession of real estate in an action of ejectment or
4 in any other action, or for restitution in an eviction action,
5 without aid, \$9, 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,
8 \$25.

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

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

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

1 of real estate, \$4.

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

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

10 For taking special bail, \$2.

11 For returning each process, \$5.

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

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

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

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

19 For committing to or discharging each prisoner from jail,
20 \$1.

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

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

1 requiring his confinement, \$1.

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

4 For discharging such prisoners, \$1.

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

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

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

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

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

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

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

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

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

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

1 (55 ILCS 5/3-4014 rep.)

2 (55 ILCS 5/3-6041 rep.)

3 Section 1-135. The Counties Code is amended by repealing
4 Sections 3-4014 and 3-6041.

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

6 Section 1-140. The Illinois Municipal Code is amended by
7 repealing Section 11-5.1-2.

8 Section 1-145. The Illinois Municipal Code is amended by
9 reenacting Section 1-2-12.1 as follows:

10 (65 ILCS 5/1-2-12.1)

11 Sec. 1-2-12.1. Municipal bond fees. A municipality may
12 impose a fee up to \$20 for bail processing against any person
13 arrested for violating aailable municipal ordinance or a
14 State or federal law.

15 (Source: Reenacted by P.A. 102-687, eff. 12-17-21. Repealed
16 internally, eff. 1-1-23.)

17 Section 1-150. The Campus Security Enhancement Act of 2008
18 is amended by changing Section 15 as follows:

19 (110 ILCS 12/15)

20 Sec. 15. Arrest 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 amount of
13 any bail or bond. ~~(Blank).~~

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
8 news service whether in print or electronic format, a radio
9 station, a television station, a television network, a
10 community antenna television service, or a person or
11 corporation engaged in making news reels or other motion
12 picture news for public 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 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

22 Section 1-155. The Illinois Insurance Code is amended by
23 changing Sections 143.19, 143.19.1, and 205 as follows:

24 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

1 (Text of Section before amendment by P.A. 102-982)

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

8 a. Nonpayment of premium;

9 b. The policy was obtained through a material
10 misrepresentation;

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

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

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

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

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

25 2. is or becomes subject to epilepsy or heart
26 attacks, and such individual does not produce a

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

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

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

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

1 of motor vehicles or any of the provisions of the motor
2 vehicle laws of any state, violation of which
3 constitutes a misdemeanor, whether or not the
4 violations were repetitions of the same offense or
5 different offenses;

6 g. The insured automobile is:

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

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

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

15 4. an authorized emergency vehicle;

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

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

20 Nothing in this Section shall apply to nonrenewal.

21 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23;
22 102-1104, eff. 1-1-23.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 143.19. Cancellation of automobile insurance policy;
25 grounds. After a policy of automobile insurance as defined in

1 Section 143.13(a) has been effective for 60 days, or if such
2 policy is a renewal policy, the insurer shall not exercise its
3 option to cancel such policy except for one or more of the
4 following reasons:

5 a. Nonpayment of premium;

6 b. The policy was obtained through a material
7 misrepresentation;

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

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

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

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

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

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

26 3. has a crash record, conviction record (criminal

1 or traffic), physical, or mental condition which is
2 such that his operation of an automobile might
3 endanger the public safety;

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

7 5. has been convicted, or forfeited bail ~~had~~
8 ~~pretrial release revoked~~, during the 36 months
9 immediately preceding the notice of cancellation, for
10 any felony, criminal negligence resulting in death,
11 homicide or assault arising out of the operation of a
12 motor vehicle, operating a motor vehicle while in an
13 intoxicated condition or while under the influence of
14 drugs, being intoxicated while in, or about, an
15 automobile or while having custody of an automobile,
16 leaving the scene of a crash without stopping to
17 report, theft or unlawful taking of a motor vehicle,
18 making false statements in an application for an
19 operator's or chauffeur's license or has been
20 convicted or forfeited bail ~~pretrial release has been~~
21 ~~revoked~~ for 3 or more violations within the 12 months
22 immediately preceding the notice of cancellation, of
23 any law, ordinance, or regulation limiting the speed
24 of motor vehicles or any of the provisions of the motor
25 vehicle laws of any state, violation of which
26 constitutes a misdemeanor, whether or not the

1 violations were repetitions of the same offense or
2 different offenses;

3 g. The insured automobile is:

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

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

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

12 4. an authorized emergency vehicle;

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

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

17 Nothing in this Section shall apply to nonrenewal.

18 (Source: P.A. 101-652, eff. 1-1-23; 102-982, eff. 7-1-23;
19 102-1104, eff. 1-1-23.)

20 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
23 After a policy of automobile insurance, as defined in Section
24 143.13, has been effective or renewed for 5 or more years, the
25 company shall not exercise its right of non-renewal unless:

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

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

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

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

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

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

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

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

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

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

24 f. The insured automobile is:

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

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

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

7 4. An authorized emergency vehicle; or

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

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

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

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

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
18 After a policy of automobile insurance, as defined in Section
19 143.13, has been effective or renewed for 5 or more years, the
20 company shall not exercise its right of non-renewal unless:

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

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

25 c. The named insured failed to disclose fully his

1 motor vehicle crashes and moving traffic violations for
2 the preceding 36 months, if such information is called for
3 in the application; or

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

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

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

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

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

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

25 5. Has been convicted or ~~pretrial release has been~~
26 ~~revoked~~ forfeited bail, during the 36 months immediately

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

19 f. The insured automobile is:

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

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

26 3. Used in the business of transportation of

- 1 flammables or explosives; or
- 2 4. An authorized emergency vehicle; or
- 3 5. Changed in shape or condition during the policy
- 4 period so as to increase the risk substantially; or
- 5 6. Subject to an inspection law and it has not been
- 6 inspected or, if inspected, has failed to qualify; or
- 7 g. The notice of the intention not to renew is mailed
- 8 to the insured at least 60 days before the date of
- 9 nonrenewal as provided in Section 143.17.

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

11 (215 ILCS 5/205) (from Ch. 73, par. 817)

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

13 (1) The priorities of distribution of general assets from

14 the company's estate is to be as follows:

15 (a) The costs and expenses of administration,

16 including, but not limited to, the following:

17 (i) The reasonable expenses of the Illinois

18 Insurance Guaranty Fund, the Illinois Life and Health

19 Insurance Guaranty Association, and the Illinois

20 Health Maintenance Organization Guaranty Association

21 and of any similar organization in any other state,

22 including overhead, salaries, and other general

23 administrative expenses allocable to the receivership

24 (administrative and claims handling expenses and

25 expenses in connection with arrangements for ongoing

1 coverage), but excluding expenses incurred in the
2 performance of duties under Section 547 or similar
3 duties under the statute governing a similar
4 organization in another state. For property and
5 casualty insurance guaranty associations that guaranty
6 certain obligations of any member company as defined
7 by Section 534.5, expenses shall include, but not be
8 limited to, loss adjustment expenses, which shall
9 include adjusting and other expenses and defense and
10 cost containment expenses. The expenses of such
11 property and casualty guaranty associations, including
12 the Illinois Insurance Guaranty Fund, shall be
13 reimbursed as prescribed by Section 545, but shall be
14 subordinate to all other costs and expenses of
15 administration, including the expenses reimbursed
16 pursuant to subparagraph (ii) of this paragraph (a).

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

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

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

26 (3) any necessary filing fees;

1 (4) the fees and mileage payable to witnesses;
2 (5) unsecured loans obtained by the receiver;
3 and
4 (6) expenses approved by the conservator or
5 rehabilitator of the insurer, if any, incurred in the
6 course of the conservation or rehabilitation that are
7 unpaid at the time of the entry of the order of
8 liquidation.

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

18 (b) Secured claims, including claims for taxes and
19 debts due the federal or any state or local government,
20 that are secured by liens perfected prior to the filing of
21 the complaint.

22 (c) Claims for wages actually owing to employees for
23 services rendered within 3 months prior to the date of the
24 filing of the complaint, not exceeding \$1,000 to each
25 employee unless there are claims due the federal
26 government under paragraph (f), then the claims for wages

1 shall have a priority of distribution immediately
2 following that of federal claims under paragraph (f) and
3 immediately preceding claims of general creditors under
4 paragraph (g).

5 (d) Claims by policyholders, beneficiaries, and
6 insureds, under insurance policies, annuity contracts, and
7 funding agreements, liability claims against insureds
8 covered under insurance policies and insurance contracts
9 issued by the company, claims of obligees (and, subject to
10 the discretion of the receiver, completion contractors)
11 under surety bonds and surety undertakings (not to include
12 bail bonds, mortgage or financial guaranty, or other forms
13 of insurance offering protection against investment risk),
14 claims by principals under surety bonds and surety
15 undertakings for wrongful dissipation of collateral by the
16 insurer or its agents, and claims incurred during any
17 extension of coverage provided under subsection (5) of
18 Section 193, and claims of the Illinois Insurance Guaranty
19 Fund, the Illinois Life and Health Insurance Guaranty
20 Association, the Illinois Health Maintenance Organization
21 Guaranty Association, and any similar organization in
22 another state as prescribed in Section 545. For purposes
23 of this Section, "funding agreement" means an agreement
24 whereby an insurer authorized to write business under
25 Class 1 of Section 4 of this Code may accept and accumulate
26 funds and make one or more payments at future dates in

1 amounts that are not based upon mortality or morbidity
2 contingencies.

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

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

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

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

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

19 Every claim under a written agreement, statute, or rule
20 providing that the assets in a separate account are not
21 chargeable with the liabilities arising out of any other
22 business of the insurer shall be satisfied out of the funded
23 assets in the separate account equal to, but not to exceed, the
24 reserves maintained in the separate account under the separate
25 account agreement, and to the extent, if any, the claim is not
26 fully discharged thereby, the remainder of the claim shall be

1 treated as a priority level (d) claim under paragraph (d) of
2 this subsection to the extent that reserves have been
3 established in the insurer's general account pursuant to
4 statute, rule, or the separate account agreement.

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

9 To the extent that any assets of an insurer, other than
10 those assets properly allocated to and maintained in a
11 separate account, have been used to fund or pay any expenses,
12 taxes, or policyholder benefits that are attributable to a
13 separate account policy, contract, or agreement that should
14 have been paid by a separate account prior to the commencement
15 of receivership proceedings, then upon the commencement of
16 receivership proceedings, the separate accounts that benefited
17 from this payment or funding shall first be used to repay or
18 reimburse the company's general assets or account for any
19 unreimbursed net sums due at the commencement of receivership
20 proceedings prior to the application of the separate account
21 assets to the satisfaction of liabilities or the corresponding
22 separate account policies, contracts, and agreements.

23 To the extent, if any, reserves or assets maintained in
24 the separate account are in excess of the amounts needed to
25 satisfy claims under the separate account contracts, the
26 excess shall be treated as part of the general assets of the

1 insurer's estate.

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

21 The Director shall establish procedures for the ratable
22 allocation and distribution of disbursements to the Illinois
23 Insurance Guaranty Fund, the Illinois Life and Health
24 Insurance Guaranty Association, the Illinois Health
25 Maintenance Organization Guaranty Association, and similar
26 organizations in other states. In determining the amounts

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

17 (3) The changes made in this Section by this amendatory
18 Act of the 100th General Assembly apply to all liquidation,
19 rehabilitation, or conservation proceedings that are pending
20 on the effective date of this amendatory Act of the 100th
21 General Assembly and to all future liquidation,
22 rehabilitation, or conservation proceedings.

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

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

1 Section 1-160. The Illinois Gambling Act is amended by
2 changing Section 5.1 as follows:

3 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

4 Sec. 5.1. Disclosure of records.

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

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

13 (2) An identification of any applicant or licensee
14 including, if an applicant or licensee is not an
15 individual, the names and addresses of all stockholders
16 and directors, if the entity is a corporation; the names
17 and addresses of all members, if the entity is a limited
18 liability company; the names and addresses of all
19 partners, both general and limited, if the entity is a
20 partnership; and the names and addresses of all
21 beneficiaries, if the entity is a trust. If an applicant
22 or licensee has a pending registration statement filed
23 with the Securities and Exchange Commission, only the
24 names of those persons or entities holding interest of 5%
25 or more must be provided.

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

15 (4) Whether an applicant or licensee has been
16 indicted, convicted, pleaded guilty or nolo contendere, or
17 ~~pretrial release has been revoked~~ forfeited bail
18 concerning any criminal offense under the laws of any
19 jurisdiction, either felony or misdemeanor (except for
20 traffic violations), including the date, the name and
21 location of the court, arresting agency and prosecuting
22 agency, the case number, the offense, the disposition and
23 the location and length of incarceration.

24 (5) Whether an applicant or licensee has had any
25 license or certificate issued by a licensing authority in
26 Illinois or any other jurisdiction denied, restricted,

1 suspended, revoked or not renewed and a statement
2 describing the facts and circumstances concerning the
3 denial, restriction, suspension, revocation or
4 non-renewal, including the licensing authority, the date
5 each such action was taken, and the reason for each such
6 action.

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

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

20 (8) A statement listing the names and titles of all
21 public officials or officers of any unit of government,
22 and relatives of said public officials or officers who,
23 directly or indirectly, own any financial interest in,
24 have any beneficial interest in, are the creditors of or
25 hold any debt instrument issued by, or hold or have any
26 interest in any contractual or service relationship with,

1 an applicant or licensee.

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

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

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

19 (12) A description of the product or service to be
20 supplied by an applicant for a supplier's license.

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

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

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

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

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

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

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

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

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

16 Section 1-165. The Sexual Assault Survivors Emergency
17 Treatment Act is amended by changing Section 7.5 as follows:

18 (410 ILCS 70/7.5)

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

22 (a) A hospital, approved pediatric health care facility,
23 health care professional, ambulance provider, laboratory, or
24 pharmacy furnishing medical forensic services, transportation,

1 follow-up healthcare, or medication to a sexual assault
2 survivor shall not:

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

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

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

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

18 (5) take any other action adverse to the sexual
19 assault survivor or his or her family on account of
20 providing services to the sexual assault survivor.

21 (a-5) Notwithstanding any other provision of law,
22 including, but not limited to, subsection (a), a sexual
23 assault survivor who is not the subscriber or primary
24 policyholder of the sexual assault survivor's insurance policy
25 may opt out of billing the sexual assault survivor's private
26 insurance provider. If the sexual assault survivor opts out of

1 billing the sexual assault survivor's private insurance
2 provider, then the bill for medical forensic services shall be
3 sent to the Department of Healthcare and Family Services'
4 Sexual Assault Emergency Treatment Program for reimbursement
5 for the services provided to the sexual assault survivor.

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

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

16 (1) a statement that the sexual assault survivor
17 should not be directly billed by any ambulance provider
18 providing transportation services, or by any hospital,
19 approved pediatric health care facility, health care
20 professional, laboratory, or pharmacy for the services the
21 sexual assault survivor received as an outpatient at the
22 hospital or approved pediatric health care facility;

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

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

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

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

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

19 This subsection (c) shall not apply to hospitals that
20 provide transfer services as defined under Section 1a of this
21 Act.

22 (d) Within 60 days after the effective date of this
23 amendatory Act of the 99th General Assembly, every health care
24 professional, except for those employed by a hospital or
25 hospital affiliate, as defined in the Hospital Licensing Act,
26 or those employed by a hospital operated under the University

1 of Illinois Hospital Act, who bills separately for medical or
2 forensic services must develop a billing protocol that ensures
3 that no survivor of sexual assault will be sent a bill for any
4 medical forensic services and submit the billing protocol to
5 the Crime Victim Services Division of the Office of the
6 Attorney General for approval. Within 60 days after the
7 commencement of the provision of medical forensic services,
8 every health care professional, except for those employed by a
9 hospital or hospital affiliate, as defined in the Hospital
10 Licensing Act, or those employed by a hospital operated under
11 the University of Illinois Hospital Act, who bills separately
12 for medical or forensic services must develop a billing
13 protocol that ensures that no survivor of sexual assault is
14 sent a bill for any medical forensic services and submit the
15 billing protocol to the Crime Victim Services Division of the
16 Office of the Attorney General for approval. Health care
17 professionals who bill as a legal entity may submit a single
18 billing protocol for the billing entity.

19 Within 60 days after the Department's approval of a
20 treatment plan, an approved pediatric health care facility and
21 any health care professional employed by an approved pediatric
22 health care facility must develop a billing protocol that
23 ensures that no survivor of sexual assault is sent a bill for
24 any medical forensic services and submit the billing protocol
25 to the Crime Victim Services Division of the Office of the
26 Attorney General for approval.

1 The billing protocol must include at a minimum:

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

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

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

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

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

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

18 The Crime Victim Services Division of the Office of the
19 Attorney General may provide a sample acceptable billing
20 protocol upon request.

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

25 If the Office of the Attorney General determines that
26 implementation of the protocol could result in the billing of

1 a survivor of sexual assault for medical forensic services,
2 the Office of the Attorney General shall provide the health
3 care professional or approved pediatric health care facility
4 with a written statement of the deficiencies in the protocol.
5 The health care professional or approved pediatric health care
6 facility shall have 30 days to submit a revised billing
7 protocol addressing the deficiencies to the Office of the
8 Attorney General. The health care professional or approved
9 pediatric health care facility shall implement the protocol
10 upon approval by the Crime Victim Services Division of the
11 Office of the Attorney General.

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

21 (e) This Section is effective on and after January 1,
22 2024.

23 (Source: P.A. 101-634, eff. 6-5-20; 101-652, eff. 7-1-21;
24 102-22, eff. 6-25-21; 102-674, eff. 11-30-21; 102-1097, eff.
25 1-1-23.)

1 Section 1-170. The Illinois Vehicle Code is amended by
2 changing Sections 6-204, 6-308, 6-500, 6-601, and 16-103 as
3 follows:

4 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

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

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

15 (1) Whenever any person is convicted of any offense
16 for which this Code makes mandatory the cancellation or
17 revocation of the driver's license or permit of such
18 person by the Secretary of State, the judge of the court in
19 which such conviction is had shall require the surrender
20 to the clerk of the court of all driver's licenses or
21 permits then held by the person so convicted, and the
22 clerk of the court shall, within 5 days thereafter,
23 forward the same, together with a report of such
24 conviction, to the Secretary.

25 (2) Whenever any person is convicted of any offense

1 under this Code or similar offenses under a municipal
2 ordinance, other than regulations governing standing,
3 parking or weights of vehicles, and excepting the
4 following enumerated Sections of this Code: Sections
5 11-1406 (obstruction to driver's view or control), 11-1407
6 (improper opening of door into traffic), 11-1410 (coasting
7 on downgrade), 11-1411 (following fire apparatus),
8 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
9 vehicle which is in unsafe condition or improperly
10 equipped), 12-201(a) (daytime lights on motorcycles),
11 12-202 (clearance, identification and side marker lamps),
12 12-204 (lamp or flag on projecting load), 12-205 (failure
13 to display the safety lights required), 12-401
14 (restrictions as to tire equipment), 12-502 (mirrors),
15 12-503 (windshields must be unobstructed and equipped with
16 wipers), 12-601 (horns and warning devices), 12-602
17 (mufflers, prevention of noise or smoke), 12-603 (seat
18 safety belts), 12-702 (certain vehicles to carry flares or
19 other warning devices), 12-703 (vehicles for oiling roads
20 operated on highways), 12-710 (splash guards and
21 replacements), 13-101 (safety tests), 15-101 (size, weight
22 and load), 15-102 (width), 15-103 (height), 15-104 (name
23 and address on second division vehicles), 15-107 (length
24 of vehicle), 15-109.1 (cover or tarpaulin), 15-111
25 (weights), 15-112 (weights), 15-301 (weights), 15-316
26 (weights), 15-318 (weights), and also excepting the

1 following enumerated Sections of the Chicago Municipal
2 Code: Sections 27-245 (following fire apparatus), 27-254
3 (obstruction of traffic), 27-258 (driving vehicle which is
4 in unsafe condition), 27-259 (coasting on downgrade),
5 27-264 (use of horns and signal devices), 27-265
6 (obstruction to driver's view or driver mechanism), 27-267
7 (dimming of headlights), 27-268 (unattended motor
8 vehicle), 27-272 (illegal funeral procession), 27-273
9 (funeral procession on boulevard), 27-275 (driving freight
10 hauling vehicles on boulevard), 27-276 (stopping and
11 standing of buses or taxicabs), 27-277 (cruising of public
12 passenger vehicles), 27-305 (parallel parking), 27-306
13 (diagonal parking), 27-307 (parking not to obstruct
14 traffic), 27-308 (stopping, standing or parking
15 regulated), 27-311 (parking regulations), 27-312 (parking
16 regulations), 27-313 (parking regulations), 27-314
17 (parking regulations), 27-315 (parking regulations),
18 27-316 (parking regulations), 27-317 (parking
19 regulations), 27-318 (parking regulations), 27-319
20 (parking regulations), 27-320 (parking regulations),
21 27-321 (parking regulations), 27-322 (parking
22 regulations), 27-324 (loading and unloading at an angle),
23 27-333 (wheel and axle loads), 27-334 (load restrictions
24 in the downtown district), 27-335 (load restrictions in
25 residential areas), 27-338 (width of vehicles), 27-339
26 (height of vehicles), 27-340 (length of vehicles), 27-352

1 (reflectors on trailers), 27-353 (mufflers), 27-354
2 (display of plates), 27-355 (display of city vehicle tax
3 sticker), 27-357 (identification of vehicles), 27-358
4 (projecting of loads), and also excepting the following
5 enumerated paragraphs of Section 2-201 of the Rules and
6 Regulations of the Illinois State Toll Highway Authority:
7 (l) (driving unsafe vehicle on tollway), (m) (vehicles
8 transporting dangerous cargo not properly indicated), it
9 shall be the duty of the clerk of the court in which such
10 conviction is had within 5 days thereafter to forward to
11 the Secretary of State a report of the conviction and the
12 court may recommend the suspension of the driver's license
13 or permit of the person so convicted.

14 The reporting requirements of this subsection shall
15 apply to all violations stated in paragraphs (1) and (2)
16 of this subsection when the individual has been
17 adjudicated under the Juvenile Court Act or the Juvenile
18 Court Act of 1987. Such reporting requirements shall also
19 apply to individuals adjudicated under the Juvenile Court
20 Act or the Juvenile Court Act of 1987 who have committed a
21 violation of Section 11-501 of this Code, or similar
22 provision of a local ordinance, or Section 9-3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 relating to the offense of reckless homicide, or Section
25 5-7 of the Snowmobile Registration and Safety Act or
26 Section 5-16 of the Boat Registration and Safety Act,

1 relating to the offense of operating a snowmobile or a
2 watercraft while under the influence of alcohol, other
3 drug or drugs, intoxicating compound or compounds, or
4 combination thereof. These reporting requirements also
5 apply to individuals adjudicated under the Juvenile Court
6 Act of 1987 based on any offense determined to have been
7 committed in furtherance of the criminal activities of an
8 organized gang, as provided in Section 5-710 of that Act,
9 if those activities involved the operation or use of a
10 motor vehicle. It shall be the duty of the clerk of the
11 court in which adjudication is had within 5 days
12 thereafter to forward to the Secretary of State a report
13 of the adjudication and the court order requiring the
14 Secretary of State to suspend the minor's driver's license
15 and driving privilege for such time as determined by the
16 court, but only until he or she attains the age of 18
17 years. All juvenile court dispositions reported to the
18 Secretary of State under this provision shall be processed
19 by the Secretary of State as if the cases had been
20 adjudicated in traffic or criminal court. However,
21 information reported relative to the offense of reckless
22 homicide, or Section 11-501 of this Code, or a similar
23 provision of a local ordinance, shall be privileged and
24 available only to the Secretary of State, courts, and
25 police officers.

26 The reporting requirements of this subsection (a)

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

7 (3) Whenever an order is entered vacating the
8 forfeiture of any bail, security or bond given to secure
9 appearance for any offense under this Code or similar
10 offenses under municipal ordinance, it shall be the duty
11 of the clerk of the court in which such vacation was had or
12 the judge of such court if such court has no clerk, within
13 5 days thereafter to forward to the Secretary of State a
14 report of the vacation. ~~Whenever an order is entered~~
15 ~~revoking pretrial release given to secure appearance for~~
16 ~~any offense under this Code or similar offenses under~~
17 ~~municipal ordinance, it shall be the duty of the clerk of~~
18 ~~the court in which such revocation was had or the judge of~~
19 ~~such court if such court has no clerk, within 5 days~~
20 ~~thereafter to forward to the Secretary of State a report~~
21 ~~of the revocation.~~

22 (4) A report of any disposition of court supervision
23 for a violation of Sections 6-303, 11-401, 11-501 or a
24 similar provision of a local ordinance, 11-503, 11-504,
25 and 11-506 of this Code, Section 5-7 of the Snowmobile
26 Registration and Safety Act, and Section 5-16 of the Boat

1 Registration and Safety Act shall be forwarded to the
2 Secretary of State. A report of any disposition of court
3 supervision for a violation of an offense defined as a
4 serious traffic violation in this Code or a similar
5 provision of a local ordinance committed by a person under
6 the age of 21 years shall be forwarded to the Secretary of
7 State.

8 (5) Reports of conviction under this Code and
9 sentencing hearings under the Juvenile Court Act of 1987
10 in an electronic format or a computer processible medium
11 shall be forwarded to the Secretary of State via the
12 Supreme Court in the form and format required by the
13 Illinois Supreme Court and established by a written
14 agreement between the Supreme Court and the Secretary of
15 State. In counties with a population over 300,000, instead
16 of forwarding reports to the Supreme Court, reports of
17 conviction under this Code and sentencing hearings under
18 the Juvenile Court Act of 1987 in an electronic format or a
19 computer processible medium may be forwarded to the
20 Secretary of State by the Circuit Court Clerk in a form and
21 format required by the Secretary of State and established
22 by written agreement between the Circuit Court Clerk and
23 the Secretary of State. Failure to forward the reports of
24 conviction or sentencing hearing under the Juvenile Court
25 Act of 1987 as required by this Section shall be deemed an
26 omission of duty and it shall be the duty of the several

1 State's Attorneys to enforce the requirements of this
2 Section.

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

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

19 (d) For the purpose of providing the Secretary of State
20 with records necessary to properly monitor and assess driver
21 performance and assist the courts in the proper disposition of
22 repeat traffic law offenders, the clerk of the court shall
23 forward to the Secretary of State, on a form prescribed by the
24 Secretary, records of a driver's participation in a driver
25 remedial or rehabilitative program which was required, through
26 a court order or court supervision, in relation to the

1 driver's arrest for a violation of Section 11-501 of this Code
2 or a similar provision of a local ordinance. The clerk of the
3 court shall also forward to the Secretary, either on paper or
4 in an electronic format or a computer processible medium as
5 required under paragraph (5) of subsection (a) of this
6 Section, any disposition of court supervision for any traffic
7 violation, excluding those offenses listed in paragraph (2) of
8 subsection (a) of this Section. These reports shall be sent
9 within 5 days after disposition, or, if the driver is referred
10 to a driver remedial or rehabilitative program, within 5 days
11 of the driver's referral to that program. These reports
12 received by the Secretary of State, including those required
13 to be forwarded under paragraph (a)(4), shall be privileged
14 information, available only (i) to the affected driver, (ii)
15 to the parent or guardian of a person under the age of 18 years
16 holding an instruction permit or a graduated driver's license,
17 and (iii) for use by the courts, police officers, prosecuting
18 authorities, the Secretary of State, and the driver licensing
19 administrator of any other state. In accordance with 49 C.F.R.
20 Part 384, all reports of court supervision, except violations
21 related to parking, shall be forwarded to the Secretary of
22 State for all holders of a CLP or CDL or any driver who commits
23 an offense while driving a commercial motor vehicle. These
24 reports shall be recorded to the driver's record as a
25 conviction for use in the disqualification of the driver's
26 commercial motor vehicle privileges and shall not be

1 privileged information.

2 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 1-1-23;
3 102-1104, eff. 1-1-23.)

4 (625 ILCS 5/6-308)

5 Sec. 6-308. Procedures for traffic violations.

6 (a) Any person cited for violating this Code or a similar
7 provision of a local ordinance for which a violation is a petty
8 offense as defined by Section 5-1-17 of the Unified Code of
9 Corrections, excluding business offenses as defined by Section
10 5-1-2 of the Unified Code of Corrections or a violation of
11 Section 15-111 or subsection (d) of Section 3-401 of this
12 Code, shall not be required to sign the citation or post bond
13 to secure bail for his or her release. All other provisions of
14 this Code or similar provisions of local ordinances shall be
15 governed by the ~~pretrial-release~~ bail provisions of the
16 Illinois Supreme Court Rules when it is not practical or
17 feasible to take the person before a judge to have ~~conditions~~
18 ~~of pretrial-release~~ bail set or to avoid undue delay because of
19 the hour or circumstances.

20 (b) Whenever a person fails to appear in court, the court
21 may continue the case for a minimum of 30 days and the clerk of
22 the court shall send notice of the continued court date to the
23 person's last known address. If the person does not appear in
24 court on or before the continued court date or satisfy the
25 court that the person's appearance in and surrender to the

1 court is impossible for no fault of the person, the court shall
2 enter an order of failure to appear. The clerk of the court
3 shall notify the Secretary of State, on a report prescribed by
4 the Secretary, of the court's order. The Secretary, when
5 notified by the clerk of the court that an order of failure to
6 appear has been entered, shall immediately suspend the
7 person's driver's license, which shall be designated by the
8 Secretary as a Failure to Appear suspension. The Secretary
9 shall not remove the suspension, nor issue any permit or
10 privileges to the person whose license has been suspended,
11 until notified by the ordering court that the person has
12 appeared and resolved the violation. Upon compliance, the
13 clerk of the court shall present the person with a notice of
14 compliance containing the seal of the court, and shall notify
15 the Secretary that the person has appeared and resolved the
16 violation.

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

22 (Source: P.A. 100-674, eff. 1-1-19; 101-652.)

23 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

24 (Text of Section before amendment by P.A. 102-982)

25 Sec. 6-500. Definitions of words and phrases.

1 Notwithstanding the definitions set forth elsewhere in this
2 Code, for purposes of the Uniform Commercial Driver's License
3 Act (UCDLA), the words and phrases listed below have the
4 meanings ascribed to them as follows:

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

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

9 (A) the number of grams of alcohol per 210 liters of
10 breath; or

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

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

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

19 (3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.3) CDLIS driver record. "CDLIS driver record" means the
23 electronic record of the individual CDL driver's status and
24 history stored by the State-of-Record as part of the
25 Commercial Driver's License Information System, or CDLIS,
26 established under 49 U.S.C. 31309.

1 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
2 record" or "CDLIS MVR" means a report generated from the CDLIS
3 driver record meeting the requirements for access to CDLIS
4 information and provided by states to users authorized in 49
5 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
6 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

7 (5.7) Commercial driver's license downgrade. "Commercial
8 driver's license downgrade" or "CDL downgrade" means either:

9 (A) a state allows the driver to change his or her
10 self-certification to interstate, but operating
11 exclusively in transportation or operation excepted from
12 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
13 391.2, 391.68, or 398.3;

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

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

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

24 (6) Commercial Motor Vehicle.

25 (A) "Commercial motor vehicle" or "CMV" means a motor
26 vehicle or combination of motor vehicles used in commerce,

1 except those referred to in subdivision (B), designed to
2 transport passengers or property if the motor vehicle:

3 (i) has a gross combination weight rating or gross
4 combination weight of 11,794 kilograms or more (26,001
5 pounds or more), whichever is greater, inclusive of
6 any towed unit with a gross vehicle weight rating or
7 gross vehicle weight of more than 4,536 kilograms
8 (10,000 pounds), whichever is greater; or

9 (i-5) has a gross vehicle weight rating or gross
10 vehicle weight of 11,794 or more kilograms (26,001
11 pounds or more), whichever is greater; or

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

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

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

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

22 (ii) vehicles owned by or operated under the
23 direction of the United States Department of Defense
24 or the United States Coast Guard only when operated by
25 non-civilian personnel. This includes any operator on
26 active military duty; members of the Reserves;

1 National Guard; personnel on part-time training; and
2 National Guard military technicians (civilians who are
3 required to wear military uniforms and are subject to
4 the Code of Military Justice); or

5 (iii) firefighting, police, and other emergency
6 equipment (including, without limitation, equipment
7 owned or operated by a HazMat or technical rescue team
8 authorized by a county board under Section 5-1127 of
9 the Counties Code), with audible and visual signals,
10 owned or operated by or for a governmental entity,
11 which is necessary to the preservation of life or
12 property or the execution of emergency governmental
13 functions which are normally not subject to general
14 traffic rules and regulations.

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

21 (8) Conviction. "Conviction" means an unvacated
22 adjudication of guilt or a determination that a person has
23 violated or failed to comply with the law in a court of
24 original jurisdiction or by an authorized administrative
25 tribunal; an unvacated forfeiture of bail or collateral
26 deposited to secure the person's appearance in court; a plea

1 of guilty or nolo contendere accepted by the court; the
2 payment of a fine or court cost regardless of whether the
3 imposition of sentence is deferred and ultimately a judgment
4 dismissing the underlying charge is entered; or a violation of
5 a condition of release without bail, regardless of whether or
6 not the penalty is rebated, suspended or probated.
7 ~~"Conviction" means an unvacated adjudication of guilt or a~~
8 ~~determination that a person has violated or failed to comply~~
9 ~~with the law in a court of original jurisdiction or by an~~
10 ~~authorized administrative tribunal; an unvacated revocation of~~
11 ~~pretrial release; a plea of guilty or nolo contendere accepted~~
12 ~~by the court; or the payment of a fine or court cost regardless~~
13 ~~of whether the imposition of sentence is deferred and~~
14 ~~ultimately a judgment dismissing the underlying charge is~~
15 ~~entered.~~

16 (8.5) Day. "Day" means calendar day.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

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

26 (13.5) Driver applicant. "Driver applicant" means an

1 individual who applies to a state or other jurisdiction to
2 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
3 a CLP.

4 (13.8) Electronic device. "Electronic device" includes,
5 but is not limited to, a cellular telephone, personal digital
6 assistant, pager, computer, or any other device used to input,
7 write, send, receive, or read text.

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

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

20 (15.1) Endorsement. "Endorsement" means an authorization
21 to an individual's CLP or CDL required to permit the
22 individual to operate certain types of commercial motor
23 vehicles.

24 (15.2) Entry-level driver training. "Entry-level driver
25 training" means the training an entry-level driver receives
26 from an entity listed on the Federal Motor Carrier Safety

1 Administration's Training Provider Registry prior to: (i)
2 taking the CDL skills test required to receive the Class A or
3 Class B CDL for the first time; (ii) taking the CDL skills test
4 required to upgrade to a Class A or Class B CDL; or (iii)
5 taking the CDL skills test required to obtain a passenger or
6 school bus endorsement for the first time or the CDL knowledge
7 test required to obtain a hazardous materials endorsement for
8 the first time.

9 (15.3) Excepted interstate. "Excepted interstate" means a
10 person who operates or expects to operate in interstate
11 commerce, but engages exclusively in transportation or
12 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
13 or 398.3 from all or part of the qualification requirements of
14 49 C.F.R. Part 391 and is not required to obtain a medical
15 examiner's certificate by 49 C.F.R. 391.45.

16 (15.5) Excepted intrastate. "Excepted intrastate" means a
17 person who operates in intrastate commerce but engages
18 exclusively in transportation or operations excepted from all
19 or parts of the state driver qualification requirements.

20 (16) (Blank).

21 (16.5) Fatality. "Fatality" means the death of a person as
22 a result of a motor vehicle accident.

23 (16.7) Foreign commercial driver. "Foreign commercial
24 driver" means a person licensed to operate a commercial motor
25 vehicle by an authority outside the United States, or a
26 citizen of a foreign country who operates a commercial motor

1 vehicle in the United States.

2 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
3 sovereign jurisdiction that does not fall within the
4 definition of "State".

5 (18) (Blank).

6 (19) (Blank).

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

12 (20.5) Imminent Hazard. "Imminent hazard" means the
13 existence of any condition of a vehicle, employee, or
14 commercial motor vehicle operations that substantially
15 increases the likelihood of serious injury or death if not
16 discontinued immediately; or a condition relating to hazardous
17 material that presents a substantial likelihood that death,
18 serious illness, severe personal injury, or a substantial
19 endangerment to health, property, or the environment may occur
20 before the reasonably foreseeable completion date of a formal
21 proceeding begun to lessen the risk of that death, illness,
22 injury or endangerment.

23 (20.6) Issuance. "Issuance" means initial issuance,
24 transfer, renewal, or upgrade of a CLP or CDL and
25 non-domiciled CLP or CDL.

26 (20.7) Issue. "Issue" means initial issuance, transfer,

1 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
2 non-domiciled CDL.

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

6 (21.01) Manual transmission. "Manual transmission" means a
7 transmission utilizing a driver-operated clutch that is
8 activated by a pedal or lever and a gear-shift mechanism
9 operated either by hand or foot including those known as a
10 stick shift, stick, straight drive, or standard transmission.
11 All other transmissions, whether semi-automatic or automatic,
12 shall be considered automatic for the purposes of the
13 standardized restriction code.

14 (21.1) Medical examiner. "Medical examiner" means an
15 individual certified by the Federal Motor Carrier Safety
16 Administration and listed on the National Registry of
17 Certified Medical Examiners in accordance with Federal Motor
18 Carrier Safety Regulations, 49 CFR 390.101 et seq.

19 (21.2) Medical examiner's certificate. "Medical examiner's
20 certificate" means either (1) prior to June 22, 2021, a
21 document prescribed or approved by the Secretary of State that
22 is issued by a medical examiner to a driver to medically
23 qualify him or her to drive; or (2) beginning June 22, 2021, an
24 electronic submission of results of an examination conducted
25 by a medical examiner listed on the National Registry of
26 Certified Medical Examiners to the Federal Motor Carrier

1 Safety Administration of a driver to medically qualify him or
2 her to drive.

3 (21.5) Medical variance. "Medical variance" means a driver
4 has received one of the following from the Federal Motor
5 Carrier Safety Administration which allows the driver to be
6 issued a medical certificate: (1) an exemption letter
7 permitting operation of a commercial motor vehicle pursuant to
8 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
9 skill performance evaluation (SPE) certificate permitting
10 operation of a commercial motor vehicle pursuant to 49 C.F.R.
11 391.49.

12 (21.7) Mobile telephone. "Mobile telephone" means a mobile
13 communication device that falls under or uses any commercial
14 mobile radio service, as defined in regulations of the Federal
15 Communications Commission, 47 CFR 20.3. It does not include
16 two-way or citizens band radio services.

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

22 (22.2) Motor vehicle record. "Motor vehicle record" means
23 a report of the driving status and history of a driver
24 generated from the driver record provided to users, such as
25 drivers or employers, and is subject to the provisions of the
26 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

1 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
2 combination of motor vehicles not defined by the term
3 "commercial motor vehicle" or "CMV" in this Section.

4 (22.7) Non-excepted interstate. "Non-excepted interstate"
5 means a person who operates or expects to operate in
6 interstate commerce, is subject to and meets the qualification
7 requirements under 49 C.F.R. Part 391, and is required to
8 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

9 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
10 means a person who operates only in intrastate commerce and is
11 subject to State driver qualification requirements.

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

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

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

22 (24) (Blank).

23 (25) (Blank).

24 (25.5) Railroad-Highway Grade Crossing Violation.
25 "Railroad-highway grade crossing violation" means a violation,
26 while operating a commercial motor vehicle, of any of the

1 following:

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

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

5 (25.7) School Bus. "School bus" means a commercial motor
6 vehicle used to transport pre-primary, primary, or secondary
7 school students from home to school, from school to home, or to
8 and from school-sponsored events. "School bus" does not
9 include a bus used as a common carrier.

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

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

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

18 (ii) a violation relating to reckless driving; or

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

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

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

1 or

2 (vi) a violation relating to improper or erratic
3 traffic lane changes; or

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

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

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

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

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

18 (28) (Blank).

19 (29) (Blank).

20 (30) (Blank).

21 (31) (Blank).

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

25 (1) Texting includes, but is not limited to, short
26 message service, emailing, instant messaging, a command or

1 request to access a World Wide Web page, pressing more
2 than a single button to initiate or terminate a voice
3 communication using a mobile telephone, or engaging in any
4 other form of electronic text retrieval or entry for
5 present or future communication.

6 (2) Texting does not include:

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

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

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

19 (32.3) Third party skills test examiner. "Third party
20 skills test examiner" means a person employed by a third party
21 tester who is authorized by the State to administer the CDL
22 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

23 (32.5) Third party tester. "Third party tester" means a
24 person (including, but not limited to, another state, a motor
25 carrier, a private driver training facility or other private
26 institution, or a department, agency, or instrumentality of a

1 local government) authorized by the State to employ skills
2 test examiners to administer the CDL skills tests specified in
3 49 C.F.R. Part 383, subparts G and H.

4 (32.7) United States. "United States" means the 50 states
5 and the District of Columbia.

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

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

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

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

18 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
19 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

20 (Text of Section after amendment by P.A. 102-982)

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

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

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

5 (A) the number of grams of alcohol per 210 liters of
6 breath; or

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

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

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

15 (3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (5.3) CDLIS driver record. "CDLIS driver record" means the
19 electronic record of the individual CDL driver's status and
20 history stored by the State-of-Record as part of the
21 Commercial Driver's License Information System, or CDLIS,
22 established under 49 U.S.C. 31309.

23 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
24 record" or "CDLIS MVR" means a report generated from the CDLIS
25 driver record meeting the requirements for access to CDLIS
26 information and provided by states to users authorized in 49

1 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the
2 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

3 (5.7) Commercial driver's license downgrade. "Commercial
4 driver's license downgrade" or "CDL downgrade" means either:

5 (A) a state allows the driver to change his or her
6 self-certification to interstate, but operating
7 exclusively in transportation or operation excepted from
8 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
9 391.2, 391.68, or 398.3;

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

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

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

20 (6) Commercial Motor Vehicle.

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

25 (i) has a gross combination weight rating or gross
26 combination weight of 11,794 kilograms or more (26,001

1 pounds or more), whichever is greater, inclusive of
2 any towed unit with a gross vehicle weight rating or
3 gross vehicle weight of more than 4,536 kilograms
4 (10,000 pounds), whichever is greater; or

5 (i-5) has a gross vehicle weight rating or gross
6 vehicle weight of 11,794 or more kilograms (26,001
7 pounds or more), whichever is greater; or

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

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

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

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

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

1 (iii) firefighting, police, and other emergency
2 equipment (including, without limitation, equipment
3 owned or operated by a HazMat or technical rescue team
4 authorized by a county board under Section 5-1127 of
5 the Counties Code), with audible and visual signals,
6 owned or operated by or for a governmental entity,
7 which is necessary to the preservation of life or
8 property or the execution of emergency governmental
9 functions which are normally not subject to general
10 traffic rules and regulations.

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

17 (8) Conviction. "Conviction" means an unvacated
18 adjudication of guilt or a determination that a person has
19 violated or failed to comply with the law in a court of
20 original jurisdiction or by an authorized administrative
21 tribunal; an unvacated forfeiture of bail or collateral
22 deposited to secure the person's appearance in court; a plea
23 of guilty or nolo contendere accepted by the court; the
24 payment of a fine or court cost regardless of whether the
25 imposition of sentence is deferred and ultimately a judgment
26 dismissing the underlying charge is entered; or a violation of

1 a condition of release without bail, regardless of whether or
2 not the penalty is rebated, suspended or probated.

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5 ~~with the law in a court of original jurisdiction or by an~~
6 ~~authorized administrative tribunal; an unvacated revocation of~~
7 ~~pretrial release; a plea of guilty or nolo contendere accepted~~
8 ~~by the court; or the payment of a fine or court cost regardless~~
9 ~~of whether the imposition of sentence is deferred and~~
10 ~~ultimately a judgment dismissing the underlying charge is~~
11 ~~entered.~~

12 (8.5) Day. "Day" means calendar day.

13 (9) (Blank).

14 (10) (Blank).

15 (11) (Blank).

16 (12) (Blank).

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

22 (13.5) Driver applicant. "Driver applicant" means an
23 individual who applies to a state or other jurisdiction to
24 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
25 a CLP.

26 (13.8) Electronic device. "Electronic device" includes,

1 but is not limited to, a cellular telephone, personal digital
2 assistant, pager, computer, or any other device used to input,
3 write, send, receive, or read text.

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

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

16 (15.1) Endorsement. "Endorsement" means an authorization
17 to an individual's CLP or CDL required to permit the
18 individual to operate certain types of commercial motor
19 vehicles.

20 (15.2) Entry-level driver training. "Entry-level driver
21 training" means the training an entry-level driver receives
22 from an entity listed on the Federal Motor Carrier Safety
23 Administration's Training Provider Registry prior to: (i)
24 taking the CDL skills test required to receive the Class A or
25 Class B CDL for the first time; (ii) taking the CDL skills test
26 required to upgrade to a Class A or Class B CDL; or (iii)

1 taking the CDL skills test required to obtain a passenger or
2 school bus endorsement for the first time or the CDL knowledge
3 test required to obtain a hazardous materials endorsement for
4 the first time.

5 (15.3) Excepted interstate. "Excepted interstate" means a
6 person who operates or expects to operate in interstate
7 commerce, but engages exclusively in transportation or
8 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
9 or 398.3 from all or part of the qualification requirements of
10 49 C.F.R. Part 391 and is not required to obtain a medical
11 examiner's certificate by 49 C.F.R. 391.45.

12 (15.5) Excepted intrastate. "Excepted intrastate" means a
13 person who operates in intrastate commerce but engages
14 exclusively in transportation or operations excepted from all
15 or parts of the state driver qualification requirements.

16 (16) (Blank).

17 (16.5) Fatality. "Fatality" means the death of a person as
18 a result of a motor vehicle crash.

19 (16.7) Foreign commercial driver. "Foreign commercial
20 driver" means a person licensed to operate a commercial motor
21 vehicle by an authority outside the United States, or a
22 citizen of a foreign country who operates a commercial motor
23 vehicle in the United States.

24 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
25 sovereign jurisdiction that does not fall within the
26 definition of "State".

1 (18) (Blank).

2 (19) (Blank).

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

8 (20.5) Imminent Hazard. "Imminent hazard" means the
9 existence of any condition of a vehicle, employee, or
10 commercial motor vehicle operations that substantially
11 increases the likelihood of serious injury or death if not
12 discontinued immediately; or a condition relating to hazardous
13 material that presents a substantial likelihood that death,
14 serious illness, severe personal injury, or a substantial
15 endangerment to health, property, or the environment may occur
16 before the reasonably foreseeable completion date of a formal
17 proceeding begun to lessen the risk of that death, illness,
18 injury or endangerment.

19 (20.6) Issuance. "Issuance" means initial issuance,
20 transfer, renewal, or upgrade of a CLP or CDL and
21 non-domiciled CLP or CDL.

22 (20.7) Issue. "Issue" means initial issuance, transfer,
23 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
24 non-domiciled CDL.

25 (21) Long-term lease. "Long-term lease" means a lease of a
26 commercial motor vehicle by the owner-lessor to a lessee, for

1 a period of more than 29 days.

2 (21.01) Manual transmission. "Manual transmission" means a
3 transmission utilizing a driver-operated clutch that is
4 activated by a pedal or lever and a gear-shift mechanism
5 operated either by hand or foot including those known as a
6 stick shift, stick, straight drive, or standard transmission.
7 All other transmissions, whether semi-automatic or automatic,
8 shall be considered automatic for the purposes of the
9 standardized restriction code.

10 (21.1) Medical examiner. "Medical examiner" means an
11 individual certified by the Federal Motor Carrier Safety
12 Administration and listed on the National Registry of
13 Certified Medical Examiners in accordance with Federal Motor
14 Carrier Safety Regulations, 49 CFR 390.101 et seq.

15 (21.2) Medical examiner's certificate. "Medical examiner's
16 certificate" means either (1) prior to June 22, 2021, a
17 document prescribed or approved by the Secretary of State that
18 is issued by a medical examiner to a driver to medically
19 qualify him or her to drive; or (2) beginning June 22, 2021, an
20 electronic submission of results of an examination conducted
21 by a medical examiner listed on the National Registry of
22 Certified Medical Examiners to the Federal Motor Carrier
23 Safety Administration of a driver to medically qualify him or
24 her to drive.

25 (21.5) Medical variance. "Medical variance" means a driver
26 has received one of the following from the Federal Motor

1 Carrier Safety Administration which allows the driver to be
2 issued a medical certificate: (1) an exemption letter
3 permitting operation of a commercial motor vehicle pursuant to
4 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
5 skill performance evaluation (SPE) certificate permitting
6 operation of a commercial motor vehicle pursuant to 49 C.F.R.
7 391.49.

8 (21.7) Mobile telephone. "Mobile telephone" means a mobile
9 communication device that falls under or uses any commercial
10 mobile radio service, as defined in regulations of the Federal
11 Communications Commission, 47 CFR 20.3. It does not include
12 two-way or citizens band radio services.

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

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

23 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
24 combination of motor vehicles not defined by the term
25 "commercial motor vehicle" or "CMV" in this Section.

26 (22.7) Non-excepted interstate. "Non-excepted interstate"

1 means a person who operates or expects to operate in
2 interstate commerce, is subject to and meets the qualification
3 requirements under 49 C.F.R. Part 391, and is required to
4 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

5 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
6 means a person who operates only in intrastate commerce and is
7 subject to State driver qualification requirements.

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

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

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

18 (24) (Blank).

19 (25) (Blank).

20 (25.5) Railroad-Highway Grade Crossing Violation.
21 "Railroad-highway grade crossing violation" means a violation,
22 while operating a commercial motor vehicle, of any of the
23 following:

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

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

1 (25.7) School Bus. "School bus" means a commercial motor
2 vehicle used to transport pre-primary, primary, or secondary
3 school students from home to school, from school to home, or to
4 and from school-sponsored events. "School bus" does not
5 include a bus used as a common carrier.

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

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

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

14 (ii) a violation relating to reckless driving; or

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

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

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

24 (vi) a violation relating to improper or erratic
25 traffic lane changes; or

26 (vii) a violation relating to following another

1 vehicle too closely; or

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

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

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

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

14 (28) (Blank).

15 (29) (Blank).

16 (30) (Blank).

17 (31) (Blank).

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

21 (1) Texting includes, but is not limited to, short
22 message service, emailing, instant messaging, a command or
23 request to access a World Wide Web page, pressing more
24 than a single button to initiate or terminate a voice
25 communication using a mobile telephone, or engaging in any
26 other form of electronic text retrieval or entry for

1 present or future communication.

2 (2) Texting does not include:

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

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

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

15 (32.3) Third party skills test examiner. "Third party
16 skills test examiner" means a person employed by a third party
17 tester who is authorized by the State to administer the CDL
18 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

19 (32.5) Third party tester. "Third party tester" means a
20 person (including, but not limited to, another state, a motor
21 carrier, a private driver training facility or other private
22 institution, or a department, agency, or instrumentality of a
23 local government) authorized by the State to employ skills
24 test examiners to administer the CDL skills tests specified in
25 49 C.F.R. Part 383, subparts G and H.

26 (32.7) United States. "United States" means the 50 states

1 and the District of Columbia.

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

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

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

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

14 (Source: P.A. 101-185, eff. 1-1-20; 101-652, eff. 1-1-23;
15 102-982, eff. 7-1-23; 102-1104, eff. 1-1-23.)

16 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

17 Sec. 6-601. Penalties.

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

22 (b) General penalties. Unless another penalty is in this
23 Code or other laws of this State, every person convicted of a
24 petty offense for the violation of any provision of this
25 Chapter shall be punished by a fine of not more than \$500.

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

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

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

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

16 If a licensee under this Code is convicted of violating
17 Section 6-303 for operating a motor vehicle during a time when
18 such licensee's driver's license was suspended under the
19 provisions of Section 6-306.3 or 6-308, then such act shall be
20 a petty offense (provided the licensee has answered the charge
21 which was the basis of the suspension under Section 6-306.3 or
22 6-308), and there shall be imposed no additional like period
23 of suspension as provided in paragraph (b) of Section 6-303.

24 (d) For violations of this Code or a similar provision of a
25 local ordinance for which a violation is a petty offense as
26 defined by Section 5-1-17 of the Unified Code of Corrections,

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

9 (Source: P.A. 97-1157, eff. 11-28-13; 98-870, eff. 1-1-15;
10 98-1134, eff. 1-1-15; 101-652.)

11 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

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

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

1 deposited, under the law relating to such licenses, in lieu of
2 such security, to the officer having charge of the defendant.
3 Such officer shall then immediately discharge the defendant
4 from arrest and without delay deliver such warrant and such
5 undertaking of bail, or other security ~~acknowledgment by the~~
6 ~~defendant of his or her receiving the conditions of pretrial~~
7 ~~release~~ or drivers license to the court before which the
8 defendant is required to appear.

9 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22.)

10 Section 1-175. The Illinois Vehicle Code is amended by
11 changing Sections 6-209.1, 11-208.3, 11-208.6, 11-208.8,
12 11-208.9, and 11-1201.1 as follows:

13 (625 ILCS 5/6-209.1)

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

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

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

23 (2) the person, since the issuance of the driver's
24 license, being adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

10 (5) the person receiving a disposition of court
11 supervision for a violation of ~~subsection~~ subsections (a),
12 (d), or (e) of Section 6-20 of the Liquor Control Act of
13 1934 or a similar provision of a local ordinance, if the
14 person presents a certified copy of a court order that
15 includes a finding that the person was not an occupant of a
16 motor vehicle at the time of the violation;

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

22 (7) the person failing to satisfy any fine or penalty
23 resulting from a final order issued by the ~~Illinois State~~
24 ~~Toll-Highway~~ Authority relating directly or indirectly to
25 5 or more toll violations, toll evasions, or both;

26 (8) the person being convicted of a violation of

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

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

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

21 (Source: P.A. 101-623, eff. 7-1-20; 101-652, eff. 7-1-21;
22 102-558, eff. 8-20-21.)

23 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

24 Sec. 11-208.3. Administrative adjudication of violations
25 of traffic regulations concerning the standing, parking, or

1 condition of vehicles, automated traffic law violations, and
2 automated speed enforcement system violations.

3 (a) Any municipality or county may provide by ordinance
4 for a system of administrative adjudication of vehicular
5 standing and parking violations and vehicle compliance
6 violations as described in this subsection, automated traffic
7 law violations as defined in Section 11-208.6, 11-208.9, or
8 11-1201.1, and automated speed enforcement system violations
9 as defined in Section 11-208.8. The administrative system
10 shall have as its purpose the fair and efficient enforcement
11 of municipal or county regulations through the administrative
12 adjudication of automated speed enforcement system or
13 automated traffic law violations and violations of municipal
14 or county ordinances regulating the standing and parking of
15 vehicles, the condition and use of vehicle equipment, and the
16 display of municipal or county wheel tax licenses within the
17 municipality's or county's borders. The administrative system
18 shall only have authority to adjudicate civil offenses
19 carrying fines not in excess of \$500 or requiring the
20 completion of a traffic education program, or both, that occur
21 after the effective date of the ordinance adopting such a
22 system under this Section. For purposes of this Section,
23 "compliance violation" means a violation of a municipal or
24 county regulation governing the condition or use of equipment
25 on a vehicle or governing the display of a municipal or county
26 wheel tax license.

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

3 (1) A traffic compliance administrator authorized to
4 adopt, distribute, and process parking, compliance, and
5 automated speed enforcement system or automated traffic
6 law violation notices and other notices required by this
7 Section, collect money paid as fines and penalties for
8 violation of parking and compliance ordinances and
9 automated speed enforcement system or automated traffic
10 law violations, and operate an administrative adjudication
11 system. The traffic compliance administrator also may make
12 a certified report to the Secretary of State under Section
13 6-306.5.

14 (2) A parking, standing, compliance, automated speed
15 enforcement system, or automated traffic law violation
16 notice that shall specify or include the date, time, and
17 place of violation of a parking, standing, compliance,
18 automated speed enforcement system, or automated traffic
19 law regulation; the particular regulation violated; any
20 requirement to complete a traffic education program; the
21 fine and any penalty that may be assessed for late payment
22 or failure to complete a required traffic education
23 program, or both, when so provided by ordinance; the
24 vehicle make or a photograph of the vehicle; the state
25 registration number of the vehicle; and the identification
26 number of the person issuing the notice. With regard to

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

20 (3) Service of a parking, standing, or compliance
21 violation notice by: (i) affixing the original or a
22 facsimile of the notice to an unlawfully parked or
23 standing vehicle; (ii) handing the notice to the operator
24 of a vehicle if he or she is present; or (iii) mailing the
25 notice to the address of the registered owner or lessee of
26 the cited vehicle as recorded with the Secretary of State

1 or the lessor of the motor vehicle within 30 days after the
2 Secretary of State or the lessor of the motor vehicle
3 notifies the municipality or county of the identity of the
4 owner or lessee of the vehicle, but not later than 90 days
5 after the date of the violation, except that in the case of
6 a lessee of a motor vehicle, service of a parking,
7 standing, or compliance violation notice may occur no
8 later than 210 days after the violation; and service of an
9 automated speed enforcement system or automated traffic
10 law violation notice by mail to the address of the
11 registered owner or lessee of the cited vehicle as
12 recorded with the Secretary of State or the lessor of the
13 motor vehicle within 30 days after the Secretary of State
14 or the lessor of the motor vehicle notifies the
15 municipality or county of the identity of the owner or
16 lessee of the vehicle, but not later than 90 days after the
17 violation, except that in the case of a lessee of a motor
18 vehicle, service of an automated traffic law violation
19 notice may occur no later than 210 days after the
20 violation. A person authorized by ordinance to issue and
21 serve parking, standing, and compliance violation notices
22 shall certify as to the correctness of the facts entered
23 on the violation notice by signing his or her name to the
24 notice at the time of service or, in the case of a notice
25 produced by a computerized device, by signing a single
26 certificate to be kept by the traffic compliance

1 administrator attesting to the correctness of all notices
2 produced by the device while it was under his or her
3 control. In the case of an automated traffic law
4 violation, the ordinance shall require a determination by
5 a technician employed or contracted by the municipality or
6 county that, based on inspection of recorded images, the
7 motor vehicle was being operated in violation of Section
8 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
9 the technician determines that the vehicle entered the
10 intersection as part of a funeral procession or in order
11 to yield the right-of-way to an emergency vehicle, a
12 citation shall not be issued. In municipalities with a
13 population of less than 1,000,000 inhabitants and counties
14 with a population of less than 3,000,000 inhabitants, the
15 automated traffic law ordinance shall require that all
16 determinations by a technician that a motor vehicle was
17 being operated in violation of Section 11-208.6, 11-208.9,
18 or 11-1201.1 or a local ordinance must be reviewed and
19 approved by a law enforcement officer or retired law
20 enforcement officer of the municipality or county issuing
21 the violation. In municipalities with a population of
22 1,000,000 or more inhabitants and counties with a
23 population of 3,000,000 or more inhabitants, the automated
24 traffic law ordinance shall require that all
25 determinations by a technician that a motor vehicle was
26 being operated in violation of Section 11-208.6, 11-208.9,

1 or 11-1201.1 or a local ordinance must be reviewed and
2 approved by a law enforcement officer or retired law
3 enforcement officer of the municipality or county issuing
4 the violation or by an additional fully trained reviewing
5 technician who is not employed by the contractor who
6 employs the technician who made the initial determination.
7 In the case of an automated speed enforcement system
8 violation, the ordinance shall require a determination by
9 a technician employed by the municipality, based upon an
10 inspection of recorded images, video or other
11 documentation, including documentation of the speed limit
12 and automated speed enforcement signage, and documentation
13 of the inspection, calibration, and certification of the
14 speed equipment, that the vehicle was being operated in
15 violation of Article VI of Chapter 11 of this Code or a
16 similar local ordinance. If the technician determines that
17 the vehicle speed was not determined by a calibrated,
18 certified speed equipment device based upon the speed
19 equipment documentation, or if the vehicle was an
20 emergency vehicle, a citation may not be issued. The
21 automated speed enforcement ordinance shall require that
22 all determinations by a technician that a violation
23 occurred be reviewed and approved by a law enforcement
24 officer or retired law enforcement officer of the
25 municipality issuing the violation or by an additional
26 fully trained reviewing technician who is not employed by

1 the contractor who employs the technician who made the
2 initial determination. Routine and independent calibration
3 of the speeds produced by automated speed enforcement
4 systems and equipment shall be conducted annually by a
5 qualified technician. Speeds produced by an automated
6 speed enforcement system shall be compared with speeds
7 produced by lidar or other independent equipment. Radar or
8 lidar equipment shall undergo an internal validation test
9 no less frequently than once each week. Qualified
10 technicians shall test loop-based equipment no less
11 frequently than once a year. Radar equipment shall be
12 checked for accuracy by a qualified technician when the
13 unit is serviced, when unusual or suspect readings
14 persist, or when deemed necessary by a reviewing
15 technician. Radar equipment shall be checked with the
16 internal frequency generator and the internal circuit test
17 whenever the radar is turned on. Technicians must be alert
18 for any unusual or suspect readings, and if unusual or
19 suspect readings of a radar unit persist, that unit shall
20 immediately be removed from service and not returned to
21 service until it has been checked by a qualified
22 technician and determined to be functioning properly.
23 Documentation of the annual calibration results, including
24 the equipment tested, test date, technician performing the
25 test, and test results, shall be maintained and available
26 for use in the determination of an automated speed

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

1 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
2 local ordinance has been violated. The original or a
3 facsimile of the violation notice or, in the case of a
4 notice produced by a computerized device, a printed record
5 generated by the device showing the facts entered on the
6 notice, shall be retained by the traffic compliance
7 administrator, and shall be a record kept in the ordinary
8 course of business. A parking, standing, compliance,
9 automated speed enforcement system, or automated traffic
10 law violation notice issued, signed, and served in
11 accordance with this Section, a copy of the notice, or the
12 computer-generated record shall be prima facie correct and
13 shall be prima facie evidence of the correctness of the
14 facts shown on the notice. The notice, copy, or
15 computer-generated record shall be admissible in any
16 subsequent administrative or legal proceedings.

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

1 The hearings shall be recorded, and the person conducting
2 the hearing on behalf of the traffic compliance
3 administrator shall be empowered to administer oaths and
4 to secure by subpoena both the attendance and testimony of
5 witnesses and the production of relevant books and papers.
6 Persons appearing at a hearing under this Section may be
7 represented by counsel at their expense. The ordinance may
8 also provide for internal administrative review following
9 the decision of the hearing officer.

10 (5) Service of additional notices, sent by first class
11 United States mail, postage prepaid, to the address of the
12 registered owner of the cited vehicle as recorded with the
13 Secretary of State or, if any notice to that address is
14 returned as undeliverable, to the last known address
15 recorded in a United States Post Office approved database,
16 or, under Section 11-1306 or subsection (p) of Section
17 11-208.6 or 11-208.9, or subsection (p) of Section
18 11-208.8 of this Code, to the lessee of the cited vehicle
19 at the last address known to the lessor of the cited
20 vehicle at the time of lease or, if any notice to that
21 address is returned as undeliverable, to the last known
22 address recorded in a United States Post Office approved
23 database. The service shall be deemed complete as of the
24 date of deposit in the United States mail. The notices
25 shall be in the following sequence and shall include, but
26 not be limited to, the information specified herein:

1 (i) A second notice of parking, standing, or
2 compliance violation if the first notice of the
3 violation was issued by affixing the original or a
4 facsimile of the notice to the unlawfully parked
5 vehicle or by handing the notice to the operator. This
6 notice shall specify or include the date and location
7 of the violation cited in the parking, standing, or
8 compliance violation notice, the particular regulation
9 violated, the vehicle make or a photograph of the
10 vehicle, the state registration number of the vehicle,
11 any requirement to complete a traffic education
12 program, the fine and any penalty that may be assessed
13 for late payment or failure to complete a traffic
14 education program, or both, when so provided by
15 ordinance, the availability of a hearing in which the
16 violation may be contested on its merits, and the time
17 and manner in which the hearing may be had. The notice
18 of violation shall also state that failure to complete
19 a required traffic education program, to pay the
20 indicated fine and any applicable penalty, or to
21 appear at a hearing on the merits in the time and
22 manner specified, will result in a final determination
23 of violation liability for the cited violation in the
24 amount of the fine or penalty indicated, and that,
25 upon the occurrence of a final determination of
26 violation liability for the failure, and the

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

6 (ii) A notice of final determination of parking,
7 standing, compliance, automated speed enforcement
8 system, or automated traffic law violation liability.
9 This notice shall be sent following a final
10 determination of parking, standing, compliance,
11 automated speed enforcement system, or automated
12 traffic law violation liability and the conclusion of
13 judicial review procedures taken under this Section.
14 The notice shall state that the incomplete traffic
15 education program or the unpaid fine or penalty, or
16 both, is a debt due and owing the municipality or
17 county. The notice shall contain warnings that failure
18 to complete any required traffic education program or
19 to pay any fine or penalty due and owing the
20 municipality or county, or both, within the time
21 specified may result in the municipality's or county's
22 filing of a petition in the Circuit Court to have the
23 incomplete traffic education program or unpaid fine or
24 penalty, or both, rendered a judgment as provided by
25 this Section, or, where applicable, may result in
26 suspension of the person's driver's license for

1 failure to complete a traffic education program or to
2 pay fines or penalties, or both, for 5 or more
3 automated traffic law violations under Section
4 11-208.6 or 11-208.9 or automated speed enforcement
5 system violations under Section 11-208.8.

6 (6) A notice of impending driver's license suspension.
7 This notice shall be sent to the person liable for failure
8 to complete a required traffic education program or to pay
9 any fine or penalty that remains due and owing, or both, on
10 5 or more unpaid automated speed enforcement system or
11 automated traffic law violations. The notice shall state
12 that failure to complete a required traffic education
13 program or to pay the fine or penalty owing, or both,
14 within 45 days of the notice's date will result in the
15 municipality or county notifying the Secretary of State
16 that the person is eligible for initiation of suspension
17 proceedings under Section 6-306.5 of this Code. The notice
18 shall also state that the person may obtain a photostatic
19 copy of an original ticket imposing a fine or penalty by
20 sending a self-addressed, stamped envelope to the
21 municipality or county along with a request for the
22 photostatic copy. The notice of impending driver's license
23 suspension shall be sent by first class United States
24 mail, postage prepaid, to the address recorded with the
25 Secretary of State or, if any notice to that address is
26 returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database.

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

16 (8) A petition to set aside a determination of
17 parking, standing, compliance, automated speed enforcement
18 system, or automated traffic law violation liability that
19 may be filed by a person owing an unpaid fine or penalty. A
20 petition to set aside a determination of liability may
21 also be filed by a person required to complete a traffic
22 education program. The petition shall be filed with and
23 ruled upon by the traffic compliance administrator in the
24 manner and within the time specified by ordinance. The
25 grounds for the petition may be limited to: (A) the person
26 not having been the owner or lessee of the cited vehicle on

1 the date the violation notice was issued, (B) the person
2 having already completed the required traffic education
3 program or paid the fine or penalty, or both, for the
4 violation in question, and (C) excusable failure to appear
5 at or request a new date for a hearing. With regard to
6 municipalities or counties with a population of 1 million
7 or more, it shall be grounds for dismissal of a parking
8 violation if the state registration number or vehicle
9 make, only if specified in the violation notice, is
10 incorrect. After the determination of parking, standing,
11 compliance, automated speed enforcement system, or
12 automated traffic law violation liability has been set
13 aside upon a showing of just cause, the registered owner
14 shall be provided with a hearing on the merits for that
15 violation.

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

20 (10) A schedule of civil fines for violations of
21 vehicular standing, parking, compliance, automated speed
22 enforcement system, or automated traffic law regulations
23 enacted by ordinance pursuant to this Section, and a
24 schedule of penalties for late payment of the fines or
25 failure to complete required traffic education programs,
26 provided, however, that the total amount of the fine and

1 penalty for any one violation shall not exceed \$250,
2 except as provided in subsection (c) of Section 11-1301.3
3 of this Code.

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

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

17 (1) Criteria for the designation of vehicles eligible
18 for immobilization. A vehicle shall be eligible for
19 immobilization when the registered owner of the vehicle
20 has accumulated the number of incomplete traffic education
21 programs or unpaid final determinations of parking,
22 standing, compliance, automated speed enforcement system,
23 or automated traffic law violation liability, or both, as
24 determined by ordinance.

25 (2) A notice of impending vehicle immobilization and a
26 right to a hearing to challenge the validity of the notice

1 by disproving liability for the incomplete traffic
2 education programs or unpaid final determinations of
3 parking, standing, compliance, automated speed enforcement
4 system, or automated traffic law violation liability, or
5 both, listed on the notice.

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

16 (4) A post immobilization and post-towing notice
17 advising the registered owner of the vehicle of the right
18 to a hearing to challenge the validity of the impoundment.

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

25 (e) Any fine, penalty, incomplete traffic education
26 program, or part of any fine or any penalty remaining unpaid

1 after the exhaustion of, or the failure to exhaust,
2 administrative remedies created under this Section and the
3 conclusion of any judicial review procedures shall be a debt
4 due and owing the municipality or county and, as such, may be
5 collected in accordance with applicable law. Completion of any
6 required traffic education program and payment in full of any
7 fine or penalty resulting from a standing, parking,
8 compliance, automated speed enforcement system, or automated
9 traffic law violation shall constitute a final disposition of
10 that violation.

11 (f) After the expiration of the period within which
12 judicial review may be sought for a final determination of
13 parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation, the municipality
15 or county may commence a proceeding in the Circuit Court for
16 purposes of obtaining a judgment on the final determination of
17 violation. Nothing in this Section shall prevent a
18 municipality or county from consolidating multiple final
19 determinations of parking, standing, compliance, automated
20 speed enforcement system, or automated traffic law violations
21 against a person in a proceeding. Upon commencement of the
22 action, the municipality or county shall file a certified copy
23 or record of the final determination of parking, standing,
24 compliance, automated speed enforcement system, or automated
25 traffic law violation, which shall be accompanied by a
26 certification that recites facts sufficient to show that the

1 final determination of violation was issued in accordance with
2 this Section and the applicable municipal or county ordinance.
3 Service of the summons and a copy of the petition may be by any
4 method provided by Section 2-203 of the Code of Civil
5 Procedure or by certified mail, return receipt requested,
6 provided that the total amount of fines and penalties for
7 final determinations of parking, standing, compliance,
8 automated speed enforcement system, or automated traffic law
9 violations does not exceed \$2500. If the court is satisfied
10 that the final determination of parking, standing, compliance,
11 automated speed enforcement system, or automated traffic law
12 violation was entered in accordance with the requirements of
13 this Section and the applicable municipal or county ordinance,
14 and that the registered owner or the lessee, as the case may
15 be, had an opportunity for an administrative hearing and for
16 judicial review as provided in this Section, the court shall
17 render judgment in favor of the municipality or county and
18 against the registered owner or the lessee for the amount
19 indicated in the final determination of parking, standing,
20 compliance, automated speed enforcement system, or automated
21 traffic law violation, plus costs. The judgment shall have the
22 same effect and may be enforced in the same manner as other
23 judgments for the recovery of money.

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

26 A low-income individual required to complete a traffic

1 education program under this Section who provides proof of
2 eligibility for the federal earned income tax credit under
3 Section 32 of the Internal Revenue Code or the Illinois earned
4 income tax credit under Section 212 of the Illinois Income Tax
5 Act shall not be required to pay any fee for participating in a
6 required traffic education program.

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

13 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
14 101-652, eff. 7-1-21; 102-558, eff. 8-20-21; 102-905, eff.
15 1-1-23.)

16 (625 ILCS 5/11-208.6)

17 (Text of Section before amendment by P.A. 102-982)

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

19 (a) As used in this Section, "automated traffic law
20 enforcement system" means a device with one or more motor
21 vehicle sensors working in conjunction with a red light signal
22 to produce recorded images of motor vehicles entering an
23 intersection against a red signal indication in violation of
24 Section 11-306 of this Code or a similar provision of a local
25 ordinance.

1 An automated traffic law enforcement system is a system,
2 in a municipality or county operated by a governmental agency,
3 that produces a recorded image of a motor vehicle's violation
4 of a provision of this Code or a local ordinance and is
5 designed to obtain a clear recorded image of the vehicle and
6 the vehicle's license plate. The recorded image must also
7 display the time, date, and location of the violation.

8 (b) As used in this Section, "recorded images" means
9 images recorded by an automated traffic law enforcement system
10 on:

11 (1) 2 or more photographs;

12 (2) 2 or more microphotographs;

13 (3) 2 or more electronic images; or

14 (4) a video recording showing the motor vehicle and,
15 on at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

18 (b-5) A municipality or county that produces a recorded
19 image of a motor vehicle's violation of a provision of this
20 Code or a local ordinance must make the recorded images of a
21 violation accessible to the alleged violator by providing the
22 alleged violator with a website address, accessible through
23 the Internet.

24 (c) Except as provided under Section 11-208.8 of this
25 Code, a county or municipality, including a home rule county
26 or municipality, may not use an automated traffic law

1 enforcement system to provide recorded images of a motor
2 vehicle for the purpose of recording its speed. Except as
3 provided under Section 11-208.8 of this Code, the regulation
4 of the use of automated traffic law enforcement systems to
5 record vehicle speeds is an exclusive power and function of
6 the State. This subsection (c) is a denial and limitation of
7 home rule powers and functions under subsection (h) of Section
8 6 of Article VII of the Illinois Constitution.

9 (c-5) A county or municipality, including a home rule
10 county or municipality, may not use an automated traffic law
11 enforcement system to issue violations in instances where the
12 motor vehicle comes to a complete stop and does not enter the
13 intersection, as defined by Section 1-132 of this Code, during
14 the cycle of the red signal indication unless one or more
15 pedestrians or bicyclists are present, even if the motor
16 vehicle stops at a point past a stop line or crosswalk where a
17 driver is required to stop, as specified in subsection (c) of
18 Section 11-306 of this Code or a similar provision of a local
19 ordinance.

20 (c-6) A county, or a municipality with less than 2,000,000
21 inhabitants, including a home rule county or municipality, may
22 not use an automated traffic law enforcement system to issue
23 violations in instances where a motorcyclist enters an
24 intersection against a red signal indication when the red
25 signal fails to change to a green signal within a reasonable
26 period of time not less than 120 seconds because of a signal

1 malfunction or because the signal has failed to detect the
2 arrival of the motorcycle due to the motorcycle's size or
3 weight.

4 (d) For each violation of a provision of this Code or a
5 local ordinance recorded by an automatic traffic law
6 enforcement system, the county or municipality having
7 jurisdiction shall issue a written notice of the violation to
8 the registered owner of the vehicle as the alleged violator.
9 The notice shall be delivered to the registered owner of the
10 vehicle, by mail, within 30 days after the Secretary of State
11 notifies the municipality or county of the identity of the
12 owner of the vehicle, but in no event later than 90 days after
13 the violation.

14 The notice shall include:

15 (1) the name and address of the registered owner of
16 the vehicle;

17 (2) the registration number of the motor vehicle
18 involved in the violation;

19 (3) the violation charged;

20 (4) the location where the violation occurred;

21 (5) the date and time of the violation;

22 (6) a copy of the recorded images;

23 (7) the amount of the civil penalty imposed and the
24 requirements of any traffic education program imposed and
25 the date by which the civil penalty should be paid and the
26 traffic education program should be completed;

1 (8) a statement that recorded images are evidence of a
2 violation of a red light signal;

3 (9) a warning that failure to pay the civil penalty,
4 to complete a required traffic education program, or to
5 contest liability in a timely manner is an admission of
6 liability and may result in a suspension of the driving
7 privileges of the registered owner of the vehicle;

8 (10) a statement that the person may elect to proceed
9 by:

10 (A) paying the fine, completing a required traffic
11 education program, or both; or

12 (B) challenging the charge in court, by mail, or
13 by administrative hearing; and

14 (11) a website address, accessible through the
15 Internet, where the person may view the recorded images of
16 the violation.

17 (e) If a person charged with a traffic violation, as a
18 result of an automated traffic law enforcement system, does
19 not pay the fine or complete a required traffic education
20 program, or both, or successfully contest the civil penalty
21 resulting from that violation, the Secretary of State shall
22 suspend the driving privileges of the registered owner of the
23 vehicle under Section 6-306.5 of this Code for failing to
24 complete a required traffic education program or to pay any
25 fine or penalty due and owing, or both, as a result of a
26 combination of 5 violations of the automated traffic law

1 enforcement system or the automated speed enforcement system
2 under Section 11-208.8 of this Code. ~~(Blank)~~.

3 (f) Based on inspection of recorded images produced by an
4 automated traffic law enforcement system, a notice alleging
5 that the violation occurred shall be evidence of the facts
6 contained in the notice and admissible in any proceeding
7 alleging a violation under this Section.

8 (g) Recorded images made by an automatic traffic law
9 enforcement system are confidential and shall be made
10 available only to the alleged violator and governmental and
11 law enforcement agencies for purposes of adjudicating a
12 violation of this Section, for statistical purposes, or for
13 other governmental purposes. Any recorded image evidencing a
14 violation of this Section, however, may be admissible in any
15 proceeding resulting from the issuance of the citation.

16 (h) The court or hearing officer may consider in defense
17 of a violation:

18 (1) that the motor vehicle or registration plates or
19 digital registration plates of the motor vehicle were
20 stolen before the violation occurred and not under the
21 control of or in the possession of the owner or lessee at
22 the time of the violation;

23 (1.5) that the motor vehicle was hijacked before the
24 violation occurred and not under the control of or in the
25 possession of the owner or lessee at the time of the
26 violation;

1 (2) that the driver of the vehicle passed through the
2 intersection when the light was red either (i) in order to
3 yield the right-of-way to an emergency vehicle or (ii) as
4 part of a funeral procession; and

5 (3) any other evidence or issues provided by municipal
6 or county ordinance.

7 (i) To demonstrate that the motor vehicle was hijacked or
8 the motor vehicle or registration plates or digital
9 registration plates were stolen before the violation occurred
10 and were not under the control or possession of the owner or
11 lessee at the time of the violation, the owner or lessee must
12 submit proof that a report concerning the motor vehicle or
13 registration plates was filed with a law enforcement agency in
14 a timely manner.

15 (j) Unless the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer at the time of
17 the violation, the motor vehicle owner is subject to a civil
18 penalty not exceeding \$100 or the completion of a traffic
19 education program, or both, plus an additional penalty of not
20 more than \$100 for failure to pay the original penalty or to
21 complete a required traffic education program, or both, in a
22 timely manner, if the motor vehicle is recorded by an
23 automated traffic law enforcement system. A violation for
24 which a civil penalty is imposed under this Section is not a
25 violation of a traffic regulation governing the movement of
26 vehicles and may not be recorded on the driving record of the

1 owner of the vehicle.

2 (j-3) A registered owner who is a holder of a valid
3 commercial driver's license is not required to complete a
4 traffic education program.

5 (j-5) For purposes of the required traffic education
6 program only, a registered owner may submit an affidavit to
7 the court or hearing officer swearing that at the time of the
8 alleged violation, the vehicle was in the custody and control
9 of another person. The affidavit must identify the person in
10 custody and control of the vehicle, including the person's
11 name and current address. The person in custody and control of
12 the vehicle at the time of the violation is required to
13 complete the required traffic education program. If the person
14 in custody and control of the vehicle at the time of the
15 violation completes the required traffic education program,
16 the registered owner of the vehicle is not required to
17 complete a traffic education program.

18 (k) An intersection equipped with an automated traffic law
19 enforcement system must be posted with a sign visible to
20 approaching traffic indicating that the intersection is being
21 monitored by an automated traffic law enforcement system.

22 (k-3) A municipality or county that has one or more
23 intersections equipped with an automated traffic law
24 enforcement system must provide notice to drivers by posting
25 the locations of automated traffic law systems on the
26 municipality or county website.

1 (k-5) An intersection equipped with an automated traffic
2 law enforcement system must have a yellow change interval that
3 conforms with the Illinois Manual on Uniform Traffic Control
4 Devices (IMUTCD) published by the Illinois Department of
5 Transportation.

6 (k-7) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact of each automated traffic
9 law enforcement system at an intersection following
10 installation of the system. The statistical analysis shall be
11 based upon the best available crash, traffic, and other data,
12 and shall cover a period of time before and after installation
13 of the system sufficient to provide a statistically valid
14 comparison of safety impact. The statistical analysis shall be
15 consistent with professional judgment and acceptable industry
16 practice. The statistical analysis also shall be consistent
17 with the data required for valid comparisons of before and
18 after conditions and shall be conducted within a reasonable
19 period following the installation of the automated traffic law
20 enforcement system. The statistical analysis required by this
21 subsection (k-7) shall be made available to the public and
22 shall be published on the website of the municipality or
23 county. If the statistical analysis for the 36-month ~~36-month~~
24 period following installation of the system indicates that
25 there has been an increase in the rate of accidents at the
26 approach to the intersection monitored by the system, the

1 municipality or county shall undertake additional studies to
2 determine the cause and severity of the accidents, and may
3 take any action that it determines is necessary or appropriate
4 to reduce the number or severity of the accidents at that
5 intersection.

6 (l) The compensation paid for an automated traffic law
7 enforcement system must be based on the value of the equipment
8 or the services provided and may not be based on the number of
9 traffic citations issued or the revenue generated by the
10 system.

11 (m) This Section applies only to the counties of Cook,
12 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
13 to municipalities located within those counties.

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

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

23 (o) A municipality or county shall make a certified report
24 to the Secretary of State pursuant to Section 6-306.5 of this
25 Code whenever a registered owner of a vehicle has failed to pay
26 any fine or penalty due and owing as a result of a combination

1 of 5 offenses for automated traffic law or speed enforcement
2 system violations. ~~(Blank)~~.

3 (p) No person who is the lessor of a motor vehicle pursuant
4 to a written lease agreement shall be liable for an automated
5 speed or traffic law enforcement system violation involving
6 such motor vehicle during the period of the lease; provided
7 that upon the request of the appropriate authority received
8 within 120 days after the violation occurred, the lessor
9 provides within 60 days after such receipt the name and
10 address of the lessee. The drivers license number of a lessee
11 may be subsequently individually requested by the appropriate
12 authority if needed for enforcement of this Section.

13 Upon the provision of information by the lessor pursuant
14 to this subsection, the county or municipality may issue the
15 violation to the lessee of the vehicle in the same manner as it
16 would issue a violation to a registered owner of a vehicle
17 pursuant to this Section, and the lessee may be held liable for
18 the violation.

19 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
20 102-905, eff. 1-1-23; revised 12-14-22.)

21 (Text of Section after amendment by P.A. 102-982)

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

23 (a) As used in this Section, "automated traffic law
24 enforcement system" means a device with one or more motor
25 vehicle sensors working in conjunction with a red light signal

1 to produce recorded images of motor vehicles entering an
2 intersection against a red signal indication in violation of
3 Section 11-306 of this Code or a similar provision of a local
4 ordinance.

5 An automated traffic law enforcement system is a system,
6 in a municipality or county operated by a governmental agency,
7 that produces a recorded image of a motor vehicle's violation
8 of a provision of this Code or a local ordinance and is
9 designed to obtain a clear recorded image of the vehicle and
10 the vehicle's license plate. The recorded image must also
11 display the time, date, and location of the violation.

12 (b) As used in this Section, "recorded images" means
13 images recorded by an automated traffic law enforcement system
14 on:

15 (1) 2 or more photographs;

16 (2) 2 or more microphotographs;

17 (3) 2 or more electronic images; or

18 (4) a video recording showing the motor vehicle and,
19 on at least one image or portion of the recording, clearly
20 identifying the registration plate or digital registration
21 plate number of the motor vehicle.

22 (b-5) A municipality or county that produces a recorded
23 image of a motor vehicle's violation of a provision of this
24 Code or a local ordinance must make the recorded images of a
25 violation accessible to the alleged violator by providing the
26 alleged violator with a website address, accessible through

1 the Internet.

2 (c) Except as provided under Section 11-208.8 of this
3 Code, a county or municipality, including a home rule county
4 or municipality, may not use an automated traffic law
5 enforcement system to provide recorded images of a motor
6 vehicle for the purpose of recording its speed. Except as
7 provided under Section 11-208.8 of this Code, the regulation
8 of the use of automated traffic law enforcement systems to
9 record vehicle speeds is an exclusive power and function of
10 the State. This subsection (c) is a denial and limitation of
11 home rule powers and functions under subsection (h) of Section
12 6 of Article VII of the Illinois Constitution.

13 (c-5) A county or municipality, including a home rule
14 county or municipality, may not use an automated traffic law
15 enforcement system to issue violations in instances where the
16 motor vehicle comes to a complete stop and does not enter the
17 intersection, as defined by Section 1-132 of this Code, during
18 the cycle of the red signal indication unless one or more
19 pedestrians or bicyclists are present, even if the motor
20 vehicle stops at a point past a stop line or crosswalk where a
21 driver is required to stop, as specified in subsection (c) of
22 Section 11-306 of this Code or a similar provision of a local
23 ordinance.

24 (c-6) A county, or a municipality with less than 2,000,000
25 inhabitants, including a home rule county or municipality, may
26 not use an automated traffic law enforcement system to issue

1 violations in instances where a motorcyclist enters an
2 intersection against a red signal indication when the red
3 signal fails to change to a green signal within a reasonable
4 period of time not less than 120 seconds because of a signal
5 malfunction or because the signal has failed to detect the
6 arrival of the motorcycle due to the motorcycle's size or
7 weight.

8 (d) For each violation of a provision of this Code or a
9 local ordinance recorded by an automatic traffic law
10 enforcement system, the county or municipality having
11 jurisdiction shall issue a written notice of the violation to
12 the registered owner of the vehicle as the alleged violator.
13 The notice shall be delivered to the registered owner of the
14 vehicle, by mail, within 30 days after the Secretary of State
15 notifies the municipality or county of the identity of the
16 owner of the vehicle, but in no event later than 90 days after
17 the violation.

18 The notice shall include:

19 (1) the name and address of the registered owner of
20 the vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

25 (5) the date and time of the violation;

26 (6) a copy of the recorded images;

1 (7) the amount of the civil penalty imposed and the
2 requirements of any traffic education program imposed and
3 the date by which the civil penalty should be paid and the
4 traffic education program should be completed;

5 (8) a statement that recorded images are evidence of a
6 violation of a red light signal;

7 (9) a warning that failure to pay the civil penalty,
8 to complete a required traffic education program, or to
9 contest liability in a timely manner is an admission of
10 liability and may result in a suspension of the driving
11 privileges of the registered owner of the vehicle;

12 (10) a statement that the person may elect to proceed
13 by:

14 (A) paying the fine, completing a required traffic
15 education program, or both; or

16 (B) challenging the charge in court, by mail, or
17 by administrative hearing; and

18 (11) a website address, accessible through the
19 Internet, where the person may view the recorded images of
20 the violation.

21 (e) If a person charged with a traffic violation, as a
22 result of an automated traffic law enforcement system, does
23 not pay the fine or complete a required traffic education
24 program, or both, or successfully contest the civil penalty
25 resulting from that violation, the Secretary of State shall
26 suspend the driving privileges of the registered owner of the

1 vehicle under Section 6-306.5 of this Code for failing to
2 complete a required traffic education program or to pay any
3 fine or penalty due and owing, or both, as a result of a
4 combination of 5 violations of the automated traffic law
5 enforcement system or the automated speed enforcement system
6 under Section 11-208.8 of this Code. ~~(Blank)~~.

7 (f) Based on inspection of recorded images produced by an
8 automated traffic law enforcement system, a notice alleging
9 that the violation occurred shall be evidence of the facts
10 contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (g) Recorded images made by an automatic traffic law
13 enforcement system are confidential and shall be made
14 available only to the alleged violator and governmental and
15 law enforcement agencies for purposes of adjudicating a
16 violation of this Section, for statistical purposes, or for
17 other governmental purposes. Any recorded image evidencing a
18 violation of this Section, however, may be admissible in any
19 proceeding resulting from the issuance of the citation.

20 (h) The court or hearing officer may consider in defense
21 of a violation:

22 (1) that the motor vehicle or registration plates or
23 digital registration plates of the motor vehicle were
24 stolen before the violation occurred and not under the
25 control of or in the possession of the owner or lessee at
26 the time of the violation;

1 (1.5) that the motor vehicle was hijacked before the
2 violation occurred and not under the control of or in the
3 possession of the owner or lessee at the time of the
4 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 was hijacked or
12 the motor vehicle or registration plates or digital
13 registration plates were stolen before the violation occurred
14 and were not under the control or possession of the owner or
15 lessee at the time of the violation, the owner or lessee must
16 submit proof that a report concerning the motor vehicle or
17 registration plates was filed with a law enforcement agency in
18 a timely manner.

19 (j) Unless the driver of the motor vehicle received a
20 Uniform Traffic Citation from a police officer at the time of
21 the violation, the motor vehicle owner is subject to a civil
22 penalty not exceeding \$100 or the completion of a traffic
23 education program, or both, plus an additional penalty of not
24 more than \$100 for failure to pay the original penalty or to
25 complete a required traffic education program, or both, in a
26 timely manner, if the motor vehicle is recorded by an

1 automated traffic law enforcement system. A violation for
2 which a civil penalty is imposed under this Section is not a
3 violation of a traffic regulation governing the movement of
4 vehicles and may not be recorded on the driving record of the
5 owner of the vehicle.

6 (j-3) A registered owner who is a holder of a valid
7 commercial driver's license is not required to complete a
8 traffic education program.

9 (j-5) For purposes of the required traffic education
10 program only, a registered owner may submit an affidavit to
11 the court or hearing officer swearing that at the time of the
12 alleged violation, the vehicle was in the custody and control
13 of another person. The affidavit must identify the person in
14 custody and control of the vehicle, including the person's
15 name and current address. The person in custody and control of
16 the vehicle at the time of the violation is required to
17 complete the required traffic education program. If the person
18 in custody and control of the vehicle at the time of the
19 violation completes the required traffic education program,
20 the registered owner of the vehicle is not required to
21 complete a traffic education program.

22 (k) An intersection equipped with an automated traffic law
23 enforcement system must be posted with a sign visible to
24 approaching traffic indicating that the intersection is being
25 monitored by an automated traffic law enforcement system.

26 (k-3) A municipality or county that has one or more

1 intersections equipped with an automated traffic law
2 enforcement system must provide notice to drivers by posting
3 the locations of automated traffic law systems on the
4 municipality or county website.

5 (k-5) An intersection equipped with an automated traffic
6 law enforcement system must have a yellow change interval that
7 conforms with the Illinois Manual on Uniform Traffic Control
8 Devices (IMUTCD) published by the Illinois Department of
9 Transportation.

10 (k-7) A municipality or county operating an automated
11 traffic law enforcement system shall conduct a statistical
12 analysis to assess the safety impact of each automated traffic
13 law enforcement system at an intersection following
14 installation of the system. The statistical analysis shall be
15 based upon the best available crash, traffic, and other data,
16 and shall cover a period of time before and after installation
17 of the system sufficient to provide a statistically valid
18 comparison of safety impact. The statistical analysis shall be
19 consistent with professional judgment and acceptable industry
20 practice. The statistical analysis also shall be consistent
21 with the data required for valid comparisons of before and
22 after conditions and shall be conducted within a reasonable
23 period following the installation of the automated traffic law
24 enforcement system. The statistical analysis required by this
25 subsection (k-7) shall be made available to the public and
26 shall be published on the website of the municipality or

1 county. If the statistical analysis for the 36-month ~~36-month~~
2 period following installation of the system indicates that
3 there has been an increase in the rate of crashes at the
4 approach to the intersection monitored by the system, the
5 municipality or county shall undertake additional studies to
6 determine the cause and severity of the crashes, and may take
7 any action that it determines is necessary or appropriate to
8 reduce the number or severity of the crashes at that
9 intersection.

10 (l) The compensation paid for an automated traffic law
11 enforcement system must be based on the value of the equipment
12 or the services provided and may not be based on the number of
13 traffic citations issued or the revenue generated by the
14 system.

15 (m) This Section applies only to the counties of Cook,
16 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
17 to municipalities located within those counties.

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

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

1 (o) A municipality or county 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 traffic law or speed enforcement
6 system violations. ~~(Blank).~~

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
14 address of the lessee. The drivers license number of a lessee
15 may be 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
18 to this subsection, the county or municipality may issue the
19 violation to the lessee of the vehicle in the same manner as it
20 would issue a violation to a registered owner of a vehicle
21 pursuant to this Section, and the lessee may be held liable for
22 the violation.

23 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
24 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

1 Sec. 11-208.8. Automated speed enforcement systems in
2 safety zones.

3 (a) As used in this Section:

4 "Automated speed enforcement system" means a photographic
5 device, radar device, laser device, or other electrical or
6 mechanical device or devices installed or utilized in a safety
7 zone and designed to record the speed of a vehicle and obtain a
8 clear photograph or other recorded image of the vehicle and
9 the vehicle's registration plate or digital registration plate
10 while the driver is violating Article VI of Chapter 11 of this
11 Code or a similar provision of a local ordinance.

12 An automated speed enforcement system is a system, located
13 in a safety zone which is under the jurisdiction of a
14 municipality, that produces a recorded image of a motor
15 vehicle's violation of a provision of this Code or a local
16 ordinance and is designed to obtain a clear recorded image of
17 the vehicle and the vehicle's license plate. The recorded
18 image must also display the time, date, and location of the
19 violation.

20 "Owner" means the person or entity to whom the vehicle is
21 registered.

22 "Recorded image" means images recorded by an automated
23 speed enforcement system on:

- 24 (1) 2 or more photographs;
25 (2) 2 or more microphotographs;
26 (3) 2 or more electronic images; or

1 (4) a video recording showing the motor vehicle and,
2 on at least one image or portion of the recording, clearly
3 identifying the registration plate or digital registration
4 plate number of the motor vehicle.

5 "Safety zone" means an area that is within one-eighth of a
6 mile from the nearest property line of any public or private
7 elementary or secondary school, or from the nearest property
8 line of any facility, area, or land owned by a school district
9 that is used for educational purposes approved by the Illinois
10 State Board of Education, not including school district
11 headquarters or administrative buildings. A safety zone also
12 includes an area that is within one-eighth of a mile from the
13 nearest property line of any facility, area, or land owned by a
14 park district used for recreational purposes. However, if any
15 portion of a roadway is within either one-eighth mile radius,
16 the safety zone also shall include the roadway extended to the
17 furthest portion of the next furthest intersection. The term
18 "safety zone" does not include any portion of the roadway
19 known as Lake Shore Drive or any controlled access highway
20 with 8 or more lanes of traffic.

21 (a-5) The automated speed enforcement system shall be
22 operational and violations shall be recorded only at the
23 following times:

24 (i) if the safety zone is based upon the property line
25 of any facility, area, or land owned by a school district,
26 only on school days and no earlier than 6 a.m. and no later

1 than 8:30 p.m. if the school day is during the period of
2 Monday through Thursday, or 9 p.m. if the school day is a
3 Friday; and

4 (ii) if the safety zone is based upon the property
5 line of any facility, area, or land owned by a park
6 district, no earlier than one hour prior to the time that
7 the facility, area, or land is open to the public or other
8 patrons, and no later than one hour after the facility,
9 area, or land is closed to the public or other patrons.

10 (b) A municipality that produces a recorded image of a
11 motor vehicle's violation of a provision of this Code or a
12 local ordinance must make the recorded images of a violation
13 accessible to the alleged violator by providing the alleged
14 violator with a website address, accessible through the
15 Internet.

16 (c) Notwithstanding any penalties for any other violations
17 of this Code, the owner of a motor vehicle used in a traffic
18 violation recorded by an automated speed enforcement system
19 shall be subject to the following penalties:

20 (1) if the recorded speed is no less than 6 miles per
21 hour and no more than 10 miles per hour over the legal
22 speed limit, a civil penalty not exceeding \$50, plus an
23 additional penalty of not more than \$50 for failure to pay
24 the original penalty in a timely manner; or

25 (2) if the recorded speed is more than 10 miles per
26 hour over the legal speed limit, a civil penalty not

1 exceeding \$100, plus an additional penalty of not more
2 than \$100 for failure to pay the original penalty in a
3 timely manner.

4 A penalty may not be imposed under this Section if the
5 driver of the motor vehicle received a Uniform Traffic
6 Citation from a police officer for a speeding violation
7 occurring within one-eighth of a mile and 15 minutes of the
8 violation that was recorded by the system. A violation for
9 which a civil penalty is imposed under this Section is not a
10 violation of a traffic regulation governing the movement of
11 vehicles and may not be recorded on the driving record of the
12 owner of the vehicle. A law enforcement officer is not
13 required to be present or to witness the violation. No penalty
14 may be imposed under this Section if the recorded speed of a
15 vehicle is 5 miles per hour or less over the legal speed limit.
16 The municipality may send, in the same manner that notices are
17 sent under this Section, a speed violation warning notice
18 where the violation involves a speed of 5 miles per hour or
19 less above the legal speed limit.

20 (d) The net proceeds that a municipality receives from
21 civil penalties imposed under an automated speed enforcement
22 system, after deducting all non-personnel and personnel costs
23 associated with the operation and maintenance of such system,
24 shall be expended or obligated by the municipality for the
25 following purposes:

26 (i) public safety initiatives to ensure safe passage

1 around schools, and to provide police protection and
2 surveillance around schools and parks, including but not
3 limited to: (1) personnel costs; and (2) non-personnel
4 costs such as construction and maintenance of public
5 safety infrastructure and equipment;

6 (ii) initiatives to improve pedestrian and traffic
7 safety;

8 (iii) construction and maintenance of infrastructure
9 within the municipality, including but not limited to
10 roads and bridges; and

11 (iv) after school programs.

12 (e) For each violation of a provision of this Code or a
13 local ordinance recorded by an automated speed enforcement
14 system, the municipality having jurisdiction shall issue a
15 written notice of the violation to the registered owner of the
16 vehicle as the alleged violator. The notice shall be delivered
17 to the registered owner of the vehicle, by mail, within 30 days
18 after the Secretary of State notifies the municipality of the
19 identity of the owner of the vehicle, but in no event later
20 than 90 days after the violation.

21 (f) The notice required under subsection (e) of this
22 Section shall include:

23 (1) the name and address of the registered owner of
24 the vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the date, time, and location where the violation
3 occurred;
- 4 (5) a copy of the recorded image or images;
- 5 (6) the amount of the civil penalty imposed and the
6 date by which the civil penalty should be paid;
- 7 (7) a statement that recorded images are evidence of a
8 violation of a speed restriction;
- 9 (8) a warning that failure to pay the civil penalty or
10 to contest liability in a timely manner is an admission of
11 liability and may result in a suspension of the driving
12 privileges of the registered owner of the vehicle;
- 13 (9) a statement that the person may elect to proceed
14 by:
- 15 (A) paying the fine; or
- 16 (B) challenging the charge in court, by mail, or
17 by administrative hearing; and
- 18 (10) a website address, accessible through the
19 Internet, where the person may view the recorded images of
20 the violation.
- 21 (g) If a person charged with a traffic violation, as a
22 result of an automated speed enforcement system, does not pay
23 the fine or successfully contest the civil penalty resulting
24 from that violation, the Secretary of State shall suspend the
25 driving privileges of the registered owner of the vehicle
26 under Section 6-306.5 of this Code for failing to pay any fine

1 or penalty due and owing, or both, as a result of a combination
2 of 5 violations of the automated speed enforcement system or
3 the automated traffic law under Section 11-208.6 of this Code.

4 ~~(Blank).~~

5 (h) Based on inspection of recorded images produced by an
6 automated speed enforcement system, a notice alleging that the
7 violation occurred shall be evidence of the facts contained in
8 the notice and admissible in any proceeding alleging a
9 violation under this Section.

10 (i) Recorded images made by an automated speed enforcement
11 system are confidential and shall be made available only to
12 the alleged violator and governmental and law enforcement
13 agencies for purposes of adjudicating a violation of this
14 Section, for statistical purposes, or for other governmental
15 purposes. Any recorded image evidencing a violation of this
16 Section, however, may be admissible in any proceeding
17 resulting from the issuance of the citation.

18 (j) The court or hearing officer may consider in defense
19 of a violation:

20 (1) that the motor vehicle or registration plates or
21 digital registration plates of the motor vehicle were
22 stolen before the violation occurred and not under the
23 control or in the possession of the owner or lessee at the
24 time of the violation;

25 (1.5) that the motor vehicle was hijacked before the
26 violation occurred and not under the control of or in the

1 possession of the owner or lessee at the time of the
2 violation;

3 (2) that the driver of the motor vehicle received a
4 Uniform Traffic Citation from a police officer for a
5 speeding violation occurring within one-eighth of a mile
6 and 15 minutes of the violation that was recorded by the
7 system; and

8 (3) any other evidence or issues provided by municipal
9 ordinance.

10 (k) To demonstrate that the motor vehicle was hijacked or
11 the motor vehicle or registration plates or digital
12 registration plates were stolen before the violation occurred
13 and were not under the control or possession of the owner or
14 lessee at the time of the violation, the owner or lessee must
15 submit proof that a report concerning the motor vehicle or
16 registration plates was filed with a law enforcement agency in
17 a timely manner.

18 (l) A roadway equipped with an automated speed enforcement
19 system shall be posted with a sign conforming to the national
20 Manual on Uniform Traffic Control Devices that is visible to
21 approaching traffic stating that vehicle speeds are being
22 photo-enforced and indicating the speed limit. The
23 municipality shall install such additional signage as it
24 determines is necessary to give reasonable notice to drivers
25 as to where automated speed enforcement systems are installed.

26 (m) A roadway where a new automated speed enforcement

1 system is installed shall be posted with signs providing 30
2 days notice of the use of a new automated speed enforcement
3 system prior to the issuance of any citations through the
4 automated speed enforcement system.

5 (n) The compensation paid for an automated speed
6 enforcement system must be based on the value of the equipment
7 or the services provided and may not be based on the number of
8 traffic citations issued or the revenue generated by the
9 system.

10 (o) A municipality shall make a certified report to the
11 Secretary of State pursuant to Section 6-306.5 of this Code
12 whenever a registered owner of a vehicle has failed to pay any
13 fine or penalty due and owing as a result of a combination of 5
14 offenses for automated speed or traffic law enforcement system
15 violations. ~~(Blank).~~

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
23 address of the lessee. The drivers license number of a lessee
24 may be 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

1 to this subsection, the municipality may issue the violation
2 to the lessee of the vehicle in the same manner as it would
3 issue a violation to a registered owner of a vehicle pursuant
4 to this Section, and the lessee may be held liable for the
5 violation.

6 (q) A municipality using an automated speed enforcement
7 system must provide notice to drivers by publishing the
8 locations of all safety zones where system equipment is
9 installed on the website of the municipality.

10 (r) A municipality operating an automated speed
11 enforcement system shall conduct a statistical analysis to
12 assess the safety impact of the system. The statistical
13 analysis shall be based upon the best available crash,
14 traffic, and other data, and shall cover a period of time
15 before and after installation of the system sufficient to
16 provide a statistically valid comparison of safety impact. The
17 statistical analysis shall be consistent with professional
18 judgment and acceptable industry practice. The statistical
19 analysis also shall be consistent with the data required for
20 valid comparisons of before and after conditions and shall be
21 conducted within a reasonable period following the
22 installation of the automated traffic law enforcement system.
23 The statistical analysis required by this subsection shall be
24 made available to the public and shall be published on the
25 website of the municipality.

26 (s) This Section applies only to municipalities with a

1 population of 1,000,000 or more inhabitants.

2 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
3 102-905, eff. 1-1-23.)

4 (625 ILCS 5/11-208.9)

5 (Text of Section before amendment by P.A. 102-982)

6 Sec. 11-208.9. Automated traffic law enforcement system;
7 approaching, overtaking, and passing a school bus.

8 (a) As used in this Section, "automated traffic law
9 enforcement system" means a device with one or more motor
10 vehicle sensors working in conjunction with the visual signals
11 on a school bus, as specified in Sections 12-803 and 12-805 of
12 this Code, to produce recorded images of motor vehicles that
13 fail to stop before meeting or overtaking, from either
14 direction, any school bus stopped at any location for the
15 purpose of receiving or discharging pupils in violation of
16 Section 11-1414 of this Code or a similar provision of a local
17 ordinance.

18 An automated traffic law enforcement system is a system,
19 in a municipality or county operated by a governmental agency,
20 that produces a recorded image of a motor vehicle's violation
21 of a provision of this Code or a local ordinance and is
22 designed to obtain a clear recorded image of the vehicle and
23 the vehicle's license plate. The recorded image must also
24 display the time, date, and location of the violation.

25 (b) As used in this Section, "recorded images" means

1 images recorded by an automated traffic law enforcement system
2 on:

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

6 (4) a video recording showing the motor vehicle and,
7 on at least one image or portion of the recording, clearly
8 identifying the registration plate or digital registration
9 plate number of the motor vehicle.

10 (c) A municipality or county that produces a recorded
11 image of a motor vehicle's violation of a provision of this
12 Code or a local ordinance must make the recorded images of a
13 violation accessible to the alleged violator by providing the
14 alleged violator with a website address, accessible through
15 the Internet.

16 (d) For each violation of a provision of this Code or a
17 local ordinance recorded by an automated traffic law
18 enforcement system, the county or municipality having
19 jurisdiction shall issue a written notice of the violation to
20 the registered owner of the vehicle as the alleged violator.
21 The notice shall be delivered to the registered owner of the
22 vehicle, by mail, within 30 days after the Secretary of State
23 notifies the municipality or county of the identity of the
24 owner of the vehicle, but in no event later than 90 days after
25 the violation.

26 (e) The notice required under subsection (d) shall

1 include:

2 (1) the name and address of the registered owner of
3 the vehicle;

4 (2) the registration number of the motor vehicle
5 involved in the violation;

6 (3) the violation charged;

7 (4) the location where the violation occurred;

8 (5) the date and time of the violation;

9 (6) a copy of the recorded images;

10 (7) the amount of the civil penalty imposed and the
11 date by which the civil penalty should be paid;

12 (8) a statement that recorded images are evidence of a
13 violation of overtaking or passing a school bus stopped
14 for the purpose of receiving or discharging pupils;

15 (9) a warning that failure to pay the civil penalty or
16 to contest liability in a timely manner is an admission of
17 liability and may result in a suspension of the driving
18 privileges of the registered owner of the vehicle;

19 (10) a statement that the person may elect to proceed
20 by:

21 (A) paying the fine; or

22 (B) challenging the charge in court, by mail, or
23 by administrative hearing; and

24 (11) a website address, accessible through the
25 Internet, where the person may view the recorded images of
26 the violation.

1 (f) ~~(Blank)~~. If a person charged with a traffic violation,
2 as a result of an automated traffic law enforcement system
3 under this Section, does not pay the fine or successfully
4 contest the civil penalty resulting from that violation, the
5 Secretary of State shall suspend the driving privileges of the
6 registered owner of the vehicle under Section 6-306.5 of this
7 Code for failing to pay any fine or penalty due and owing as a
8 result of a combination of 5 violations of the automated
9 traffic law enforcement system or the automated speed
10 enforcement system under Section 11-208.8 of this Code.

11 (g) 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 (h) Recorded images made by an automated traffic law
17 enforcement system are confidential and shall be made
18 available only to the alleged violator and governmental and
19 law enforcement agencies for purposes of adjudicating a
20 violation of this Section, for statistical purposes, or for
21 other 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 (i) The court or hearing officer may consider in defense
25 of 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 or lessee at
4 the time of the violation;

5 (1.5) that the motor vehicle was hijacked before the
6 violation occurred and not under the control of or in the
7 possession of the owner or lessee at the time of the
8 violation;

9 (2) that the driver of the motor vehicle received a
10 Uniform Traffic Citation from a police officer for a
11 violation of Section 11-1414 of this Code within
12 one-eighth of a mile and 15 minutes of the violation that
13 was recorded by the system;

14 (3) that the visual signals required by Sections
15 12-803 and 12-805 of this Code were damaged, not
16 activated, not present in violation of Sections 12-803 and
17 12-805, or inoperable; and

18 (4) any other evidence or issues provided by municipal
19 or county ordinance.

20 (j) To demonstrate that the motor vehicle was hijacked or
21 the motor vehicle or registration plates or digital
22 registration plates were stolen before the violation occurred
23 and were not under the control or possession of the owner or
24 lessee at the time of the violation, the owner or lessee must
25 submit proof that a report concerning the motor vehicle or
26 registration plates was filed with a law enforcement agency in

1 a timely manner.

2 (k) Unless the driver of the motor vehicle received a
3 Uniform Traffic Citation from a police officer at the time of
4 the violation, the motor vehicle owner is subject to a civil
5 penalty not exceeding \$150 for a first time violation or \$500
6 for a second or subsequent violation, plus an additional
7 penalty of not more than \$100 for failure to pay the original
8 penalty in a timely manner, if the motor vehicle is recorded by
9 an automated traffic law enforcement system. A violation for
10 which a civil penalty is imposed under this Section is not a
11 violation of a traffic regulation governing the movement of
12 vehicles and may not be recorded on the driving record of the
13 owner of the vehicle, but may be recorded by the municipality
14 or county for the purpose of determining if a person is subject
15 to the higher fine for a second or subsequent offense.

16 (l) A school bus equipped with an automated traffic law
17 enforcement system must be posted with a sign indicating that
18 the school bus is being monitored by an automated traffic law
19 enforcement system.

20 (m) A municipality or county that has one or more school
21 buses equipped with an automated traffic law enforcement
22 system must provide notice to drivers by posting a list of
23 school districts using school buses equipped with an automated
24 traffic law enforcement system on the municipality or county
25 website. School districts that have one or more school buses
26 equipped with an automated traffic law enforcement system must

1 provide notice to drivers by posting that information on their
2 websites.

3 (n) A municipality or county operating an automated
4 traffic law enforcement system shall conduct a statistical
5 analysis to assess the safety impact in each school district
6 using school buses equipped with an automated traffic law
7 enforcement system following installation of the system. The
8 statistical analysis shall be based upon the best available
9 crash, traffic, and other data, and shall cover a period of
10 time before and after installation of the system sufficient to
11 provide a statistically valid comparison of safety impact. The
12 statistical analysis shall be consistent with professional
13 judgment and acceptable industry practice. The statistical
14 analysis also shall be consistent with the data required for
15 valid comparisons of before and after conditions and shall be
16 conducted within a reasonable period following the
17 installation of the automated traffic law enforcement system.
18 The statistical analysis required by this subsection shall be
19 made available to the public and shall be published on the
20 website of the municipality or county. If the statistical
21 analysis for the 36-month period following installation of the
22 system indicates that there has been an increase in the rate of
23 accidents at the approach to school buses monitored by the
24 system, the municipality or county shall undertake additional
25 studies to determine the cause and severity of the accidents,
26 and may take any action that it determines is necessary or

1 appropriate to reduce the number or severity of the accidents
2 involving school buses equipped with an automated traffic law
3 enforcement system.

4 (o) The compensation paid for an automated traffic law
5 enforcement system must be based on the value of the equipment
6 or the services provided and may not be based on the number of
7 traffic citations issued or the revenue generated by the
8 system.

9 (p) No person who is the lessor of a motor vehicle pursuant
10 to a written lease agreement shall be liable for an automated
11 speed or traffic law enforcement system violation involving
12 such motor vehicle during the period of the lease; provided
13 that upon the request of the appropriate authority received
14 within 120 days after the violation occurred, the lessor
15 provides within 60 days after such receipt the name and
16 address of the lessee. The drivers license number of a lessee
17 may be subsequently individually requested by the appropriate
18 authority if needed for enforcement of this Section.

19 Upon the provision of information by the lessor pursuant
20 to this subsection, the county or municipality may issue the
21 violation to the lessee of the vehicle in the same manner as it
22 would issue a violation to a registered owner of a vehicle
23 pursuant to this Section, and the lessee may be held liable for
24 the violation.

25 (q) ~~(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 (r) After a municipality or county enacts an ordinance
6 providing for automated traffic law enforcement systems under
7 this Section, each school district within that municipality or
8 county's jurisdiction may implement an automated traffic law
9 enforcement system under this Section. The elected school
10 board for that district must approve the implementation of an
11 automated traffic law enforcement system. The school district
12 shall be responsible for entering into a contract, approved by
13 the elected school board of that district, with vendors for
14 the installation, maintenance, and operation of the automated
15 traffic law enforcement system. The school district must enter
16 into an intergovernmental agreement, approved by the elected
17 school board of that district, with the municipality or county
18 with jurisdiction over that school district for the
19 administration of the automated traffic law enforcement
20 system. The proceeds from a school district's automated
21 traffic law enforcement system's fines shall be divided
22 equally between the school district and the municipality or
23 county administering the automated traffic law enforcement
24 system.

25 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
26 102-905, eff. 1-1-23.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 11-208.9. Automated traffic law enforcement system;
3 approaching, overtaking, and passing a school bus.

4 (a) As used in this Section, "automated traffic law
5 enforcement system" means a device with one or more motor
6 vehicle sensors working in conjunction with the visual signals
7 on a school bus, as specified in Sections 12-803 and 12-805 of
8 this Code, to produce recorded images of motor vehicles that
9 fail to stop before meeting or overtaking, from either
10 direction, any school bus stopped at any location for the
11 purpose of receiving or discharging pupils in violation of
12 Section 11-1414 of this Code or a similar provision of a local
13 ordinance.

14 An automated traffic law enforcement system is a system,
15 in a municipality or county operated by a governmental agency,
16 that produces a recorded image of a motor vehicle's violation
17 of a provision of this Code or a local ordinance and is
18 designed to obtain a clear recorded image of the vehicle and
19 the vehicle's license plate. The recorded image must also
20 display the time, date, and location of the violation.

21 (b) As used in this Section, "recorded images" means
22 images recorded by an automated traffic law enforcement system
23 on:

24 (1) 2 or more photographs;

25 (2) 2 or more microphotographs;

1 (3) 2 or more electronic images; or

2 (4) a video recording showing the motor vehicle and,
3 on at least one image or portion of the recording, clearly
4 identifying the registration plate or digital registration
5 plate number of the motor vehicle.

6 (c) A municipality or county that produces a recorded
7 image of a motor vehicle's violation of a provision of this
8 Code or a local ordinance must make the recorded images of a
9 violation accessible to the alleged violator by providing the
10 alleged violator with a website address, accessible through
11 the Internet.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automated 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 (e) The notice required under subsection (d) shall
23 include:

24 (1) the name and address of the registered owner of
25 the vehicle;

26 (2) the registration number of the motor vehicle

- 1 involved in the violation;
- 2 (3) the violation charged;
- 3 (4) the location where the violation occurred;
- 4 (5) the date and time of the violation;
- 5 (6) a copy of the recorded images;
- 6 (7) the amount of the civil penalty imposed and the
7 date by which the civil penalty should be paid;
- 8 (8) a statement that recorded images are evidence of a
9 violation of overtaking or passing a school bus stopped
10 for the purpose of receiving or discharging pupils;
- 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;
- 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
19 by administrative hearing; and
- 20 (11) a website address, accessible through the
21 Internet, where the person may view the recorded images of
22 the violation.
- 23 (f) ~~(Blank)~~. If a person charged with a traffic violation,
24 as a result of an automated traffic law enforcement system
25 under this Section, does not pay the fine or successfully
26 contest the civil penalty resulting from that violation, the

1 Secretary of State shall suspend the driving privileges of the
2 registered owner of the vehicle under Section 6-306.5 of this
3 Code for failing to pay any fine or penalty due and owing as a
4 result of a combination of 5 violations of the automated
5 traffic law enforcement system or the automated speed
6 enforcement system under Section 11-208.8 of this Code.

7 (g) Based on inspection of recorded images produced by an
8 automated traffic law enforcement system, a notice alleging
9 that the violation occurred shall be evidence of the facts
10 contained in the notice and admissible in any proceeding
11 alleging a violation under this Section.

12 (h) Recorded images made by an automated traffic law
13 enforcement system are confidential and shall be made
14 available only to the alleged violator and governmental and
15 law enforcement agencies for purposes of adjudicating a
16 violation of this Section, for statistical purposes, or for
17 other governmental purposes. Any recorded image evidencing a
18 violation of this Section, however, may be admissible in any
19 proceeding resulting from the issuance of the citation.

20 (i) The court or hearing officer may consider in defense
21 of a violation:

22 (1) that the motor vehicle or registration plates or
23 digital registration plates of the motor vehicle were
24 stolen before the violation occurred and not under the
25 control of or in the possession of the owner or lessee at
26 the time of the violation;

1 (1.5) that the motor vehicle was hijacked before the
2 violation occurred and not under the control of or in the
3 possession of the owner or lessee at the time of the
4 violation;

5 (2) that the driver of the motor vehicle received a
6 Uniform Traffic Citation from a police officer for a
7 violation of Section 11-1414 of this Code within
8 one-eighth of a mile and 15 minutes of the violation that
9 was recorded by the system;

10 (3) that the visual signals required by Sections
11 12-803 and 12-805 of this Code were damaged, not
12 activated, not present in violation of Sections 12-803 and
13 12-805, or inoperable; and

14 (4) any other evidence or issues provided by municipal
15 or county ordinance.

16 (j) To demonstrate that the motor vehicle was hijacked or
17 the motor vehicle or registration plates or digital
18 registration plates were stolen before the violation occurred
19 and were not under the control or possession of the owner or
20 lessee at the time of the violation, the owner or lessee must
21 submit proof that a report concerning the motor vehicle or
22 registration plates was filed with a law enforcement agency in
23 a timely manner.

24 (k) Unless the driver of the motor vehicle received a
25 Uniform Traffic Citation from a police officer at the time of
26 the violation, the motor vehicle owner is subject to a civil

1 penalty not exceeding \$150 for a first time violation or \$500
2 for a second or subsequent violation, plus an additional
3 penalty of not more than \$100 for failure to pay the original
4 penalty in a timely manner, if the motor vehicle is recorded by
5 an automated traffic law enforcement system. A violation for
6 which a civil penalty is imposed under this Section is not a
7 violation of a traffic regulation governing the movement of
8 vehicles and may not be recorded on the driving record of the
9 owner of the vehicle, but may be recorded by the municipality
10 or county for the purpose of determining if a person is subject
11 to the higher fine for a second or subsequent offense.

12 (l) A school bus equipped with an automated traffic law
13 enforcement system must be posted with a sign indicating that
14 the school bus is being monitored by an automated traffic law
15 enforcement system.

16 (m) A municipality or county that has one or more school
17 buses equipped with an automated traffic law enforcement
18 system must provide notice to drivers by posting a list of
19 school districts using school buses equipped with an automated
20 traffic law enforcement system on the municipality or county
21 website. School districts that have one or more school buses
22 equipped with an automated traffic law enforcement system must
23 provide notice to drivers by posting that information on their
24 websites.

25 (n) A municipality or county operating an automated
26 traffic law enforcement system shall conduct a statistical

1 analysis to assess the safety impact in each school district
2 using school buses equipped with an automated traffic law
3 enforcement system following installation of the system. The
4 statistical analysis shall be based upon the best available
5 crash, traffic, and other data, and shall cover a period of
6 time before and after installation of the system sufficient to
7 provide a statistically valid comparison of safety impact. The
8 statistical analysis shall be consistent with professional
9 judgment and acceptable industry practice. The statistical
10 analysis also shall be consistent with the data required for
11 valid comparisons of before and after conditions and shall be
12 conducted within a reasonable period following the
13 installation of the automated traffic law enforcement system.
14 The statistical analysis required by this subsection shall be
15 made available to the public and shall be published on the
16 website of the municipality or county. If the statistical
17 analysis for the 36-month period following installation of the
18 system indicates that there has been an increase in the rate of
19 crashes at the approach to school buses monitored by the
20 system, the municipality or county shall undertake additional
21 studies to determine the cause and severity of the crashes,
22 and may take any action that it determines is necessary or
23 appropriate to reduce the number or severity of the crashes
24 involving school buses equipped with an automated traffic law
25 enforcement system.

26 (o) The compensation paid for an automated traffic law

1 enforcement system must be based on the value of the equipment
2 or the services provided and may not be based on the number of
3 traffic citations issued or the revenue generated by the
4 system.

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
12 address of the lessee. The drivers license number of a lessee
13 may be 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
16 to 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 (q) ~~(Blank)~~. A municipality or county shall make a
22 certified report to the Secretary of State pursuant to Section
23 6-306.5 of this Code whenever a registered owner of a vehicle
24 has failed to pay any fine or penalty due and owing as a result
25 of a combination of 5 offenses for automated traffic law or
26 speed enforcement system violations.

1 (r) After a municipality or county enacts an ordinance
2 providing for automated traffic law enforcement systems under
3 this Section, each school district within that municipality or
4 county's jurisdiction may implement an automated traffic law
5 enforcement system under this Section. The elected school
6 board for that district must approve the implementation of an
7 automated traffic law enforcement system. The school district
8 shall be responsible for entering into a contract, approved by
9 the elected school board of that district, with vendors for
10 the installation, maintenance, and operation of the automated
11 traffic law enforcement system. The school district must enter
12 into an intergovernmental agreement, approved by the elected
13 school board of that district, with the municipality or county
14 with jurisdiction over that school district for the
15 administration of the automated traffic law enforcement
16 system. The proceeds from a school district's automated
17 traffic law enforcement system's fines shall be divided
18 equally between the school district and the municipality or
19 county administering the automated traffic law enforcement
20 system.

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
22 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

23 (625 ILCS 5/11-1201.1)

24 Sec. 11-1201.1. Automated railroad crossing enforcement
25 system.

1 (a) For the purposes of this Section, an automated
2 railroad grade crossing enforcement system is a system in a
3 municipality or county operated by a governmental agency that
4 produces a recorded image of a motor vehicle's violation of a
5 provision of this Code or local ordinance and is designed to
6 obtain a clear recorded image of the vehicle and vehicle's
7 license plate. The recorded image must also display the time,
8 date, and location of the violation.

9 As used in this Section, "recorded images" means images
10 recorded by an automated railroad grade crossing enforcement
11 system on:

- 12 (1) 2 or more photographs;
- 13 (2) 2 or more microphotographs;
- 14 (3) 2 or more electronic images; or
- 15 (4) a video recording showing the motor vehicle and,
16 on at least one image or portion of the recording, clearly
17 identifying the registration plate or digital registration
18 plate number of the motor vehicle.

19 (b) The Illinois Commerce Commission may, in cooperation
20 with a local law enforcement agency, establish in any county
21 or municipality an automated railroad grade crossing
22 enforcement system at any railroad grade crossing equipped
23 with a crossing gate designated by local authorities. Local
24 authorities desiring the establishment of an automated
25 railroad crossing enforcement system must initiate the process
26 by enacting a local ordinance requesting the creation of such

1 a system. After the ordinance has been enacted, and before any
2 additional steps toward the establishment of the system are
3 undertaken, the local authorities and the Commission must
4 agree to a plan for obtaining, from any combination of
5 federal, State, and local funding sources, the moneys required
6 for the purchase and installation of any necessary equipment.

7 (b-1) (Blank).

8 (c) For each violation of Section 11-1201 of this Code or a
9 local ordinance recorded by an automated railroad grade
10 crossing enforcement system, the county or municipality having
11 jurisdiction shall issue a written notice of the violation to
12 the registered owner of the vehicle as the alleged violator.
13 The notice shall be delivered to the registered owner of the
14 vehicle, by mail, no later than 90 days after the violation.

15 The notice shall include:

16 (1) the name and address of the registered owner of
17 the vehicle;

18 (2) the registration number of the motor vehicle
19 involved in the violation;

20 (3) the violation charged;

21 (4) the location where the violation occurred;

22 (5) the date and time of the violation;

23 (6) a copy of the recorded images;

24 (7) the amount of the civil penalty imposed and the
25 date by which the civil penalty should be paid;

26 (8) a statement that recorded images are evidence of a

1 violation of a railroad grade crossing;

2 (9) a warning that failure to pay the civil penalty or
3 to contest liability in a timely manner is an admission of
4 liability and may result in a suspension of the driving
5 privileges of the registered owner of the vehicle; and

6 (10) a statement that the person may elect to proceed
7 by:

8 (A) paying the fine; or

9 (B) challenging the charge in court, by mail, or
10 by administrative hearing.

11 (d) ~~(Blank)~~. If a person charged with a traffic violation,
12 as a result of an automated railroad grade crossing
13 enforcement system, does not pay or successfully contest the
14 civil penalty resulting from that violation, the Secretary of
15 State shall suspend the driving privileges of the registered
16 owner of the vehicle under Section 6-306.5 of this Code for
17 failing to pay any fine or penalty due and owing as a result of
18 5 violations of the automated railroad grade crossing
19 enforcement system.

20 (d-1) (Blank).

21 (d-2) (Blank).

22 (e) Based on inspection of recorded images produced by an
23 automated railroad grade crossing enforcement system, a notice
24 alleging that the violation occurred shall be evidence of the
25 facts contained in the notice and admissible in any proceeding
26 alleging a violation under this Section.

1 (e-1) Recorded images made by an automated railroad grade
2 crossing enforcement system are confidential and shall be made
3 available only to the alleged violator and governmental and
4 law enforcement agencies for purposes of adjudicating a
5 violation of this Section, for statistical purposes, or for
6 other governmental purposes. Any recorded image evidencing a
7 violation of this Section, however, may be admissible in any
8 proceeding resulting from the issuance of the citation.

9 (e-2) The court or hearing officer may consider the
10 following in the defense of a violation:

11 (1) that the motor vehicle or registration plates or
12 digital registration plates of the motor vehicle were
13 stolen before the violation occurred and not under the
14 control of or in the possession of the owner or lessee at
15 the time of the violation;

16 (1.5) that the motor vehicle was hijacked before the
17 violation occurred and not under the control of or in the
18 possession of the owner or lessee at the time of the
19 violation;

20 (2) that the driver of the motor vehicle received a
21 Uniform Traffic Citation from a police officer at the time
22 of the violation for the same offense;

23 (3) any other evidence or issues provided by municipal
24 or county ordinance.

25 (e-3) To demonstrate that the motor vehicle was hijacked
26 or the motor vehicle or registration plates or digital

1 registration plates were stolen before the violation occurred
2 and were not under the control or possession of the owner or
3 lessee at the time of the violation, the owner or lessee must
4 submit proof that a report concerning the motor vehicle or
5 registration plates was filed with a law enforcement agency in
6 a timely manner.

7 (f) Rail crossings equipped with an automatic railroad
8 grade crossing enforcement system shall be posted with a sign
9 visible to approaching traffic stating that the railroad grade
10 crossing is being monitored, that citations will be issued,
11 and the amount of the fine for violation.

12 (g) The compensation paid for an automated railroad grade
13 crossing enforcement system must be based on the value of the
14 equipment or the services provided and may not be based on the
15 number of citations issued or the revenue generated by the
16 system.

17 (h) (Blank).

18 (i) If any part or parts of this Section are held by a
19 court of competent jurisdiction to be unconstitutional, the
20 unconstitutionality shall not affect the validity of the
21 remaining parts of this Section. The General Assembly hereby
22 declares that it would have passed the remaining parts of this
23 Section if it had known that the other part or parts of this
24 Section would be declared unconstitutional.

25 (j) Penalty. A civil fine of \$250 shall be imposed for a
26 first violation of this Section, and a civil fine of \$500 shall

1 be imposed for a second or subsequent violation of this
2 Section.

3 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
4 102-813, eff. 5-13-22; 102-905, eff. 1-1-23.)

5 Section 1-180. The Illinois Vehicle Code is amended by
6 reenacting Sections 4-214.1 and 6-306.6 and by reenacting and
7 amending Section 6-306.5 as follows:

8 (625 ILCS 5/4-214.1)

9 Sec. 4-214.1. Failure to pay fines, charges, and costs on
10 an abandoned vehicle. (a) Whenever any resident of this
11 State fails to pay any fine, charge, or cost imposed for a
12 violation of Section 4-201 of this Code, or a similar
13 provision of a local ordinance, the clerk shall notify the
14 Secretary of State, on a report prescribed by the Secretary,
15 and the Secretary shall prohibit the renewal, reissue, or
16 reinstatement of the resident's driving privileges until the
17 fine, charge, or cost has been paid in full. The clerk shall
18 provide notice to the owner, at the owner's last known address
19 as shown on the court's records, stating that the action will
20 be effective on the 46th day following the date of the above
21 notice if payment is not received in full by the court of
22 venue.

23 (b) Following receipt of the report from the clerk, the
24 Secretary of State shall make the proper notation to the

1 owner's file to prohibit the renewal, reissue, or
2 reinstatement of the owner's driving privileges. Except as
3 provided in subsection (d) of this Section, the notation shall
4 not be removed from the owner's record until the owner
5 satisfies the outstanding fine, charge, or cost and an
6 appropriate notice on a form prescribed by the Secretary is
7 received by the Secretary from the court of venue, stating
8 that the fine, charge, or cost has been paid in full. Upon
9 payment in full of a fine, charge, or court cost which has
10 previously been reported under this Section as unpaid, the
11 clerk of the court shall present the owner with a signed
12 receipt containing the seal of the court indicating that the
13 fine, charge, or cost has been paid in full, and shall forward
14 immediately to the Secretary of State a notice stating that
15 the fine, charge, or cost has been paid in full.

16 (c) Notwithstanding the receipt of a report from the clerk
17 as prescribed in subsection (a), nothing in this Section is
18 intended to place any responsibility upon the Secretary of
19 State to provide independent notice to the owner of any
20 potential action to disallow the renewal, reissue, or
21 reinstatement of the owner's driving privileges.

22 (d) The Secretary of State shall renew, reissue, or
23 reinstate an owner's driving privileges which were previously
24 refused under this Section upon presentation of an original
25 receipt which is signed by the clerk of the court and contains
26 the seal of the court indicating that the fine, charge, or cost

1 has been paid in full. The Secretary of State shall retain the
2 receipt for his or her records.

3 (Source: P.A. 95-621, eff. 6-1-08.)

4 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

5 Sec. 6-306.5. Failure to pay fine or penalty for standing,
6 parking, compliance, automated speed enforcement system, or
7 automated traffic law violations; suspension of driving
8 privileges.

9 (a) Upon receipt of a certified report, as prescribed by
10 subsection (c) of this Section, from any municipality or
11 county stating that the owner of a registered vehicle has
12 failed to pay any fine or penalty due and owing as a result of
13 5 offenses for automated speed enforcement system violations
14 or automated traffic violations as defined in Sections
15 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
16 thereof, or ~~(3)~~ is more than 14 days in default of a payment
17 plan pursuant to which a suspension had been terminated under
18 subsection (c) of this Section, the Secretary of State shall
19 suspend the driving privileges of such person in accordance
20 with the procedures set forth in this Section. The Secretary
21 shall also suspend the driving privileges of an owner of a
22 registered vehicle upon receipt of a certified report, as
23 prescribed by subsection (f) of this Section, from any
24 municipality or county stating that such person has failed to
25 satisfy any fines or penalties imposed by final judgments for

1 5 or more automated speed enforcement system or automated
2 traffic law violations, or combination thereof, after
3 exhaustion of judicial review procedures.

4 (b) Following receipt of the certified report of the
5 municipality or county as specified in this Section, the
6 Secretary of State shall notify the person whose name appears
7 on the certified report that the person's driver's ~~drivers~~
8 license will be suspended at the end of a specified period of
9 time unless the Secretary of State is presented with a notice
10 from the municipality or county certifying that the fine or
11 penalty due and owing the municipality or county has been paid
12 or that inclusion of that person's name on the certified
13 report was in error. The Secretary's notice shall state in
14 substance the information contained in the municipality's or
15 county's certified report to the Secretary, and shall be
16 effective as specified by subsection (c) of Section 6-211 of
17 this Code.

18 (c) The report of the appropriate municipal or county
19 official notifying the Secretary of State of unpaid fines or
20 penalties pursuant to this Section shall be certified and
21 shall contain the following:

22 (1) The name, last known address as recorded with the
23 Secretary of State, as provided by the lessor of the cited
24 vehicle at the time of lease, or as recorded in a United
25 States Post Office approved database if any notice sent
26 under Section 11-208.3 of this Code is returned as

1 undeliverable, and driver's ~~drivers~~ license number of the
2 person who failed to pay the fine or penalty or who has
3 defaulted in a payment plan and the registration number of
4 any vehicle known to be registered to such person in this
5 State.

6 (2) The name of the municipality or county making the
7 report pursuant to this Section.

8 (3) A statement that the municipality or county sent a
9 notice of impending driver's ~~drivers~~ license suspension as
10 prescribed by ordinance enacted pursuant to Section
11 11-208.3 of this Code or a notice of default in a payment
12 plan, to the person named in the report at the address
13 recorded with the Secretary of State or at the last
14 address known to the lessor of the cited vehicle at the
15 time of lease or, if any notice sent under Section
16 11-208.3 of this Code is returned as undeliverable, at the
17 last known address recorded in a United States Post Office
18 approved database; the date on which such notice was sent;
19 and the address to which such notice was sent. In a
20 municipality or county with a population of 1,000,000 or
21 more, the report shall also include a statement that the
22 alleged violator's State vehicle registration number and
23 vehicle make, if specified on the automated speed
24 enforcement system violation or automated traffic law
25 violation notice, are correct as they appear on the
26 citations.

1 (4) A unique identifying reference number for each
2 request of suspension sent whenever a person has failed to
3 pay the fine or penalty or has defaulted on a payment plan.

4 (d) Any municipality or county making a certified report
5 to the Secretary of State pursuant to this Section shall
6 notify the Secretary of State, in a form prescribed by the
7 Secretary, whenever a person named in the certified report has
8 paid the previously reported fine or penalty, whenever a
9 person named in the certified report has entered into a
10 payment plan pursuant to which the municipality or county has
11 agreed to terminate the suspension, or whenever the
12 municipality or county determines that the original report was
13 in error. A certified copy of such notification shall also be
14 given upon request and at no additional charge to the person
15 named therein. Upon receipt of the municipality's or county's
16 notification or presentation of a certified copy of such
17 notification, the Secretary of State shall terminate the
18 suspension.

19 (e) Any municipality or county making a certified report
20 to the Secretary of State pursuant to this Section shall also
21 by ordinance establish procedures for persons to challenge the
22 accuracy of the certified report. The ordinance shall also
23 state the grounds for such a challenge, which may be limited to
24 (1) the person not having been the owner or lessee of the
25 vehicle or vehicles receiving a combination of 5 or more
26 automated speed enforcement system or automated traffic law

1 violations on the date or dates such notices were issued; and
2 (2) the person having already paid the fine or penalty for the
3 combination of 5 or more automated speed enforcement system or
4 automated traffic law violations indicated on the certified
5 report.

6 (f) Any municipality or county, other than a municipality
7 or county establishing automated speed enforcement system
8 regulations under Section 11-208.8, or automated traffic law
9 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
10 may also cause a suspension of a person's driver's ~~drivers~~
11 license pursuant to this Section. Such municipality or county
12 may invoke this sanction by making a certified report to the
13 Secretary of State upon a person's failure to satisfy any fine
14 or penalty imposed by final judgment for a combination of 5 or
15 more automated speed enforcement system or automated traffic
16 law violations after exhaustion of judicial review procedures,
17 but only if:

18 (1) the municipality or county complies with the
19 provisions of this Section in all respects except in
20 regard to enacting an ordinance pursuant to Section
21 11-208.3;

22 (2) the municipality or county has sent a notice of
23 impending driver's ~~drivers~~ license suspension as
24 prescribed by an ordinance enacted pursuant to subsection
25 (g) of this Section; and

26 (3) in municipalities or counties with a population of

1 1,000,000 or more, the municipality or county has verified
2 that the alleged violator's State vehicle registration
3 number and vehicle make are correct as they appear on the
4 citations.

5 (g) Any municipality or county, other than a municipality
6 or county establishing automated speed enforcement system
7 regulations under Section 11-208.8, or automated traffic law
8 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
9 may provide by ordinance for the sending of a notice of
10 impending driver's ~~drivers~~ license suspension to the person
11 who has failed to satisfy any fine or penalty imposed by final
12 judgment for a combination of 5 or more automated speed
13 enforcement system or automated traffic law violations after
14 exhaustion of judicial review procedures. An ordinance so
15 providing shall specify that the notice sent to the person
16 liable for any fine or penalty shall state that failure to pay
17 the fine or penalty owing within 45 days of the notice's date
18 will result in the municipality or county notifying the
19 Secretary of State that the person's driver's ~~drivers~~ license
20 is eligible for suspension pursuant to this Section. The
21 notice of impending driver's ~~drivers~~ license suspension shall
22 be sent by first class United States mail, postage prepaid, to
23 the address recorded with the Secretary of State or at the last
24 address known to the lessor of the cited vehicle at the time of
25 lease or, if any notice sent under Section 11-208.3 of this
26 Code is returned as undeliverable, to the last known address

1 recorded in a United States Post Office approved database.

2 (h) An administrative hearing to contest an impending
3 suspension or a suspension made pursuant to this Section may
4 be had upon filing a written request with the Secretary of
5 State. The filing fee for this hearing shall be \$20, to be paid
6 at the time the request is made. A municipality or county which
7 files a certified report with the Secretary of State pursuant
8 to this Section shall reimburse the Secretary for all
9 reasonable costs incurred by the Secretary as a result of the
10 filing of the report, including, but not limited to, the costs
11 of providing the notice required pursuant to subsection (b)
12 and the costs incurred by the Secretary in any hearing
13 conducted with respect to the report pursuant to this
14 subsection and any appeal from such a hearing.

15 (i) The provisions of this Section shall apply on and
16 after January 1, 1988.

17 (j) For purposes of this Section, the term "compliance
18 violation" is defined as in Section 11-208.3.

19 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

20 (625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

21 Sec. 6-306.6. Failure to pay traffic fines, penalties, or
22 court costs.

23 (a) Whenever any resident of this State fails to pay any
24 traffic fine, penalty, or cost imposed for a violation of this
25 Code, or similar provision of local ordinance, the clerk may

1 notify the Secretary of State, on a report prescribed by the
2 Secretary, and the Secretary shall prohibit the renewal,
3 reissue or reinstatement of such resident's driving privileges
4 until such fine, penalty, or cost has been paid in full. The
5 clerk shall provide notice to the driver, at the driver's last
6 known address as shown on the court's records, stating that
7 such action will be effective on the 46th day following the
8 date of the above notice if payment is not received in full by
9 the court of venue.

10 (a-1) Whenever any resident of this State who has made a
11 partial payment on any traffic fine, penalty, or cost that was
12 imposed under a conviction entered on or after the effective
13 date of this amendatory Act of the 93rd General Assembly, for a
14 violation of this Code or a similar provision of a local
15 ordinance, fails to pay the remainder of the outstanding fine,
16 penalty, or cost within the time limit set by the court, the
17 clerk may notify the Secretary of State, on a report
18 prescribed by the Secretary, and the Secretary shall prohibit
19 the renewal, reissue, or reinstatement of the resident's
20 driving privileges until the fine, penalty, or cost has been
21 paid in full. The clerk shall provide notice to the driver, at
22 the driver's last known address as shown on the court's
23 records, stating that the action will be effective on the 46th
24 day following the date of the notice if payment is not received
25 in full by the court of venue.

26 (b) Except as provided in subsection (b-1), following

1 receipt of the report from the clerk, the Secretary of State
2 shall make the proper notation to the driver's file to
3 prohibit the renewal, reissue or reinstatement of such
4 driver's driving privileges. Except as provided in paragraph
5 (2) of subsection (d) of this Section, such notation shall not
6 be removed from the driver's record until the driver satisfies
7 the outstanding fine, penalty, or cost and an appropriate
8 notice on a form prescribed by the Secretary is received by the
9 Secretary from the court of venue, stating that such fine,
10 penalty, or cost has been paid in full. Upon payment in full of
11 a traffic fine, penalty, or court cost which has previously
12 been reported under this Section as unpaid, the clerk of the
13 court shall present the driver with a signed receipt
14 containing the seal of the court indicating that such fine,
15 penalty, or cost has been paid in full, and shall forward
16 forthwith to the Secretary of State a notice stating that the
17 fine, penalty, or cost has been paid in full.

18 (b-1) In a county with a population of 3,000,000 or more,
19 following receipt of the report from the clerk, the Secretary
20 of State shall make the proper notation to the driver's file to
21 prohibit the renewal, reissue or reinstatement of such
22 driver's driving privileges. Such notation shall not be
23 removed from the driver's record until the driver satisfies
24 the outstanding fine, penalty, or cost and an appropriate
25 notice on a form prescribed by the Secretary is received by the
26 Secretary directly from the court of venue, stating that such

1 fine, penalty, or cost has been paid in full. Upon payment in
2 full of a traffic fine, penalty, or court cost which has
3 previously been reported under this Section as unpaid, the
4 clerk of the court shall forward forthwith directly to the
5 Secretary of State a notice stating that the fine, penalty, or
6 cost has been paid in full and shall provide the driver with a
7 signed receipt containing the seal of the court, indicating
8 that the fine, penalty, and cost have been paid in full. The
9 receipt may not be used by the driver to clear the driver's
10 record.

11 (c) The provisions of this Section shall be limited to a
12 single action per arrest and as a post conviction measure
13 only. Fines, penalty, or costs to be collected subsequent to
14 orders of court supervision, or other available court
15 diversions are not applicable to this Section.

16 (d)(1) Notwithstanding the receipt of a report from the
17 clerk as prescribed in subsections (a) and (e), nothing in
18 this Section is intended to place any responsibility upon the
19 Secretary of State to provide independent notice to the driver
20 of any potential action to disallow the renewal, reissue or
21 reinstatement of such driver's driving privileges.

22 (2) Except as provided in subsection (b-1), the Secretary
23 of State shall renew, reissue or reinstate a driver's driving
24 privileges which were previously refused pursuant to this
25 Section upon presentation of an original receipt which is
26 signed by the clerk of the court and contains the seal of the

1 court indicating that the fine, penalty, or cost has been paid
2 in full. The Secretary of State shall retain such receipt for
3 his records.

4 (e) Upon receipt of notification from another state that
5 is a member of the Nonresident Violator Compact of 1977,
6 stating a resident of this State failed to pay a traffic fine,
7 penalty, or cost imposed for a violation that occurs in
8 another state, the Secretary shall make the proper notation to
9 the driver's license file to prohibit the renewal, reissue, or
10 reinstatement of the resident's driving privileges until the
11 fine, penalty, or cost has been paid in full. The Secretary of
12 State shall renew, reissue, or reinstate the driver's driving
13 privileges that were previously refused under this Section
14 upon receipt of notification from the other state that
15 indicates that the fine, penalty, or cost has been paid in
16 full. The Secretary of State shall retain the out-of-state
17 receipt for his or her records.

18 (Source: P.A. 98-178, eff. 1-1-14.)

19 Section 1-185. The Snowmobile Registration and Safety Act
20 is amended by changing Section 5-7 as follows:

21 (625 ILCS 40/5-7)

22 Sec. 5-7. Operating a snowmobile while under the influence
23 of alcohol or other drug or drugs, intoxicating compound or
24 compounds, or a combination of them; criminal penalties;

1 suspension of operating privileges.

2 (a) A person may not operate or be in actual physical
3 control of a snowmobile within this State while:

4 1. The alcohol concentration in that person's blood,
5 other bodily substance, or breath is a concentration at
6 which driving a motor vehicle is prohibited under
7 subdivision (1) of subsection (a) of Section 11-501 of the
8 Illinois Vehicle Code;

9 2. The person is under the influence of alcohol;

10 3. The person is under the influence of any other drug
11 or combination of drugs to a degree that renders that
12 person incapable of safely operating a snowmobile;

13 3.1. The person is under the influence of any
14 intoxicating compound or combination of intoxicating
15 compounds to a degree that renders the person incapable of
16 safely operating a snowmobile;

17 4. The person is under the combined influence of
18 alcohol and any other drug or drugs or intoxicating
19 compound or compounds to a degree that renders that person
20 incapable of safely operating a snowmobile;

21 4.3. The person who is not a CDL holder has a
22 tetrahydrocannabinol concentration in the person's whole
23 blood or other bodily substance at which driving a motor
24 vehicle is prohibited under subdivision (7) of subsection
25 (a) of Section 11-501 of the Illinois Vehicle Code;

26 4.5. The person who is a CDL holder has any amount of a

1 drug, substance, or compound in the person's breath,
2 blood, other bodily substance, or urine resulting from the
3 unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act; or

5 5. There is any amount of a drug, substance, or
6 compound in that person's breath, blood, other bodily
7 substance, or urine resulting from the unlawful use or
8 consumption of a controlled substance listed in the
9 Illinois Controlled Substances Act, methamphetamine as
10 listed in the Methamphetamine Control and Community
11 Protection Act, or intoxicating compound listed in the use
12 of Intoxicating Compounds Act.

13 (b) The fact that a person charged with violating this
14 Section is or has been legally entitled to use alcohol, other
15 drug or drugs, any intoxicating compound or compounds, or any
16 combination of them does not constitute a defense against a
17 charge of violating this Section.

18 (c) Every person convicted of violating this Section or a
19 similar provision of a local ordinance is guilty of a Class A
20 misdemeanor, except as otherwise provided in this Section.

21 (c-1) As used in this Section, "first time offender" means
22 any person who has not had a previous conviction or been
23 assigned supervision for violating this Section or a similar
24 provision of a local ordinance, or any person who has not had a
25 suspension imposed under subsection (e) of Section 5-7.1.

26 (c-2) For purposes of this Section, the following are

1 equivalent to a conviction:

2 (1) a forfeiture of bail or collateral deposited to
3 secure a defendant's appearance in court when forfeiture
4 has not been vacated ~~an unvacated revocation of pretrial~~
5 ~~release~~; or

6 (2) the failure of a defendant to appear for trial.

7 (d) Every person convicted of violating this Section is
8 guilty of a Class 4 felony if:

9 1. The person has a previous conviction under this
10 Section;

11 2. The offense results in personal injury where a
12 person other than the operator suffers great bodily harm
13 or permanent disability or disfigurement, when the
14 violation was a proximate cause of the injuries. A person
15 guilty of a Class 4 felony under this paragraph 2, if
16 sentenced to a term of imprisonment, shall be sentenced to
17 not less than one year nor more than 12 years; or

18 3. The offense occurred during a period in which the
19 person's privileges to operate a snowmobile are revoked or
20 suspended, and the revocation or suspension was for a
21 violation of this Section or was imposed under Section
22 5-7.1.

23 (e) Every person convicted of violating this Section is
24 guilty of a Class 2 felony if the offense results in the death
25 of a person. A person guilty of a Class 2 felony under this
26 subsection (e), if sentenced to a term of imprisonment, shall

1 be sentenced to a term of not less than 3 years and not more
2 than 14 years.

3 (e-1) Every person convicted of violating this Section or
4 a similar provision of a local ordinance who had a child under
5 the age of 16 on board the snowmobile at the time of offense
6 shall be subject to a mandatory minimum fine of \$500 and shall
7 be subject to a mandatory minimum of 5 days of community
8 service in a program benefiting children. The assignment under
9 this subsection shall not be subject to suspension nor shall
10 the person be eligible for probation in order to reduce the
11 assignment.

12 (e-2) Every person found guilty of violating this Section,
13 whose operation of a snowmobile while in violation of this
14 Section proximately caused any incident resulting in an
15 appropriate emergency response, shall be liable for the
16 expense of an emergency response as provided in subsection (i)
17 of Section 11-501.01 of the Illinois Vehicle Code.

18 (e-3) In addition to any other penalties and liabilities,
19 a person who is found guilty of violating this Section,
20 including any person placed on court supervision, shall be
21 fined \$100, payable to the circuit clerk, who shall distribute
22 the money to the law enforcement agency that made the arrest or
23 as provided in subsection (c) of Section 10-5 of the Criminal
24 and Traffic Assessment Act if the arresting agency is a State
25 agency, unless more than one agency is responsible for the
26 arrest, in which case the amount shall be remitted to each unit

1 of government equally. Any moneys received by a law
2 enforcement agency under this subsection (e-3) shall be used
3 to purchase law enforcement equipment or to provide law
4 enforcement training that will assist in the prevention of
5 alcohol related criminal violence throughout the State. Law
6 enforcement equipment shall include, but is not limited to,
7 in-car video cameras, radar and laser speed detection devices,
8 and alcohol breath testers.

9 (f) In addition to any criminal penalties imposed, the
10 Department of Natural Resources shall suspend the snowmobile
11 operation privileges of a person convicted or found guilty of
12 a misdemeanor under this Section for a period of one year,
13 except that first-time offenders are exempt from this
14 mandatory one-year suspension.

15 (g) In addition to any criminal penalties imposed, the
16 Department of Natural Resources shall suspend for a period of
17 5 years the snowmobile operation privileges of any person
18 convicted or found guilty of a felony under this Section.

19 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
20 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

21 Section 1-190. The Clerks of Courts Act is amended by
22 changing Section 27.3b as follows:

23 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

24 Sec. 27.3b. The clerk of court may accept payment of

1 fines, penalties, or costs by certified check, credit card, or
2 debit card approved by the clerk from an offender who has been
3 convicted of or placed on court supervision for a traffic
4 offense, petty offense, ordinance offense, or misdemeanor or
5 who has been convicted of a felony offense. The clerk of the
6 circuit court shall accept credit card payments over the
7 Internet for fines, penalties, court costs, or costs from
8 offenders on voluntary electronic pleas of guilty in minor
9 traffic and conservation offenses to satisfy the requirement
10 of written pleas of guilty as provided in Illinois Supreme
11 Court Rule 529. The clerk of the court may also accept payment
12 of statutory fees by a credit card or debit card. The clerk of
13 the court may also accept the credit card or debit card for the
14 cash deposit of bail bond fees.

15 The clerk of the circuit court is authorized to enter into
16 contracts with credit card or debit card companies approved by
17 the clerk and to negotiate the payment of convenience and
18 administrative fees normally charged by those companies for
19 allowing the clerk of the circuit court to accept their credit
20 cards or debit cards in payment as authorized herein. The
21 clerk of the circuit court is authorized to enter into
22 contracts with third party fund guarantors, facilitators, and
23 service providers under which those entities may contract
24 directly with customers of the clerk of the circuit court and
25 guarantee and remit the payments to the clerk of the circuit
26 court. Where the offender pays fines, penalties, or costs by

1 credit card or debit card or through a third party fund
2 guarantor, facilitator, or service provider, or anyone paying
3 statutory fees of the circuit court clerk or the posting of
4 cash bail, the clerk shall collect a service fee of up to \$5 or
5 the amount charged to the clerk for use of its services by the
6 credit card or debit card issuer, third party fund guarantor,
7 facilitator, or service provider. This service fee shall be in
8 addition to any other fines, penalties, or costs. The clerk of
9 the circuit court is authorized to negotiate the assessment of
10 convenience and administrative fees by the third party fund
11 guarantors, facilitators, and service providers with the
12 revenue earned by the clerk of the circuit court to be remitted
13 to the county general revenue fund.

14 As used in this Section, "certified check" has the meaning
15 provided in Section 3-409 of the Uniform Commercial Code.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-356, eff. 1-1-22.)

17 Section 1-195. The Attorney Act is amended by changing
18 Section 9 as follows:

19 (705 ILCS 205/9) (from Ch. 13, par. 9)

20 Sec. 9. All attorneys and counselors at law, judges,
21 clerks and sheriffs, and all other officers of the several
22 courts within this state, shall be liable to be arrested and
23 held to ~~terms of pretrial release~~ bail, and shall be subject to
24 the same legal process, and may in all respects be prosecuted

1 and proceeded against in the same courts and in the same manner
2 as other persons are, any law, usage or custom to the contrary
3 notwithstanding: Provided, nevertheless, said judges,
4 counselors or attorneys, clerks, sheriffs and other officers
5 of said courts, shall be privileged from arrest while
6 attending courts, and whilst going to and returning from
7 court.

8 (Source: R.S. 1874, p. 169; 101-652.)

9 Section 1-200. The Juvenile Court Act of 1987 is amended
10 by changing Sections 1-7, 1-8, and 5-150 as follows:

11 (705 ILCS 405/1-7)

12 Sec. 1-7. Confidentiality of juvenile law enforcement and
13 municipal ordinance violation records.

14 (A) All juvenile law enforcement records which have not
15 been expunged are confidential and may never be disclosed to
16 the general public or otherwise made widely available.
17 Juvenile law enforcement records may be obtained only under
18 this Section and Section 1-8 and Part 9 of Article V of this
19 Act, when their use is needed for good cause and with an order
20 from the juvenile court, as required by those not authorized
21 to retain them. Inspection, copying, and disclosure of
22 juvenile law enforcement records maintained by law enforcement
23 agencies or records of municipal ordinance violations
24 maintained by any State, local, or municipal agency that

1 relate to a minor who has been investigated, arrested, or
2 taken into custody before his or her 18th birthday shall be
3 restricted to the following:

4 (0.05) The minor who is the subject of the juvenile
5 law enforcement record, his or her parents, guardian, and
6 counsel.

7 (0.10) Judges of the circuit court and members of the
8 staff of the court designated by the judge.

9 (0.15) An administrative adjudication hearing officer
10 or members of the staff designated to assist in the
11 administrative adjudication process.

12 (1) Any local, State, or federal law enforcement
13 officers or designated law enforcement staff of any
14 jurisdiction or agency when necessary for the discharge of
15 their official duties during the investigation or
16 prosecution of a crime or relating to a minor who has been
17 adjudicated delinquent and there has been a previous
18 finding that the act which constitutes the previous
19 offense was committed in furtherance of criminal
20 activities by a criminal street gang, or, when necessary
21 for the discharge of its official duties in connection
22 with a particular investigation of the conduct of a law
23 enforcement officer, an independent agency or its staff
24 created by ordinance and charged by a unit of local
25 government with the duty of investigating the conduct of
26 law enforcement officers. For purposes of this Section,

1 "criminal street gang" has the meaning ascribed to it in
2 Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (2) Prosecutors, public defenders, probation officers,
5 social workers, or other individuals assigned by the court
6 to conduct a pre-adjudication or pre-disposition
7 investigation, and individuals responsible for supervising
8 or providing temporary or permanent care and custody for
9 minors under the order of the juvenile court, when
10 essential to performing their responsibilities.

11 (3) Federal, State, or local prosecutors, public
12 defenders, probation officers, and designated staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

16 (b) when institution of criminal proceedings has
17 been permitted or required under Section 5-805 and the
18 minor is the subject of a proceeding to determine the
19 ~~conditions of pretrial release~~ amount of bail;

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and the minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation, fitness hearing, or proceedings on an
24 application for probation; or

25 (d) in the course of prosecution or administrative
26 adjudication of a violation of a traffic, boating, or

1 fish and game law, or a county or municipal ordinance.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

4 (5.5) Employees of the federal government authorized
5 by law.

6 (6) Persons engaged in bona fide research, with the
7 permission of the Presiding Judge and the chief executive
8 of the respective law enforcement agency; provided that
9 publication of such research results in no disclosure of a
10 minor's identity and protects the confidentiality of the
11 minor's record.

12 (7) Department of Children and Family Services child
13 protection investigators acting in their official
14 capacity.

15 (8) The appropriate school official only if the agency
16 or officer believes that there is an imminent threat of
17 physical harm to students, school personnel, or others.

18 (A) Inspection and copying shall be limited to
19 juvenile law enforcement records transmitted to the
20 appropriate school official or officials whom the
21 school has determined to have a legitimate educational
22 or safety interest by a local law enforcement agency
23 under a reciprocal reporting system established and
24 maintained between the school district and the local
25 law enforcement agency under Section 10-20.14 of the
26 School Code concerning a minor enrolled in a school

1 within the school district who has been arrested or
2 taken into custody for any of the following offenses:

3 (i) any violation of Article 24 of the
4 Criminal Code of 1961 or the Criminal Code of
5 2012;

6 (ii) a violation of the Illinois Controlled
7 Substances Act;

8 (iii) a violation of the Cannabis Control Act;

9 (iv) a forcible felony as defined in Section
10 2-8 of the Criminal Code of 1961 or the Criminal
11 Code of 2012;

12 (v) a violation of the Methamphetamine Control
13 and Community Protection Act;

14 (vi) a violation of Section 1-2 of the
15 Harassing and Obscene Communications Act;

16 (vii) a violation of the Hazing Act; or

17 (viii) a violation of Section 12-1, 12-2,
18 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
19 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
20 Criminal Code of 1961 or the Criminal Code of
21 2012.

22 The information derived from the juvenile law
23 enforcement records shall be kept separate from and
24 shall not become a part of the official school record
25 of that child and shall not be a public record. The
26 information shall be used solely by the appropriate

1 school official or officials whom the school has
2 determined to have a legitimate educational or safety
3 interest to aid in the proper rehabilitation of the
4 child and to protect the safety of students and
5 employees in the school. If the designated law
6 enforcement and school officials deem it to be in the
7 best interest of the minor, the student may be
8 referred to in-school or community-based social
9 services if those services are available.
10 "Rehabilitation services" may include interventions by
11 school support personnel, evaluation for eligibility
12 for special education, referrals to community-based
13 agencies such as youth services, behavioral healthcare
14 service providers, drug and alcohol prevention or
15 treatment programs, and other interventions as deemed
16 appropriate for the student.

17 (B) Any information provided to appropriate school
18 officials whom the school has determined to have a
19 legitimate educational or safety interest by local law
20 enforcement officials about a minor who is the subject
21 of a current police investigation that is directly
22 related to school safety shall consist of oral
23 information only, and not written juvenile law
24 enforcement records, and shall be used solely by the
25 appropriate school official or officials to protect
26 the safety of students and employees in the school and

1 aid in the proper rehabilitation of the child. The
2 information derived orally from the local law
3 enforcement officials shall be kept separate from and
4 shall not become a part of the official school record
5 of the child and shall not be a public record. This
6 limitation on the use of information about a minor who
7 is the subject of a current police investigation shall
8 in no way limit the use of this information by
9 prosecutors in pursuing criminal charges arising out
10 of the information disclosed during a police
11 investigation of the minor. For purposes of this
12 paragraph, "investigation" means an official
13 systematic inquiry by a law enforcement agency into
14 actual or suspected criminal activity.

15 (9) Mental health professionals on behalf of the
16 Department of Corrections or the Department of Human
17 Services or prosecutors who are evaluating, prosecuting,
18 or investigating a potential or actual petition brought
19 under the Sexually Violent Persons Commitment Act relating
20 to a person who is the subject of juvenile law enforcement
21 records or the respondent to a petition brought under the
22 Sexually Violent Persons Commitment Act who is the subject
23 of the juvenile law enforcement records sought. Any
24 juvenile law enforcement records and any information
25 obtained from those juvenile law enforcement records under
26 this paragraph (9) may be used only in sexually violent

1 persons commitment proceedings.

2 (10) The president of a park district. Inspection and
3 copying shall be limited to juvenile law enforcement
4 records transmitted to the president of the park district
5 by the Illinois State Police under Section 8-23 of the
6 Park District Code or Section 16a-5 of the Chicago Park
7 District Act concerning a person who is seeking employment
8 with that park district and who has been adjudicated a
9 juvenile delinquent for any of the offenses listed in
10 subsection (c) of Section 8-23 of the Park District Code
11 or subsection (c) of Section 16a-5 of the Chicago Park
12 District Act.

13 (11) Persons managing and designated to participate in
14 a court diversion program as designated in subsection (6)
15 of Section 5-105.

16 (12) The Public Access Counselor of the Office of the
17 Attorney General, when reviewing juvenile law enforcement
18 records under its powers and duties under the Freedom of
19 Information Act.

20 (13) Collection agencies, contracted or otherwise
21 engaged by a governmental entity, to collect any debts due
22 and owing to the governmental entity.

23 (B)(1) Except as provided in paragraph (2), no law
24 enforcement officer or other person or agency may knowingly
25 transmit to the Department of Corrections, the Illinois State
26 Police, or the Federal Bureau of Investigation any fingerprint

1 or photograph relating to a minor who has been arrested or
2 taken into custody before his or her 18th birthday, unless the
3 court in proceedings under this Act authorizes the
4 transmission or enters an order under Section 5-805 permitting
5 or requiring the institution of criminal proceedings.

6 (2) Law enforcement officers or other persons or agencies
7 shall transmit to the Illinois State Police copies of
8 fingerprints and descriptions of all minors who have been
9 arrested or taken into custody before their 18th birthday for
10 the offense of unlawful use of weapons under Article 24 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
12 or Class 1 felony, a forcible felony as defined in Section 2-8
13 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
14 Class 2 or greater felony under the Cannabis Control Act, the
15 Illinois Controlled Substances Act, the Methamphetamine
16 Control and Community Protection Act, or Chapter 4 of the
17 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
18 Identification Act. Information reported to the Department
19 pursuant to this Section may be maintained with records that
20 the Department files pursuant to Section 2.1 of the Criminal
21 Identification Act. Nothing in this Act prohibits a law
22 enforcement agency from fingerprinting a minor taken into
23 custody or arrested before his or her 18th birthday for an
24 offense other than those listed in this paragraph (2).

25 (C) The records of law enforcement officers, or of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, concerning all minors under 18
3 years of age must be maintained separate from the records of
4 arrests and may not be open to public inspection or their
5 contents disclosed to the public. For purposes of obtaining
6 documents under this Section, a civil subpoena is not an order
7 of the court.

8 (1) In cases where the law enforcement, or independent
9 agency, records concern a pending juvenile court case, the
10 party seeking to inspect the records shall provide actual
11 notice to the attorney or guardian ad litem of the minor
12 whose records are sought.

13 (2) In cases where the records concern a juvenile
14 court case that is no longer pending, the party seeking to
15 inspect the records shall provide actual notice to the
16 minor or the minor's parent or legal guardian, and the
17 matter shall be referred to the chief judge presiding over
18 matters pursuant to this Act.

19 (3) In determining whether the records should be
20 available for inspection, the court shall consider the
21 minor's interest in confidentiality and rehabilitation
22 over the moving party's interest in obtaining the
23 information. Any records obtained in violation of this
24 subsection (C) shall not be admissible in any criminal or
25 civil proceeding, or operate to disqualify a minor from
26 subsequently holding public office or securing employment,

1 or operate as a forfeiture of any public benefit, right,
2 privilege, or right to receive any license granted by
3 public authority.

4 (D) Nothing contained in subsection (C) of this Section
5 shall prohibit the inspection or disclosure to victims and
6 witnesses of photographs contained in the records of law
7 enforcement agencies when the inspection and disclosure is
8 conducted in the presence of a law enforcement officer for the
9 purpose of the identification or apprehension of any person
10 subject to the provisions of this Act or for the investigation
11 or prosecution of any crime.

12 (E) Law enforcement officers, and personnel of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, may not disclose the identity of
16 any minor in releasing information to the general public as to
17 the arrest, investigation or disposition of any case involving
18 a minor.

19 (F) Nothing contained in this Section shall prohibit law
20 enforcement agencies from communicating with each other by
21 letter, memorandum, teletype, or intelligence alert bulletin
22 or other means the identity or other relevant information
23 pertaining to a person under 18 years of age if there are
24 reasonable grounds to believe that the person poses a real and
25 present danger to the safety of the public or law enforcement
26 officers. The information provided under this subsection (F)

1 shall remain confidential and shall not be publicly disclosed,
2 except as otherwise allowed by law.

3 (G) Nothing in this Section shall prohibit the right of a
4 Civil Service Commission or appointing authority of any
5 federal government, state, county or municipality examining
6 the character and fitness of an applicant for employment with
7 a law enforcement agency, correctional institution, or fire
8 department from obtaining and examining the records of any law
9 enforcement agency relating to any record of the applicant
10 having been arrested or taken into custody before the
11 applicant's 18th birthday.

12 (G-5) Information identifying victims and alleged victims
13 of sex offenses shall not be disclosed or open to the public
14 under any circumstances. Nothing in this Section shall
15 prohibit the victim or alleged victim of any sex offense from
16 voluntarily disclosing his or her own identity.

17 (H) The changes made to this Section by Public Act 98-61
18 apply to law enforcement records of a minor who has been
19 arrested or taken into custody on or after January 1, 2014 (the
20 effective date of Public Act 98-61).

21 (H-5) Nothing in this Section shall require any court or
22 adjudicative proceeding for traffic, boating, fish and game
23 law, or municipal and county ordinance violations to be closed
24 to the public.

25 (I) Willful violation of this Section is a Class C
26 misdemeanor and each violation is subject to a fine of \$1,000.

1 This subsection (I) shall not apply to the person who is the
2 subject of the record.

3 (J) A person convicted of violating this Section is liable
4 for damages in the amount of \$1,000 or actual damages,
5 whichever is greater.

6 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
7 102-752, eff. 1-1-23; 102-813, eff. 5-13-22.)

8 (705 ILCS 405/1-8)

9 Sec. 1-8. Confidentiality and accessibility of juvenile
10 court records.

11 (A) A juvenile adjudication shall never be considered a
12 conviction nor shall an adjudicated individual be considered a
13 criminal. Unless expressly allowed by law, a juvenile
14 adjudication shall not operate to impose upon the individual
15 any of the civil disabilities ordinarily imposed by or
16 resulting from conviction. Unless expressly allowed by law,
17 adjudications shall not prejudice or disqualify the individual
18 in any civil service application or appointment, from holding
19 public office, or from receiving any license granted by public
20 authority. All juvenile court records which have not been
21 expunged are sealed and may never be disclosed to the general
22 public or otherwise made widely available. Sealed juvenile
23 court records may be obtained only under this Section and
24 Section 1-7 and Part 9 of Article V of this Act, when their use
25 is needed for good cause and with an order from the juvenile

1 court. Inspection and copying of juvenile court records
2 relating to a minor who is the subject of a proceeding under
3 this Act shall be restricted to the following:

4 (1) The minor who is the subject of record, his or her
5 parents, guardian, and counsel.

6 (2) Law enforcement officers and law enforcement
7 agencies when such information is essential to executing
8 an arrest or search warrant or other compulsory process,
9 or to conducting an ongoing investigation or relating to a
10 minor who has been adjudicated delinquent and there has
11 been a previous finding that the act which constitutes the
12 previous offense was committed in furtherance of criminal
13 activities by a criminal street gang.

14 Before July 1, 1994, for the purposes of this Section,
15 "criminal street gang" means any ongoing organization,
16 association, or group of 3 or more persons, whether formal
17 or informal, having as one of its primary activities the
18 commission of one or more criminal acts and that has a
19 common name or common identifying sign, symbol or specific
20 color apparel displayed, and whose members individually or
21 collectively engage in or have engaged in a pattern of
22 criminal activity.

23 Beginning July 1, 1994, for purposes of this Section,
24 "criminal street gang" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (3) Judges, hearing officers, prosecutors, public
2 defenders, probation officers, social workers, or other
3 individuals assigned by the court to conduct a
4 pre-adjudication or pre-disposition investigation, and
5 individuals responsible for supervising or providing
6 temporary or permanent care and custody for minors under
7 the order of the juvenile court when essential to
8 performing their responsibilities.

9 (4) Judges, federal, State, and local prosecutors,
10 public defenders, probation officers, and designated
11 staff:

12 (a) in the course of a trial when institution of
13 criminal proceedings has been permitted or required
14 under Section 5-805;

15 (b) when criminal proceedings have been permitted
16 or required under Section 5-805 and a minor is the
17 subject of a proceeding to determine the ~~conditions of~~
18 ~~pretrial release~~ amount of bail;

19 (c) when criminal proceedings have been permitted
20 or required under Section 5-805 and a minor is the
21 subject of a pre-trial investigation, pre-sentence
22 investigation or fitness hearing, or proceedings on an
23 application for probation; or

24 (d) when a minor becomes 18 years of age or older,
25 and is the subject of criminal proceedings, including
26 a hearing to determine the ~~conditions of pretrial~~

1 ~~release~~ amount of bail, a pre-trial investigation, a
2 pre-sentence investigation, a fitness hearing, or
3 proceedings on an application for probation.

4 (5) Adult and Juvenile Prisoner Review Boards.

5 (6) Authorized military personnel.

6 (6.5) Employees of the federal government authorized
7 by law.

8 (7) Victims, their subrogees and legal
9 representatives; however, such persons shall have access
10 only to the name and address of the minor and information
11 pertaining to the disposition or alternative adjustment
12 plan of the juvenile court.

13 (8) Persons engaged in bona fide research, with the
14 permission of the presiding judge of the juvenile court
15 and the chief executive of the agency that prepared the
16 particular records; provided that publication of such
17 research results in no disclosure of a minor's identity
18 and protects the confidentiality of the record.

19 (9) The Secretary of State to whom the Clerk of the
20 Court shall report the disposition of all cases, as
21 required in Section 6-204 of the Illinois Vehicle Code.
22 However, information reported relative to these offenses
23 shall be privileged and available only to the Secretary of
24 State, courts, and police officers.

25 (10) The administrator of a bonafide substance abuse
26 student assistance program with the permission of the

1 presiding judge of the juvenile court.

2 (11) Mental health professionals on behalf of the
3 Department of Corrections or the Department of Human
4 Services or prosecutors who are evaluating, prosecuting,
5 or investigating a potential or actual petition brought
6 under the Sexually Violent Persons Commitment Act relating
7 to a person who is the subject of juvenile court records or
8 the respondent to a petition brought under the Sexually
9 Violent Persons Commitment Act, who is the subject of
10 juvenile court records sought. Any records and any
11 information obtained from those records under this
12 paragraph (11) may be used only in sexually violent
13 persons commitment proceedings.

14 (12) Collection agencies, contracted or otherwise
15 engaged by a governmental entity, to collect any debts due
16 and owing to the governmental entity.

17 (A-1) Findings and exclusions of paternity entered in
18 proceedings occurring under Article II of this Act shall be
19 disclosed, in a manner and form approved by the Presiding
20 Judge of the Juvenile Court, to the Department of Healthcare
21 and Family Services when necessary to discharge the duties of
22 the Department of Healthcare and Family Services under Article
23 X of the Illinois Public Aid Code.

24 (B) A minor who is the victim in a juvenile proceeding
25 shall be provided the same confidentiality regarding
26 disclosure of identity as the minor who is the subject of

1 record.

2 (C)(0.1) In cases where the records concern a pending
3 juvenile court case, the requesting party seeking to inspect
4 the juvenile court records shall provide actual notice to the
5 attorney or guardian ad litem of the minor whose records are
6 sought.

7 (0.2) In cases where the juvenile court records concern a
8 juvenile court case that is no longer pending, the requesting
9 party seeking to inspect the juvenile court records shall
10 provide actual notice to the minor or the minor's parent or
11 legal guardian, and the matter shall be referred to the chief
12 judge presiding over matters pursuant to this Act.

13 (0.3) In determining whether juvenile court records should
14 be made available for inspection and whether inspection should
15 be limited to certain parts of the file, the court shall
16 consider the minor's interest in confidentiality and
17 rehabilitation over the requesting party's interest in
18 obtaining the information. The State's Attorney, the minor,
19 and the minor's parents, guardian, and counsel shall at all
20 times have the right to examine court files and records.

21 (0.4) Any records obtained in violation of this Section
22 shall not be admissible in any criminal or civil proceeding,
23 or operate to disqualify a minor from subsequently holding
24 public office, or operate as a forfeiture of any public
25 benefit, right, privilege, or right to receive any license
26 granted by public authority.

1 (D) Pending or following any adjudication of delinquency
2 for any offense defined in Sections 11-1.20 through 11-1.60 or
3 12-13 through 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the victim of any such offense shall
5 receive the rights set out in Sections 4 and 6 of the Bill of
6 Rights for Victims and Witnesses of Violent Crime Act; and the
7 juvenile who is the subject of the adjudication,
8 notwithstanding any other provision of this Act, shall be
9 treated as an adult for the purpose of affording such rights to
10 the victim.

11 (E) Nothing in this Section shall affect the right of a
12 Civil Service Commission or appointing authority of the
13 federal government, or any state, county, or municipality
14 examining the character and fitness of an applicant for
15 employment with a law enforcement agency, correctional
16 institution, or fire department to ascertain whether that
17 applicant was ever adjudicated to be a delinquent minor and,
18 if so, to examine the records of disposition or evidence which
19 were made in proceedings under this Act.

20 (F) Following any adjudication of delinquency for a crime
21 which would be a felony if committed by an adult, or following
22 any adjudication of delinquency for a violation of Section
23 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the State's Attorney shall ascertain
25 whether the minor respondent is enrolled in school and, if so,
26 shall provide a copy of the dispositional order to the

1 principal or chief administrative officer of the school.
2 Access to the dispositional order shall be limited to the
3 principal or chief administrative officer of the school and
4 any school counselor designated by him or her.

5 (G) Nothing contained in this Act prevents the sharing or
6 disclosure of information or records relating or pertaining to
7 juveniles subject to the provisions of the Serious Habitual
8 Offender Comprehensive Action Program when that information is
9 used to assist in the early identification and treatment of
10 habitual juvenile offenders.

11 (H) When a court hearing a proceeding under Article II of
12 this Act becomes aware that an earlier proceeding under
13 Article II had been heard in a different county, that court
14 shall request, and the court in which the earlier proceedings
15 were initiated shall transmit, an authenticated copy of the
16 juvenile court record, including all documents, petitions, and
17 orders filed and the minute orders, transcript of proceedings,
18 and docket entries of the court.

19 (I) The Clerk of the Circuit Court shall report to the
20 Illinois State Police, in the form and manner required by the
21 Illinois State Police, the final disposition of each minor who
22 has been arrested or taken into custody before his or her 18th
23 birthday for those offenses required to be reported under
24 Section 5 of the Criminal Identification Act. Information
25 reported to the Department under this Section may be
26 maintained with records that the Department files under

1 Section 2.1 of the Criminal Identification Act.

2 (J) The changes made to this Section by Public Act 98-61
3 apply to juvenile law enforcement records of a minor who has
4 been arrested or taken into custody on or after January 1, 2014
5 (the effective date of Public Act 98-61).

6 (K) Willful violation of this Section is a Class C
7 misdemeanor and each violation is subject to a fine of \$1,000.
8 This subsection (K) shall not apply to the person who is the
9 subject of the record.

10 (L) A person convicted of violating this Section is liable
11 for damages in the amount of \$1,000 or actual damages,
12 whichever is greater.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
14 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 (705 ILCS 405/5-150)

16 Sec. 5-150. Admissibility of evidence and adjudications in
17 other proceedings.

18 (1) Evidence and adjudications in proceedings under this
19 Act shall be admissible:

20 (a) in subsequent proceedings under this Act
21 concerning the same minor; or

22 (b) in criminal proceedings when the court is to
23 determine the ~~conditions of pretrial release~~ amount of
24 bail, fitness of the defendant or in sentencing under the
25 Unified Code of Corrections; or

1 (c) in proceedings under this Act or in criminal
2 proceedings in which anyone who has been adjudicated
3 delinquent under Section 5-105 is to be a witness
4 including the minor or defendant if he or she testifies,
5 and then only for purposes of impeachment and pursuant to
6 the rules of evidence for criminal trials; or

7 (d) in civil proceedings concerning causes of action
8 arising out of the incident or incidents which initially
9 gave rise to the proceedings under this Act.

10 (2) No adjudication or disposition under this Act shall
11 operate to disqualify a minor from subsequently holding public
12 office nor shall operate as a forfeiture of any right,
13 privilege or right to receive any license granted by public
14 authority.

15 (3) The court which adjudicated that a minor has committed
16 any offense relating to motor vehicles prescribed in Sections
17 4-102 and 4-103 of the Illinois Vehicle Code shall notify the
18 Secretary of State of that adjudication and the notice shall
19 constitute sufficient grounds for revoking that minor's
20 driver's license or permit as provided in Section 6-205 of the
21 Illinois Vehicle Code; no minor shall be considered a criminal
22 by reason thereof, nor shall any such adjudication be
23 considered a conviction.

24 (Source: P.A. 90-590, eff. 1-1-99; 101-652.)

25 Section 1-205. The Criminal Code of 2012 is amended by

1 changing Sections 26.5-5, 31-1, 31A-0.1, and 32-10 as follows:

2 (720 ILCS 5/26.5-5)

3 Sec. 26.5-5. Sentence.

4 (a) Except as provided in subsection (b), a person who
5 violates any of the provisions of Section 26.5-1, 26.5-2, or
6 26.5-3 of this Article is guilty of a Class B misdemeanor.
7 Except as provided in subsection (b), a second or subsequent
8 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
9 is a Class A misdemeanor, for which the court shall impose a
10 minimum of 14 days in jail or, if public or community service
11 is established in the county in which the offender was
12 convicted, 240 hours of public or community service.

13 (b) In any of the following circumstances, a person who
14 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
15 shall be guilty of a Class 4 felony:

16 (1) The person has 3 or more prior violations in the
17 last 10 years of harassment by telephone, harassment
18 through electronic communications, or any similar offense
19 of any other state;

20 (2) The person has previously violated the harassment
21 by telephone provisions, or the harassment through
22 electronic communications provisions, or committed any
23 similar offense in any other state with the same victim or
24 a member of the victim's family or household;

25 (3) At the time of the offense, the offender was under

1 conditions of ~~pretrial—release~~ bail, probation,
2 conditional discharge, mandatory supervised release or was
3 the subject of an order of protection, in this or any other
4 state, prohibiting contact with the victim or any member
5 of the victim's family or household;

6 (4) In the course of the offense, the offender
7 threatened to kill the victim or any member of the
8 victim's family or household;

9 (5) The person has been convicted in the last 10 years
10 of a forcible felony as defined in Section 2-8 of the
11 Criminal Code of 1961 or the Criminal Code of 2012;

12 (6) The person violates paragraph (5) of Section
13 26.5-2 or paragraph (4) of Section 26.5-3; or

14 (7) The person was at least 18 years of age at the time
15 of the commission of the offense and the victim was under
16 18 years of age at the time of the commission of the
17 offense.

18 (c) The court may order any person convicted under this
19 Article to submit to a psychiatric examination.

20 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
21 101-652.)

22 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

23 Sec. 31-1. Resisting or obstructing a peace officer,
24 firefighter, or correctional institution employee.

25 (a) A person who knowingly:

1 (1) resists arrest, or

2 (2) obstructs the performance by one known to the
3 person to be a peace officer, firefighter, or correctional
4 institution employee of any authorized act within his or
5 her official capacity commits a Class A misdemeanor.

6 (a-5) In addition to any other sentence that may be
7 imposed, a court shall order any person convicted of resisting
8 or obstructing a peace officer, firefighter, or correctional
9 institution employee to be sentenced to a minimum of 48
10 consecutive hours of imprisonment or ordered to perform
11 community service for not less than 100 hours as may be
12 determined by the court. The person shall not be eligible for
13 probation in order to reduce the sentence of imprisonment or
14 community service.

15 (a-7) A person convicted for a violation of this Section
16 whose violation was the proximate cause of an injury to a peace
17 officer, firefighter, or correctional institution employee is
18 guilty of a Class 4 felony.

19 (b) For purposes of this Section, "correctional
20 institution employee" means any person employed to supervise
21 and control inmates incarcerated in a penitentiary, State
22 farm, reformatory, prison, jail, house of correction, police
23 detention area, half-way house, or other institution or place
24 for the incarceration or custody of persons under sentence for
25 offenses or awaiting trial or sentence for offenses, under
26 arrest for an offense, a violation of probation, a violation

1 of parole, a violation of aftercare release, a violation of
2 mandatory supervised release, or awaiting a bail setting
3 hearing or preliminary hearing ~~on setting the conditions of~~
4 ~~pretrial release~~, or who are sexually dangerous persons or who
5 are sexually violent persons; and "firefighter" means any
6 individual, either as an employee or volunteer, of a regularly
7 constituted fire department of a municipality or fire
8 protection district who performs fire fighting duties,
9 including, but not limited to, the fire chief, assistant fire
10 chief, captain, engineer, driver, ladder person, hose person,
11 pipe person, and any other member of a regularly constituted
12 fire department. "Firefighter" also means a person employed by
13 the Office of the State Fire Marshal to conduct arson
14 investigations.

15 (c) It is an affirmative defense to a violation of this
16 Section if a person resists or obstructs the performance of
17 one known by the person to be a firefighter by returning to or
18 remaining in a dwelling, residence, building, or other
19 structure to rescue or to attempt to rescue any person.

20 ~~(d) A person shall not be subject to arrest for resisting~~
21 ~~arrest under this Section unless there is an underlying~~
22 ~~offense for which the person was initially subject to arrest.~~

23 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21.)

24 (720 ILCS 5/31A-0.1)

25 Sec. 31A-0.1. Definitions. For the purposes of this

1 Article:

2 "Deliver" or "delivery" means the actual, constructive or
3 attempted transfer of possession of an item of contraband,
4 with or without consideration, whether or not there is an
5 agency relationship.

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

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

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

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

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

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

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

24 (v) "Weapon" means any knife, dagger, dirk, billy,
25 razor, stiletto, broken bottle, or other piece of glass
26 which could be used as a dangerous weapon. This term

1 includes any of the devices or implements designated in
2 subsections (a) (1), (a) (3) and (a) (6) of Section 24-1 of
3 this Code, or any other dangerous weapon or instrument of
4 like character.

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

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

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

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

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

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

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

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

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

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

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

1 (xi) "Electronic contraband" for the purposes of
2 Section 31A-1.1 of this Article means, but is not limited
3 to, any electronic, video recording device, computer, or
4 cellular communications equipment, including, but not
5 limited to, cellular telephones, cellular telephone
6 batteries, videotape recorders, pagers, computers, and
7 computer peripheral equipment brought into or possessed in
8 a penal institution without the written authorization of
9 the Chief Administrative Officer. "Electronic contraband"
10 for the purposes of Section 31A-1.2 of this Article,
11 means, but is not limited to, any electronic, video
12 recording device, computer, or cellular communications
13 equipment, including, but not limited to, cellular
14 telephones, cellular telephone batteries, videotape
15 recorders, pagers, computers, and computer peripheral
16 equipment.

17 "Penal institution" means any penitentiary, State farm,
18 reformatory, prison, jail, house of correction, police
19 detention area, half-way house or other institution or place
20 for the incarceration or custody of persons under sentence for
21 offenses awaiting trial or sentence for offenses, under arrest
22 for an offense, a violation of probation, a violation of
23 parole, a violation of aftercare release, or a violation of
24 mandatory supervised release, or awaiting a bail setting
25 hearing ~~on the setting of conditions of pretrial release~~ or
26 preliminary hearing; provided that where the place for

1 incarceration or custody is housed within another public
2 building this Article shall not apply to that part of the
3 building unrelated to the incarceration or custody of persons.
4 (Source: P.A. 97-1108, eff. 1-1-13; 98-558, eff. 1-1-14;
5 101-652.)

6 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

7 Sec. 32-10. Violation of ~~conditions of pretrial release~~
8 bail bond.

9 (a) Whoever, having been admitted to bail for appearance
10 before any court of this State, incurs a forfeiture of the bail
11 and knowingly fails to surrender himself or herself within 30
12 days following the date of the forfeiture, commits, if the
13 bail was given in connection with a charge of felony or pending
14 appeal or certiorari after conviction of any offense, a felony
15 of the next lower Class or a Class A misdemeanor if the
16 underlying offense was a Class 4 felony; or, if the bail was
17 given in connection with a charge of committing a misdemeanor,
18 or for appearance as a witness, commits a misdemeanor of the
19 next lower Class, but not less than a Class C misdemeanor.
20 ~~(Blank)~~.

21 (a-5) Any person who knowingly violates a condition of
22 ~~pretrial release~~ bail bond by possessing a firearm in
23 violation of his or her conditions of ~~pretrial release~~ bail
24 commits a Class 4 felony for a first violation and a Class 3
25 felony for a second or subsequent violation.

1 (b) Whoever, having been ~~released pretrial under~~
2 ~~conditions~~ admitted to bail for appearance before any court of
3 this State, while charged with a criminal offense in which the
4 victim is a family or household member as defined in Article
5 112A of the Code of Criminal Procedure of 1963, knowingly
6 violates a condition of that release as set forth in Section
7 110-10, subsection (d) of the Code of Criminal Procedure of
8 1963, commits a Class A misdemeanor.

9 (c) Whoever, having been admitted to bail ~~released~~
10 ~~pretrial~~ for appearance before any court of this State for a
11 felony, Class A misdemeanor or a criminal offense in which the
12 victim is a family or household member as defined in Article
13 112A of the Code of Criminal Procedure of 1963, is charged with
14 any other felony, Class A misdemeanor, or a criminal offense
15 in which the victim is a family or household member as defined
16 in Article 112A of the Code of Criminal Procedure of 1963 while
17 on this release, must appear before the court before bail is
18 statutorily set ~~and may not be released by law enforcement~~
19 ~~under 109-1 of the Code of Criminal Procedure of 1963 prior to~~
20 ~~the court appearance.~~

21 (d) Nothing in this Section shall interfere with or
22 prevent the exercise by any court of its power to punish for
23 contempt. Any sentence imposed for violation of this Section
24 shall ~~may~~ be served consecutive to the sentence imposed for
25 the charge for which bail ~~pretrial release~~ had been granted
26 and with respect to which the defendant has been convicted.

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

2 Section 1-210. The Criminal Code of 2012 is amended by
3 changing Sections 7-5, 7-5.5, 7-9, 9-1, and 33-3 as follows:

4 (720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

5 Sec. 7-5. Peace officer's use of force in making arrest.

6 (a) A peace officer, or any person whom he has summoned or
7 directed to assist him, need not retreat or desist from
8 efforts to make a lawful arrest because of resistance or
9 threatened resistance to the arrest. He is justified in the
10 use of any force which he reasonably believes, ~~based on the~~
11 ~~totality of the circumstances,~~ to be necessary to effect the
12 arrest and of any force which he reasonably believes, ~~based on~~
13 ~~the totality of the circumstances,~~ to be necessary to defend
14 himself or another from bodily harm while making the arrest.
15 However, he is justified in using force likely to cause death
16 or great bodily harm only when: (i) he reasonably believes,
17 ~~based on the totality of the circumstances,~~ that such force is
18 necessary to prevent death or great bodily harm to himself or
19 such other person; or (ii) when he reasonably believes, ~~based~~
20 ~~on the totality of the circumstances,~~ both that:

21 (1) Such force is necessary to prevent the arrest from
22 being defeated by resistance or escape ~~and the officer~~
23 ~~reasonably believes that the person to be arrested is~~
24 ~~likely to cause great bodily harm to another;~~ and

1 (2) The person to be arrested committed or attempted a
2 forcible felony which involves the infliction or
3 threatened infliction of great bodily harm or is
4 attempting to escape by use of a deadly weapon, or
5 otherwise indicates that he will endanger human life or
6 inflict great bodily harm unless arrested without delay.

7 ~~As used in this subsection, "retreat" does not mean~~
8 ~~tactical repositioning or other de-escalation tactics.~~

9 ~~A peace officer is not justified in using force likely to~~
10 ~~cause death or great bodily harm when there is no longer an~~
11 ~~imminent threat of great bodily harm to the officer or~~
12 ~~another.~~

13 ~~(a-5) Where feasible, a peace officer shall, prior to the~~
14 ~~use of force, make reasonable efforts to identify himself or~~
15 ~~herself as a peace officer and to warn that deadly force may be~~
16 ~~used.~~

17 ~~(a-10) A peace officer shall not use deadly force against~~
18 ~~a person based on the danger that the person poses to himself~~
19 ~~or herself if an reasonable officer would believe the person~~
20 ~~does not pose an imminent threat of death or great bodily harm~~
21 ~~to the peace officer or to another person.~~

22 ~~(a-15) A peace officer shall not use deadly force against~~
23 ~~a person who is suspected of committing a property offense,~~
24 ~~unless that offense is terrorism or unless deadly force is~~
25 ~~otherwise authorized by law.~~

26 ~~(b) A peace officer making an arrest pursuant to an~~

1 ~~invalid warrant is justified in the use of any force which he~~
2 ~~would be justified in using if the warrant were valid, unless~~
3 ~~he knows that the warrant is invalid.~~

4 ~~(c) The authority to use physical force conferred on peace~~
5 ~~officers by this Article is a serious responsibility that~~
6 ~~shall be exercised judiciously and with respect for human~~
7 ~~rights and dignity and for the sanctity of every human life.~~

8 ~~(d) Peace officers shall use deadly force only when~~
9 ~~reasonably necessary in defense of human life. In determining~~
10 ~~whether deadly force is reasonably necessary, officers shall~~
11 ~~evaluate each situation in light of the totality of~~
12 ~~circumstances of each case including but not limited to the~~
13 ~~proximity in time of the use of force to the commission of a~~
14 ~~forcible felony, and the reasonable feasibility of safely~~
15 ~~apprehending a subject at a later time, and shall use other~~
16 ~~available resources and techniques, if reasonably safe and~~
17 ~~feasible to a reasonable officer.~~

18 ~~(e) The decision by a peace officer to use force shall be~~
19 ~~evaluated carefully and thoroughly, in a manner that reflects~~
20 ~~the gravity of that authority and the serious consequences of~~
21 ~~the use of force by peace officers, in order to ensure that~~
22 ~~officers use force consistent with law and agency policies.~~

23 ~~(f) The decision by a peace officer to use force shall be~~
24 ~~evaluated from the perspective of a reasonable officer in the~~
25 ~~same situation, based on the totality of the circumstances~~
26 ~~known to or perceived by the officer at the time of the~~

1 ~~decision, rather than with the benefit of hindsight, and that~~
2 ~~the totality of the circumstances shall account for occasions~~
3 ~~when officers may be forced to make quick judgments about~~
4 ~~using force.~~

5 ~~(g) Law enforcement agencies are encouraged to adopt and~~
6 ~~develop policies designed to protect individuals with~~
7 ~~physical, mental health, developmental, or intellectual~~
8 ~~disabilities, or individuals who are significantly more likely~~
9 ~~to experience greater levels of physical force during police~~
10 ~~interactions, as these disabilities may affect the ability of~~
11 ~~a person to understand or comply with commands from peace~~
12 ~~officers.~~

13 ~~(h) As used in this Section:~~

14 ~~(1) "Deadly force" means any use of force that creates~~
15 ~~a substantial risk of causing death or great bodily harm,~~
16 ~~including, but not limited to, the discharge of a firearm.~~

17 ~~(2) A threat of death or serious bodily injury is~~
18 ~~"imminent" when, based on the totality of the~~
19 ~~circumstances, a reasonable officer in the same situation~~
20 ~~would believe that a person has the present ability,~~
21 ~~opportunity, and apparent intent to immediately cause~~
22 ~~death or great bodily harm to the peace officer or another~~
23 ~~person. An imminent harm is not merely a fear of future~~
24 ~~harm, no matter how great the fear and no matter how great~~
25 ~~the likelihood of the harm, but is one that, from~~
26 ~~appearances, must be instantly confronted and addressed.~~

1 ~~(3) "Totality of the circumstances" means all facts~~
2 ~~known to the peace officer at the time, or that would be~~
3 ~~known to a reasonable officer in the same situation,~~
4 ~~including the conduct of the officer and the subject~~
5 ~~leading up to the use of deadly force.~~

6 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
7 revised 8-2-21.)

8 (720 ILCS 5/7-5.5)

9 Sec. 7-5.5. Prohibited use of force by a peace officer.

10 (a) A peace officer, ~~or any other person acting under the~~
11 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
12 ~~shoulders with risk of asphyxiation~~ in the performance of his
13 or her duties, unless deadly force is justified under this
14 Article ~~7 of this Code.~~

15 (b) A peace officer, ~~or any other person acting under the~~
16 ~~color of law,~~ shall not use a chokehold ~~or restraint above the~~
17 ~~shoulders with risk of asphyxiation,~~ or any lesser contact
18 with the throat or neck area of another, in order to prevent
19 the destruction of evidence by ingestion.

20 (c) As used in this Section, "chokehold" means applying
21 any direct pressure to the throat, windpipe, or airway of
22 another with the intent to reduce or prevent the intake of air.
23 "Chokehold" does not include any holding involving contact
24 with the neck that is not intended to reduce the intake of air
25 such as a headlock where the only pressure applied is to the

1 head.

2 ~~(d) As used in this Section, "restraint above the~~
3 ~~shoulders with risk of positional asphyxiation" means a use of~~
4 ~~a technique used to restrain a person above the shoulders,~~
5 ~~including the neck or head, in a position which interferes~~
6 ~~with the person's ability to breathe after the person no~~
7 ~~longer poses a threat to the officer or any other person.~~

8 ~~(e) A peace officer, or any other person acting under the~~
9 ~~color of law, shall not:~~

10 ~~(i) use force as punishment or retaliation;~~

11 ~~(ii) discharge kinetic impact projectiles and all~~
12 ~~other non-or less-lethal projectiles in a manner that~~
13 ~~targets the head, neck, groin, anterior pelvis, or back;~~

14 ~~(iii) discharge conducted electrical weapons in a~~
15 ~~manner that targets the head, chest, neck, groin, or~~
16 ~~anterior pelvis;~~

17 ~~(iv) discharge firearms or kinetic impact projectiles~~
18 ~~indiscriminately into a crowd;~~

19 ~~(v) use chemical agents or irritants for crowd~~
20 ~~control, including pepper spray and tear gas, prior to~~
21 ~~issuing an order to disperse in a sufficient manner to~~
22 ~~allow for the order to be heard and repeated if necessary,~~
23 ~~followed by sufficient time and space to allow compliance~~
24 ~~with the order unless providing such time and space would~~
25 ~~unduly place an officer or another person at risk of death~~
26 ~~or great bodily harm; or~~

1 ~~(vi) use chemical agents or irritants, including~~
2 ~~pepper spray and tear gas, prior to issuing an order in a~~
3 ~~sufficient manner to ensure the order is heard, and~~
4 ~~repeated if necessary, to allow compliance with the order~~
5 ~~unless providing such time and space would unduly place an~~
6 ~~officer or another person at risk of death or great bodily~~
7 ~~harm.~~

8 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
9 revised 8-2-21.)

10 (720 ILCS 5/7-9) (from Ch. 38, par. 7-9)

11 Sec. 7-9. Use of force to prevent escape.

12 (a) A peace officer or other person who has an arrested
13 person in his custody is justified in the use of such force,
14 ~~except deadly force~~, to prevent the escape of the arrested
15 person from custody as he would be justified in using if he
16 were arresting such person.

17 (b) A guard or other peace officer is justified in the use
18 of force, including force likely to cause death or great
19 bodily harm, which he reasonably believes to be necessary to
20 prevent the escape from a penal institution of a person whom
21 the officer reasonably believes to be lawfully detained in
22 such institution under sentence for an offense or awaiting
23 trial or commitment for an offense.

24 ~~(c) Deadly force shall not be used to prevent escape under~~
25 ~~this Section unless, based on the totality of the~~

1 ~~circumstances, deadly force is necessary to prevent death or~~
2 ~~great bodily harm to himself or such other person.~~

3 (Source: Laws 1961, p. 1983; P.A. 101-652.)

4 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

5 Sec. 9-1. First degree murder; death penalties;
6 exceptions; separate hearings; proof; findings; appellate
7 procedures; reversals.

8 (a) A person who kills an individual without lawful
9 justification commits first degree murder if, in performing
10 the acts which cause the death:

11 (1) he or she either intends to kill or do great bodily
12 harm to that individual or another, or knows that such
13 acts will cause death to that individual or another; or

14 (2) he or she knows that such acts create a strong
15 probability of death or great bodily harm to that
16 individual or another; or

17 ~~(3) he or she, acting alone or with one or more~~
18 ~~participants, commits or attempts to commit a forcible~~
19 ~~felony other than second degree murder, and in the course~~
20 ~~of or in furtherance of such crime or flight therefrom, he~~
21 ~~or she or another participant causes the death of a person~~
22 he or she is attempting or committing a forcible felony
23 other than second degree murder.

24 (b) Aggravating Factors. A defendant who at the time of
25 the commission of the offense has attained the age of 18 or

1 more and who has been found guilty of first degree murder may
2 be sentenced to death if:

3 (1) the murdered individual was a peace officer or
4 fireman killed in the course of performing his official
5 duties, to prevent the performance of his or her official
6 duties, or in retaliation for performing his or her
7 official duties, and the defendant knew or should have
8 known that the murdered individual was a peace officer or
9 fireman; or

10 (2) the murdered individual was an employee of an
11 institution or facility of the Department of Corrections,
12 or any similar local correctional agency, killed in the
13 course of performing his or her official duties, to
14 prevent the performance of his or her official duties, or
15 in retaliation for performing his or her official duties,
16 or the murdered individual was an inmate at such
17 institution or facility and was killed on the grounds
18 thereof, or the murdered individual was otherwise present
19 in such institution or facility with the knowledge and
20 approval of the chief administrative officer thereof; or

21 (3) the defendant has been convicted of murdering two
22 or more individuals under subsection (a) of this Section
23 or under any law of the United States or of any state which
24 is substantially similar to subsection (a) of this Section
25 regardless of whether the deaths occurred as the result of
26 the same act or of several related or unrelated acts so

1 long as the deaths were the result of either an intent to
2 kill more than one person or of separate acts which the
3 defendant knew would cause death or create a strong
4 probability of death or great bodily harm to the murdered
5 individual or another; or

6 (4) the murdered individual was killed as a result of
7 the hijacking of an airplane, train, ship, bus, or other
8 public conveyance; or

9 (5) the defendant committed the murder pursuant to a
10 contract, agreement, or understanding by which he or she
11 was to receive money or anything of value in return for
12 committing the murder or procured another to commit the
13 murder for money or anything of value; or

14 (6) the murdered individual was killed in the course
15 of another felony if:

16 (a) the murdered individual:

17 (i) was actually killed by the defendant, or

18 (ii) received physical injuries personally
19 inflicted by the defendant substantially
20 contemporaneously with physical injuries caused by
21 one or more persons for whose conduct the
22 defendant is legally accountable under Section 5-2
23 of this Code, and the physical injuries inflicted
24 by either the defendant or the other person or
25 persons for whose conduct he is legally
26 accountable caused the death of the murdered

1 individual; and

2 (b) in performing the acts which caused the death
3 of the murdered individual or which resulted in
4 physical injuries personally inflicted by the
5 defendant on the murdered individual under the
6 circumstances of subdivision (ii) of subparagraph (a)
7 of paragraph (6) of subsection (b) of this Section,
8 the defendant acted with the intent to kill the
9 murdered individual or with the knowledge that his
10 acts created a strong probability of death or great
11 bodily harm to the murdered individual or another; and

12 (c) the other felony was an inherently violent
13 crime or the attempt to commit an inherently violent
14 crime. In this subparagraph (c), "inherently violent
15 crime" includes, but is not limited to, armed robbery,
16 robbery, predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, aggravated
18 kidnapping, aggravated vehicular hijacking, aggravated
19 arson, aggravated stalking, residential burglary, and
20 home invasion; or

21 (7) the murdered individual was under 12 years of age
22 and the death resulted from exceptionally brutal or
23 heinous behavior indicative of wanton cruelty; or

24 (8) the defendant committed the murder with intent to
25 prevent the murdered individual from testifying or
26 participating in any criminal investigation or prosecution

1 or giving material assistance to the State in any
2 investigation or prosecution, either against the defendant
3 or another; or the defendant committed the murder because
4 the murdered individual was a witness in any prosecution
5 or gave material assistance to the State in any
6 investigation or prosecution, either against the defendant
7 or another; for purposes of this paragraph (8),
8 "participating in any criminal investigation or
9 prosecution" is intended to include those appearing in the
10 proceedings in any capacity such as trial judges,
11 prosecutors, defense attorneys, investigators, witnesses,
12 or jurors; or

13 (9) the defendant, while committing an offense
14 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
15 407 or 407.1 or subsection (b) of Section 404 of the
16 Illinois Controlled Substances Act, or while engaged in a
17 conspiracy or solicitation to commit such offense,
18 intentionally killed an individual or counseled,
19 commanded, induced, procured or caused the intentional
20 killing of the murdered individual; or

21 (10) the defendant was incarcerated in an institution
22 or facility of the Department of Corrections at the time
23 of the murder, and while committing an offense punishable
24 as a felony under Illinois law, or while engaged in a
25 conspiracy or solicitation to commit such offense,
26 intentionally killed an individual or counseled,

1 commanded, induced, procured or caused the intentional
2 killing of the murdered individual; or

3 (11) the murder was committed in a cold, calculated
4 and premeditated manner pursuant to a preconceived plan,
5 scheme or design to take a human life by unlawful means,
6 and the conduct of the defendant created a reasonable
7 expectation that the death of a human being would result
8 therefrom; or

9 (12) the murdered individual was an emergency medical
10 technician - ambulance, emergency medical technician -
11 intermediate, emergency medical technician - paramedic,
12 ambulance driver, or other medical assistance or first aid
13 personnel, employed by a municipality or other
14 governmental unit, killed in the course of performing his
15 official duties, to prevent the performance of his
16 official duties, or in retaliation for performing his
17 official duties, and the defendant knew or should have
18 known that the murdered individual was an emergency
19 medical technician - ambulance, emergency medical
20 technician - intermediate, emergency medical technician -
21 paramedic, ambulance driver, or other medical assistance
22 or first aid personnel; or

23 (13) the defendant was a principal administrator,
24 organizer, or leader of a calculated criminal drug
25 conspiracy consisting of a hierarchical position of
26 authority superior to that of all other members of the

1 conspiracy, and the defendant counseled, commanded,
2 induced, procured, or caused the intentional killing of
3 the murdered person; or

4 (14) the murder was intentional and involved the
5 infliction of torture. For the purpose of this Section
6 torture means the infliction of or subjection to extreme
7 physical pain, motivated by an intent to increase or
8 prolong the pain, suffering or agony of the victim; or

9 (15) the murder was committed as a result of the
10 intentional discharge of a firearm by the defendant from a
11 motor vehicle and the victim was not present within the
12 motor vehicle; or

13 (16) the murdered individual was 60 years of age or
14 older and the death resulted from exceptionally brutal or
15 heinous behavior indicative of wanton cruelty; or

16 (17) the murdered individual was a person with a
17 disability and the defendant knew or should have known
18 that the murdered individual was a person with a
19 disability. For purposes of this paragraph (17), "person
20 with a disability" means a person who suffers from a
21 permanent physical or mental impairment resulting from
22 disease, an injury, a functional disorder, or a congenital
23 condition that renders the person incapable of adequately
24 providing for his or her own health or personal care; or

25 (18) the murder was committed by reason of any
26 person's activity as a community policing volunteer or to

1 prevent any person from engaging in activity as a
2 community policing volunteer; or

3 (19) the murdered individual was subject to an order
4 of protection and the murder was committed by a person
5 against whom the same order of protection was issued under
6 the Illinois Domestic Violence Act of 1986; or

7 (20) the murdered individual was known by the
8 defendant to be a teacher or other person employed in any
9 school and the teacher or other employee is upon the
10 grounds of a school or grounds adjacent to a school, or is
11 in any part of a building used for school purposes; or

12 (21) the murder was committed by the defendant in
13 connection with or as a result of the offense of terrorism
14 as defined in Section 29D-14.9 of this Code; or

15 (22) the murdered individual was a member of a
16 congregation engaged in prayer or other religious
17 activities at a church, synagogue, mosque, or other
18 building, structure, or place used for religious worship.

19 (b-5) Aggravating Factor; Natural Life Imprisonment. A
20 defendant who has been found guilty of first degree murder and
21 who at the time of the commission of the offense had attained
22 the age of 18 years or more may be sentenced to natural life
23 imprisonment if (i) the murdered individual was a physician,
24 physician assistant, psychologist, nurse, or advanced practice
25 registered nurse, (ii) the defendant knew or should have known
26 that the murdered individual was a physician, physician

1 assistant, psychologist, nurse, or advanced practice
2 registered nurse, and (iii) the murdered individual was killed
3 in the course of acting in his or her capacity as a physician,
4 physician assistant, psychologist, nurse, or advanced practice
5 registered nurse, or to prevent him or her from acting in that
6 capacity, or in retaliation for his or her acting in that
7 capacity.

8 (c) Consideration of factors in Aggravation and
9 Mitigation.

10 The court shall consider, or shall instruct the jury to
11 consider any aggravating and any mitigating factors which are
12 relevant to the imposition of the death penalty. Aggravating
13 factors may include but need not be limited to those factors
14 set forth in subsection (b). Mitigating factors may include
15 but need not be limited to the following:

16 (1) the defendant has no significant history of prior
17 criminal activity;

18 (2) the murder was committed while the defendant was
19 under the influence of extreme mental or emotional
20 disturbance, although not such as to constitute a defense
21 to prosecution;

22 (3) the murdered individual was a participant in the
23 defendant's homicidal conduct or consented to the
24 homicidal act;

25 (4) the defendant acted under the compulsion of threat
26 or menace of the imminent infliction of death or great

1 bodily harm;

2 (5) the defendant was not personally present during
3 commission of the act or acts causing death;

4 (6) the defendant's background includes a history of
5 extreme emotional or physical abuse;

6 (7) the defendant suffers from a reduced mental
7 capacity.

8 Provided, however, that an action that does not otherwise
9 mitigate first degree murder cannot qualify as a mitigating
10 factor for first degree murder because of the discovery,
11 knowledge, or disclosure of the victim's sexual orientation as
12 defined in Section 1-103 of the Illinois Human Rights Act.

13 (d) Separate sentencing hearing.

14 Where requested by the State, the court shall conduct a
15 separate sentencing proceeding to determine the existence of
16 factors set forth in subsection (b) and to consider any
17 aggravating or mitigating factors as indicated in subsection
18 (c). The proceeding shall be conducted:

19 (1) before the jury that determined the defendant's
20 guilt; or

21 (2) before a jury impanelled for the purpose of the
22 proceeding if:

23 A. the defendant was convicted upon a plea of
24 guilty; or

25 B. the defendant was convicted after a trial
26 before the court sitting without a jury; or

1 C. the court for good cause shown discharges the
2 jury that determined the defendant's guilt; or

3 (3) before the court alone if the defendant waives a
4 jury for the separate proceeding.

5 (e) Evidence and Argument.

6 During the proceeding any information relevant to any of
7 the factors set forth in subsection (b) may be presented by
8 either the State or the defendant under the rules governing
9 the admission of evidence at criminal trials. Any information
10 relevant to any additional aggravating factors or any
11 mitigating factors indicated in subsection (c) may be
12 presented by the State or defendant regardless of its
13 admissibility under the rules governing the admission of
14 evidence at criminal trials. The State and the defendant shall
15 be given fair opportunity to rebut any information received at
16 the hearing.

17 (f) Proof.

18 The burden of proof of establishing the existence of any
19 of the factors set forth in subsection (b) is on the State and
20 shall not be satisfied unless established beyond a reasonable
21 doubt.

22 (g) Procedure - Jury.

23 If at the separate sentencing proceeding the jury finds
24 that none of the factors set forth in subsection (b) exists,
25 the court shall sentence the defendant to a term of
26 imprisonment under Chapter V of the Unified Code of

1 Corrections. If there is a unanimous finding by the jury that
2 one or more of the factors set forth in subsection (b) exist,
3 the jury shall consider aggravating and mitigating factors as
4 instructed by the court and shall determine whether the
5 sentence of death shall be imposed. If the jury determines
6 unanimously, after weighing the factors in aggravation and
7 mitigation, that death is the appropriate sentence, the court
8 shall sentence the defendant to death. If the court does not
9 concur with the jury determination that death is the
10 appropriate sentence, the court shall set forth reasons in
11 writing including what facts or circumstances the court relied
12 upon, along with any relevant documents, that compelled the
13 court to non-concur with the sentence. This document and any
14 attachments shall be part of the record for appellate review.
15 The court shall be bound by the jury's sentencing
16 determination.

17 If after weighing the factors in aggravation and
18 mitigation, one or more jurors determines that death is not
19 the appropriate sentence, the court shall sentence the
20 defendant to a term of imprisonment under Chapter V of the
21 Unified Code of Corrections.

22 (h) Procedure - No Jury.

23 In a proceeding before the court alone, if the court finds
24 that none of the factors found in subsection (b) exists, the
25 court shall sentence the defendant to a term of imprisonment
26 under Chapter V of the Unified Code of Corrections.

1 If the Court determines that one or more of the factors set
2 forth in subsection (b) exists, the Court shall consider any
3 aggravating and mitigating factors as indicated in subsection
4 (c). If the Court determines, after weighing the factors in
5 aggravation and mitigation, that death is the appropriate
6 sentence, the Court shall sentence the defendant to death.

7 If the court finds that death is not the appropriate
8 sentence, the court shall sentence the defendant to a term of
9 imprisonment under Chapter V of the Unified Code of
10 Corrections.

11 (h-5) Decertification as a capital case.

12 In a case in which the defendant has been found guilty of
13 first degree murder by a judge or jury, or a case on remand for
14 resentencing, and the State seeks the death penalty as an
15 appropriate sentence, on the court's own motion or the written
16 motion of the defendant, the court may decertify the case as a
17 death penalty case if the court finds that the only evidence
18 supporting the defendant's conviction is the uncorroborated
19 testimony of an informant witness, as defined in Section
20 115-21 of the Code of Criminal Procedure of 1963, concerning
21 the confession or admission of the defendant or that the sole
22 evidence against the defendant is a single eyewitness or
23 single accomplice without any other corroborating evidence. If
24 the court decertifies the case as a capital case under either
25 of the grounds set forth above, the court shall issue a written
26 finding. The State may pursue its right to appeal the

1 decertification pursuant to Supreme Court Rule 604(a)(1). If
2 the court does not decertify the case as a capital case, the
3 matter shall proceed to the eligibility phase of the
4 sentencing hearing.

5 (i) Appellate Procedure.

6 The conviction and sentence of death shall be subject to
7 automatic review by the Supreme Court. Such review shall be in
8 accordance with rules promulgated by the Supreme Court. The
9 Illinois Supreme Court may overturn the death sentence, and
10 order the imposition of imprisonment under Chapter V of the
11 Unified Code of Corrections if the court finds that the death
12 sentence is fundamentally unjust as applied to the particular
13 case. If the Illinois Supreme Court finds that the death
14 sentence is fundamentally unjust as applied to the particular
15 case, independent of any procedural grounds for relief, the
16 Illinois Supreme Court shall issue a written opinion
17 explaining this finding.

18 (j) Disposition of reversed death sentence.

19 In the event that the death penalty in this Act is held to
20 be unconstitutional by the Supreme Court of the United States
21 or of the State of Illinois, any person convicted of first
22 degree murder shall be sentenced by the court to a term of
23 imprisonment under Chapter V of the Unified Code of
24 Corrections.

25 In the event that any death sentence pursuant to the
26 sentencing provisions of this Section is declared

1 unconstitutional by the Supreme Court of the United States or
2 of the State of Illinois, the court having jurisdiction over a
3 person previously sentenced to death shall cause the defendant
4 to be brought before the court, and the court shall sentence
5 the defendant to a term of imprisonment under Chapter V of the
6 Unified Code of Corrections.

7 (k) Guidelines for seeking the death penalty.

8 The Attorney General and State's Attorneys Association
9 shall consult on voluntary guidelines for procedures governing
10 whether or not to seek the death penalty. The guidelines do not
11 have the force of law and are only advisory in nature.

12 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
13 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652.)

14 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

15 Sec. 33-3. Official misconduct.

16 (a) A public officer or employee or special government
17 agent commits misconduct when, in his official capacity or
18 capacity as a special government agent, he or she commits any
19 of the following acts:

20 (1) Intentionally or recklessly fails to perform any
21 mandatory duty as required by law; or

22 (2) Knowingly performs an act which he knows he is
23 forbidden by law to perform; or

24 (3) With intent to obtain a personal advantage for
25 himself or another, he performs an act in excess of his

1 lawful authority; or

2 (4) Solicits or knowingly accepts for the performance
3 of any act a fee or reward which he knows is not authorized
4 by law.

5 (b) An employee of a law enforcement agency commits
6 misconduct when he or she knowingly uses or communicates,
7 directly or indirectly, information acquired in the course of
8 employment, with the intent to obstruct, impede, or prevent
9 the investigation, apprehension, or prosecution of any
10 criminal offense or person. Nothing in this subsection (b)
11 shall be construed to impose liability for communicating to a
12 confidential resource, who is participating or aiding law
13 enforcement, in an ongoing investigation.

14 (c) A public officer or employee or special government
15 agent convicted of violating any provision of this Section
16 forfeits his or her office or employment or position as a
17 special government agent. In addition, he or she commits a
18 Class 3 felony.

19 (d) For purposes of this Section: ~~"Special~~ , "special
20 government agent" has the meaning ascribed to it in subsection
21 (1) of Section 4A-101 of the Illinois Governmental Ethics Act.
22 (Source: P.A. 98-867, eff. 1-1-15; 101-652.)

23 Section 1-212. The Criminal Code of 2012 is amended by
24 reenacting Section 32-15 as follows:

1 (720 ILCS 5/32-15)

2 Sec. 32-15.Bail bond false statement. Any person who in
3 any affidavit, document, schedule or other application to
4 become surety or bail for another on any bail bond or
5 recognizance in any civil or criminal proceeding then pending
6 or about to be started against the other person, having taken a
7 lawful oath or made affirmation, shall swear or affirm
8 wilfully, corruptly and falsely as to the ownership or liens
9 or incumbrances upon or the value of any real or personal
10 property alleged to be owned by the person proposed as surety
11 or bail, the financial worth or standing of the person
12 proposed as surety or bail, or as to the number or total
13 penalties of all other bonds or recognizances signed by and
14 standing against the proposed surety or bail, or any person
15 who, having taken a lawful oath or made affirmation, shall
16 testify wilfully, corruptly and falsely as to any of said
17 matters for the purpose of inducing the approval of any such
18 bail bond or recognizance; or for the purpose of justifying on
19 any such bail bond or recognizance, or who shall suborn any
20 other person to so swear, affirm or testify as aforesaid,
21 shall be deemed and adjudged guilty of perjury or subornation
22 of perjury (as the case may be) and punished accordingly.

23 (Source: P.A. 97-1108, eff. 1-1-13.)

24 (720 ILCS 5/7-15 rep.)

25 (720 ILCS 5/7-16 rep.)

1 (720 ILCS 5/33-9 rep.)

2 Section 1-215. The Criminal Code of 2012 is amended by
3 repealing Sections 7-15, 7-16, and 33-9.

4 Section 1-220. The Code of Criminal Procedure of 1963 is
5 amended by changing the heading of Article 110 and by changing
6 Sections 102-6, 102-7, 103-5, 103-7, 103-9, 104-13, 104-17,
7 106D-1, 107-4, 107-9, 107-11, 109-1, 109-2, 109-3, 109-3.1,
8 110-1, 110-2, 110-3, 110-5, 110-5.2, 110-6, 110-6.1, 110-6.2,
9 110-6.4, 110-10, 110-11, 110-12, 110-14, 111-2, 112A-23,
10 113-3.1, 114-1, 115-4.1, and 122-6 as follows:

11 (725 ILCS 5/102-6) (from Ch. 38, par. 102-6)

12 Sec. 102-6. "Bail". ~~Pretrial release.~~ "Bail" means the
13 amount of money set by the court which is required to be
14 obligated and secured as provided by law for the release of a
15 person in custody in order that he will appear before the court
16 in which his appearance may be required and that he will comply
17 with such conditions as set forth in the bail bond. ~~"Pretrial~~
18 ~~release" has the meaning ascribed to bail in Section 9 of~~
19 ~~Article I of the Illinois Constitution where the sureties~~
20 ~~provided are nonmonetary in nature.~~

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

22 (725 ILCS 5/102-7) (from Ch. 38, par. 102-7)

23 Sec. 102-7. ~~Conditions of pretrial release.~~ "Bail

1 bond". "Bail bond" means an undertaking secured by bail entered
2 into by a person in custody by which he binds himself to comply
3 with such conditions as are set forth therein. "Conditions of
4 pretrial release" means the requirements imposed upon a
5 criminal defendant by the court under Section 110-5.

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

7 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

8 Sec. 103-5. Speedy trial.)

9 (a) Every person in custody in this State for an alleged
10 offense shall be tried by the court having jurisdiction within
11 120 days from the date he or she was taken into custody unless
12 delay is occasioned by the defendant, by an examination for
13 fitness ordered pursuant to Section 104-13 of this Act, by a
14 fitness hearing, by an adjudication of unfitness to stand
15 trial, by a continuance allowed pursuant to Section 114-4 of
16 this Act after a court's determination of the defendant's
17 physical incapacity for trial, or by an interlocutory appeal.
18 Delay shall be considered to be agreed to by the defendant
19 unless he or she objects to the delay by making a written
20 demand for trial or an oral demand for trial on the record. The
21 provisions of this subsection (a) do not apply to a person on
22 ~~pretrial release~~ bail or recognizance for an offense but who
23 is in custody for a violation of his or her parole, aftercare
24 release, or mandatory supervised release for another offense.

25 The 120-day term must be one continuous period of

1 incarceration. In computing the 120-day term, separate periods
2 of incarceration may not be combined. If a defendant is taken
3 into custody a second (or subsequent) time for the same
4 offense, the term will begin again at day zero.

5 (b) Every person on ~~pretrial release~~ bail or recognizance
6 shall be tried by the court having jurisdiction within 160
7 days from the date defendant demands trial unless delay is
8 occasioned by the defendant, by an examination for fitness
9 ordered pursuant to Section 104-13 of this Act, by a fitness
10 hearing, by an adjudication of unfitness to stand trial, by a
11 continuance allowed pursuant to Section 114-4 of this Act
12 after a court's determination of the defendant's physical
13 incapacity for trial, or by an interlocutory appeal. The
14 defendant's failure to appear for any court date set by the
15 court operates to waive the defendant's demand for trial made
16 under this subsection.

17 For purposes of computing the 160 day period under this
18 subsection (b), every person who was in custody for an alleged
19 offense and demanded trial and is subsequently released on
20 ~~pretrial release~~ bail or recognizance and demands trial, shall
21 be given credit for time spent in custody following the making
22 of the demand while in custody. Any demand for trial made under
23 this subsection (b) shall be in writing; and in the case of a
24 defendant not in custody, the demand for trial shall include
25 the date of any prior demand made under this provision while
26 the defendant was in custody.

1 (c) If the court determines that the State has exercised
2 without success due diligence to obtain evidence material to
3 the case and that there are reasonable grounds to believe that
4 such evidence may be obtained at a later day the court may
5 continue the cause on application of the State for not more
6 than an additional 60 days. If the court determines that the
7 State has exercised without success due diligence to obtain
8 results of DNA testing that is material to the case and that
9 there are reasonable grounds to believe that such results may
10 be obtained at a later day, the court may continue the cause on
11 application of the State for not more than an additional 120
12 days.

13 (d) Every person not tried in accordance with subsections
14 (a), (b) and (c) of this Section shall be discharged from
15 custody or released from the obligations of his ~~pretrial~~
16 ~~release~~ bail or recognizance.

17 (e) If a person is simultaneously in custody upon more
18 than one charge pending against him in the same county, or
19 simultaneously demands trial upon more than one charge pending
20 against him in the same county, he shall be tried, or adjudged
21 guilty after waiver of trial, upon at least one such charge
22 before expiration relative to any of such pending charges of
23 the period prescribed by subsections (a) and (b) of this
24 Section. Such person shall be tried upon all of the remaining
25 charges thus pending within 160 days from the date on which
26 judgment relative to the first charge thus prosecuted is

1 rendered pursuant to the Unified Code of Corrections or, if
2 such trial upon such first charge is terminated without
3 judgment and there is no subsequent trial of, or adjudication
4 of guilt after waiver of trial of, such first charge within a
5 reasonable time, the person shall be tried upon all of the
6 remaining charges thus pending within 160 days from the date
7 on which such trial is terminated; if either such period of 160
8 days expires without the commencement of trial of, or
9 adjudication of guilt after waiver of trial of, any of such
10 remaining charges thus pending, such charge or charges shall
11 be dismissed and barred for want of prosecution unless delay
12 is occasioned by the defendant, by an examination for fitness
13 ordered pursuant to Section 104-13 of this Act, by a fitness
14 hearing, by an adjudication of unfitness for trial, by a
15 continuance allowed pursuant to Section 114-4 of this Act
16 after a court's determination of the defendant's physical
17 incapacity for trial, or by an interlocutory appeal; provided,
18 however, that if the court determines that the State has
19 exercised without success due diligence to obtain evidence
20 material to the case and that there are reasonable grounds to
21 believe that such evidence may be obtained at a later day the
22 court may continue the cause on application of the State for
23 not more than an additional 60 days.

24 (f) Delay occasioned by the defendant shall temporarily
25 suspend for the time of the delay the period within which a
26 person shall be tried as prescribed by subsections (a), (b),

1 or (e) of this Section and on the day of expiration of the
2 delay the said period shall continue at the point at which it
3 was suspended. Where such delay occurs within 21 days of the
4 end of the period within which a person shall be tried as
5 prescribed by subsections (a), (b), or (e) of this Section,
6 the court may continue the cause on application of the State
7 for not more than an additional 21 days beyond the period
8 prescribed by subsections (a), (b), or (e). This subsection
9 (f) shall become effective on, and apply to persons charged
10 with alleged offenses committed on or after, March 1, 1977.

11 (Source: P.A. 98-558, eff. 1-1-14; 101-652.)

12 (725 ILCS 5/103-7) (from Ch. 38, par. 103-7)

13 Sec. 103-7. Posting notice of rights.

14 Every sheriff, chief of police or other person who is in
15 charge of any jail, police station or other building where
16 persons under arrest are held in custody pending
17 investigation, ~~pretrial-release~~ bail or other criminal
18 proceedings, shall post in every room, other than cells, of
19 such buildings where persons are held in custody, in
20 conspicuous places where it may be seen and read by persons in
21 custody and others, a poster, printed in large type,
22 containing a verbatim copy in the English language of the
23 provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2,
24 110-4, and sub-parts (a) and (b) of Sections 110-7 and 113-3 of
25 this Code. Each person who is in charge of any courthouse or

1 other building in which any trial of an offense is conducted
2 shall post in each room primarily used for such trials and in
3 each room in which defendants are confined or wait, pending
4 trial, in conspicuous places where it may be seen and read by
5 persons in custody and others, a poster, printed in large
6 type, containing a verbatim copy in the English language of
7 the provisions of Sections 103-6, 113-1, 113-4 and 115-1 and
8 of subparts (a) and (b) of Section 113-3 of this Code.

9 (Source: Laws 1965, p. 2622; P.A. 101-652.)

10 (725 ILCS 5/103-9) (from Ch. 38, par. 103-9)

11 Sec. 103-9. Bail bondsmen. No bail bondsman from any state
12 may seize or transport unwillingly any person found in this
13 State who is allegedly in violation of a bail bond posted in
14 some other state ~~or conditions of pretrial release~~. The return
15 of any such person to another state may be accomplished only as
16 provided by the laws of this State. Any bail bondsman who
17 violates this Section is fully subject to the criminal and
18 civil penalties provided by the laws of this State for his
19 actions.

20 (Source: P.A. 84-694; 101-652.)

21 (725 ILCS 5/104-13) (from Ch. 38, par. 104-13)

22 Sec. 104-13. Fitness Examination.

23 (a) When the issue of fitness involves the defendant's
24 mental condition, the court shall order an examination of the

1 defendant by one or more licensed physicians, clinical
2 psychologists, or psychiatrists chosen by the court. No
3 physician, clinical psychologist or psychiatrist employed by
4 the Department of Human Services shall be ordered to perform,
5 in his official capacity, an examination under this Section.

6 (b) If the issue of fitness involves the defendant's
7 physical condition, the court shall appoint one or more
8 physicians and in addition, such other experts as it may deem
9 appropriate to examine the defendant and to report to the
10 court regarding the defendant's condition.

11 (c) An examination ordered under this Section shall be
12 given at the place designated by the person who will conduct
13 the examination, except that if the defendant is being held in
14 custody, the examination shall take place at such location as
15 the court directs. No examinations under this Section shall be
16 ordered to take place at mental health or developmental
17 disabilities facilities operated by the Department of Human
18 Services. If the defendant fails to keep appointments without
19 reasonable cause or if the person conducting the examination
20 reports to the court that diagnosis requires hospitalization
21 or extended observation, the court may order the defendant
22 admitted to an appropriate facility for an examination, other
23 than a screening examination, for not more than 7 days. The
24 court may, upon a showing of good cause, grant an additional 7
25 days to complete the examination.

26 (d) Release on ~~pretrial release~~ bail or on recognizance

1 shall not be revoked and an application therefor shall not be
2 denied on the grounds that an examination has been ordered.

3 (e) Upon request by the defense and if the defendant is
4 indigent, the court may appoint, in addition to the expert or
5 experts chosen pursuant to subsection (a) of this Section, a
6 qualified expert selected by the defendant to examine him and
7 to make a report as provided in Section 104-15. Upon the filing
8 with the court of a verified statement of services rendered,
9 the court shall enter an order on the county board to pay such
10 expert a reasonable fee stated in the order.

11 (Source: P.A. 89-507, eff. 7-1-97; 101-652.)

12 (725 ILCS 5/104-17) (from Ch. 38, par. 104-17)

13 Sec. 104-17. Commitment for treatment; treatment plan.

14 (a) If the defendant is eligible to be or has been released
15 on bail ~~pretrial release~~ or on his own recognizance, the court
16 shall select the least physically restrictive form of
17 treatment therapeutically appropriate and consistent with the
18 treatment plan. The placement may be ordered either on an
19 inpatient or an outpatient basis.

20 (b) If the defendant's disability is mental, the court may
21 order him placed for secure treatment in the custody of the
22 Department of Human Services, or the court may order him
23 placed in the custody of any other appropriate public or
24 private mental health facility or treatment program which has
25 agreed to provide treatment to the defendant. If the most

1 serious charge faced by the defendant is a misdemeanor, the
2 court shall order outpatient treatment, unless the court finds
3 good cause on the record to order inpatient treatment. If the
4 court orders the defendant to inpatient treatment in the
5 custody of the Department of Human Services, the Department
6 shall evaluate the defendant to determine the most appropriate
7 secure facility to receive the defendant and, within 20 days
8 of the transmittal by the clerk of the circuit court of the
9 court's placement order, notify the court of the designated
10 facility to receive the defendant. The Department shall admit
11 the defendant to a secure facility within 60 days of the
12 transmittal of the court's placement order, unless the
13 Department can demonstrate good faith efforts at placement and
14 a lack of bed and placement availability. If placement cannot
15 be made within 60 days of the transmittal of the court's
16 placement order and the Department has demonstrated good faith
17 efforts at placement and a lack of bed and placement
18 availability, the Department shall provide an update to the
19 ordering court every 30 days until the defendant is placed.
20 Once bed and placement availability is determined, the
21 Department shall notify the sheriff who shall promptly
22 transport the defendant to the designated facility. If the
23 defendant is placed in the custody of the Department of Human
24 Services, the defendant shall be placed in a secure setting.
25 During the period of time required to determine bed and
26 placement availability at the designated facility, the

1 defendant shall remain in jail. If during the course of
2 evaluating the defendant for placement, the Department of
3 Human Services determines that the defendant is currently fit
4 to stand trial, it shall immediately notify the court and
5 shall submit a written report within 7 days. In that
6 circumstance the placement shall be held pending a court
7 hearing on the Department's report. Otherwise, upon completion
8 of the placement process, including identifying bed and
9 placement availability, the sheriff shall be notified and
10 shall transport the defendant to the designated facility. If,
11 within 60 days of the transmittal by the clerk of the circuit
12 court of the court's placement order, the Department fails to
13 provide the sheriff with notice of bed and placement
14 availability at the designated facility, the sheriff shall
15 contact the Department to inquire about when a placement will
16 become available at the designated facility as well as bed and
17 placement availability at other secure facilities. The
18 Department shall respond to the sheriff within 2 business days
19 of the notice and inquiry by the sheriff seeking the transfer
20 and the Department shall provide the sheriff with the status
21 of the evaluation, information on bed and placement
22 availability, and an estimated date of admission for the
23 defendant and any changes to that estimated date of admission.
24 If the Department notifies the sheriff during the 2 business
25 day period of a facility operated by the Department with
26 placement availability, the sheriff shall promptly transport

1 the defendant to that facility. The placement may be ordered
2 either on an inpatient or an outpatient basis.

3 (c) If the defendant's disability is physical, the court
4 may order him placed under the supervision of the Department
5 of Human Services which shall place and maintain the defendant
6 in a suitable treatment facility or program, or the court may
7 order him placed in an appropriate public or private facility
8 or treatment program which has agreed to provide treatment to
9 the defendant. The placement may be ordered either on an
10 inpatient or an outpatient basis.

11 (d) The clerk of the circuit court shall within 5 days of
12 the entry of the order transmit to the Department, agency or
13 institution, if any, to which the defendant is remanded for
14 treatment, the following:

15 (1) a certified copy of the order to undergo
16 treatment. Accompanying the certified copy of the order to
17 undergo treatment shall be the complete copy of any report
18 prepared under Section 104-15 of this Code or other report
19 prepared by a forensic examiner for the court;

20 (2) the county and municipality in which the offense
21 was committed;

22 (3) the county and municipality in which the arrest
23 took place;

24 (4) a copy of the arrest report, criminal charges,
25 arrest record; and

26 (5) all additional matters which the Court directs the

1 clerk to transmit.

2 (e) Within 30 days of admission to the designated
3 facility, the person supervising the defendant's treatment
4 shall file with the court, the State, and the defense a report
5 assessing the facility's or program's capacity to provide
6 appropriate treatment for the defendant and indicating his
7 opinion as to the probability of the defendant's attaining
8 fitness within a period of time from the date of the finding of
9 unfitness. For a defendant charged with a felony, the period
10 of time shall be one year. For a defendant charged with a
11 misdemeanor, the period of time shall be no longer than the
12 sentence if convicted of the most serious offense. If the
13 report indicates that there is a substantial probability that
14 the defendant will attain fitness within the time period, the
15 treatment supervisor shall also file a treatment plan which
16 shall include:

17 (1) A diagnosis of the defendant's disability;

18 (2) A description of treatment goals with respect to
19 rendering the defendant fit, a specification of the
20 proposed treatment modalities, and an estimated timetable
21 for attainment of the goals;

22 (3) An identification of the person in charge of
23 supervising the defendant's treatment.

24 (Source: P.A. 101-652, eff. 1-1-23; 102-1118, eff. 1-18-23.)

25 (725 ILCS 5/106D-1)

1 Sec. 106D-1. Defendant's appearance by closed circuit
2 television and video conference ~~two way audio visual~~
3 ~~communication system.~~

4 (a) Whenever the appearance in person in court, in either
5 a civil or criminal proceeding, is required of anyone held in a
6 place of custody or confinement operated by the State or any of
7 its political subdivisions, including counties and
8 municipalities, the chief judge of the circuit by rule may
9 permit the personal appearance to be made by means of ~~a~~ two-way
10 audio-visual communication ~~system~~, including closed circuit
11 television and computerized video conference, in the following
12 proceedings:

13 (1) the initial appearance before a judge on a
14 criminal complaint, at which bail will be set; ~~as provided~~
15 ~~in subsection (f) of Section 109-1;~~

16 (2) the waiver of a preliminary hearing;

17 (3) the arraignment on an information or indictment at
18 which a plea of not guilty will be entered;

19 (4) the presentation of a jury waiver;

20 (5) any status hearing;

21 (6) any hearing conducted under the Sexually Violent
22 Persons Commitment Act at which no witness testimony will
23 be taken; and

24 (7) at any hearing at which no witness testimony will
25 be taken conducted under the following:

26 (A) Section 104-20 of this Code (90-day hearings);

1 (B) Section 104-22 of this Code (trial with
2 special provisions and assistance);

3 (C) Section 104-25 of this Code (discharge
4 hearing); or

5 (D) Section 5-2-4 of the Unified Code of
6 Corrections (proceedings after acquittal by reason of
7 insanity).

8 (b) The two-way audio-visual communication facilities must
9 provide two-way audio-visual communication between the court
10 and the place of custody or confinement, and must include a
11 secure line over which the person in custody and his or her
12 counsel, if any, may communicate.

13 (c) Nothing in this Section shall be construed to prohibit
14 other court appearances through the use of a two-way
15 audio-visual communication, upon waiver of any right the
16 person in custody or confinement may have to be present
17 physically. ~~system if the person in custody or confinement~~
18 ~~waives the right to be present physically in court, the court~~
19 ~~determines that the physical health and safety of any person~~
20 ~~necessary to the proceedings would be endangered by appearing~~
21 ~~in court, or the chief judge of the circuit orders use of that~~
22 ~~system due to operational challenges in conducting the hearing~~
23 ~~in person. Such operational challenges must be documented and~~
24 ~~approved by the chief judge of the circuit, and a plan to~~
25 ~~address the challenges through reasonable efforts must be~~
26 ~~presented and approved by the Administrative Office of the~~

1 ~~Illinois Courts every 6 months.~~

2 (d) Nothing in this Section shall be construed to
3 establish a right of any person held in custody or confinement
4 to appear in court through ~~a~~ two-way audio-visual
5 communication ~~system~~ or to require that any governmental
6 entity, or place of custody or confinement, provide ~~a~~ two-way
7 audio-visual communication ~~system~~.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
9 102-813, eff. 5-13-22; 102-1104, eff. 1-1-23.)

10 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

11 Sec. 107-4. Arrest by peace officer from other
12 jurisdiction.

13 (a) As used in this Section:

14 (1) "State" means any State of the United States and
15 the District of Columbia.

16 (2) "Peace Officer" means any peace officer or member
17 of any duly organized State, County, or Municipal peace
18 unit, any police force of another State, the United States
19 Department of Defense, or any police force whose members,
20 by statute, are granted and authorized to exercise powers
21 similar to those conferred upon any peace officer employed
22 by a law enforcement agency of this State.

23 (3) "Fresh pursuit" means the immediate pursuit of a
24 person who is endeavoring to avoid arrest.

25 (4) "Law enforcement agency" means a municipal police

1 department or county sheriff's office of this State.

2 (a-3) Any peace officer employed by a law enforcement
3 agency of this State may conduct temporary questioning
4 pursuant to Section 107-14 of this Code and may make arrests in
5 any jurisdiction within this State: (1) if the officer is
6 engaged in the investigation of criminal activity that
7 occurred in the officer's primary jurisdiction and the
8 temporary questioning or arrest relates to, arises from, or is
9 conducted pursuant to that investigation; or (2) if the
10 officer, while on duty as a peace officer, becomes personally
11 aware of the immediate commission of a felony or misdemeanor
12 violation of the laws of this State; or (3) if the officer,
13 while on duty as a peace officer, is requested by an
14 appropriate State or local law enforcement official to render
15 aid or assistance to the requesting law enforcement agency
16 that is outside the officer's primary jurisdiction; or (4) in
17 accordance with Section 2605-580 of the Illinois State Police
18 Law of the Civil Administrative Code of Illinois. While acting
19 pursuant to this subsection, an officer has the same authority
20 as within his or her own jurisdiction.

21 (a-7) The law enforcement agency of the county or
22 municipality in which any arrest is made under this Section
23 shall be immediately notified of the arrest.

24 (b) Any peace officer of another State who enters this
25 State in fresh pursuit and continues within this State in
26 fresh pursuit of a person in order to arrest him on the ground

1 that he has committed an offense in the other State has the
2 same authority to arrest and hold the person in custody as
3 peace officers of this State have to arrest and hold a person
4 in custody on the ground that he has committed an offense in
5 this State.

6 (c) If an arrest is made in this State by a peace officer
7 of another State in accordance with the provisions of this
8 Section he shall without unnecessary delay take the person
9 arrested before the circuit court of the county in which the
10 arrest was made. Such court shall conduct a hearing for the
11 purpose of determining the lawfulness of the arrest. If the
12 court determines that the arrest was lawful it shall commit
13 the person arrested, to await for a reasonable time the
14 issuance of an extradition warrant by the Governor of this
15 State, or admit him to bail ~~pretrial release~~ for such purpose.
16 If the court determines that the arrest was unlawful it shall
17 discharge the person arrested.

18 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22.)

20 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

21 Sec. 107-9. Issuance of arrest warrant upon complaint.

22 (a) When a complaint is presented to a court charging that
23 an offense has been committed, it shall examine upon oath or
24 affirmation the complainant or any witnesses.

25 (b) The complaint shall be in writing and shall:

1 (1) State the name of the accused if known, and if not
2 known the accused may be designated by any name or
3 description by which he can be identified with reasonable
4 certainty;

5 (2) State the offense with which the accused is
6 charged;

7 (3) State the time and place of the offense as
8 definitely as can be done by the complainant; and

9 (4) Be subscribed and sworn to by the complainant.

10 (b-5) If an arrest warrant ~~or summons~~ is sought and the
11 request is made by electronic means that has a simultaneous
12 video and audio transmission between the requester and a
13 judge, the judge may issue an arrest warrant ~~or summons~~ based
14 upon a sworn complaint or sworn testimony communicated in the
15 transmission.

16 (c) A warrant shall ~~or summons may~~ be issued by the court
17 for the arrest ~~or appearance~~ of the person complained against
18 if it appears from the contents of the complaint and the
19 examination of the complainant or other witnesses, if any,
20 that the person against whom the complaint was made has
21 committed an offense.

22 (d) The warrant of arrest ~~or summons~~ shall:

23 (1) Be in writing;

24 (2) Specify the name, sex and birth date of the person
25 to be arrested ~~or summoned~~ or, if his name, sex or birth
26 date is unknown, shall designate such person by any name

1 or description by which the person can be identified with
2 reasonable certainty;

3 (3) Set forth the nature of the offense;

4 (4) State the date when issued and the municipality or
5 county where issued;

6 (5) Be signed by the judge of the court with the title
7 of the judge's office; ~~and~~

8 (6) Command that the person against whom the complaint
9 was made ~~to~~ be arrested and brought before the court
10 issuing the warrant or if he is absent or unable to act
11 before the nearest or most accessible court in the same
12 county ~~issuing the warrant or the nearest or most~~
13 ~~accessible court in the same county, or appear before the~~
14 ~~court at a certain time and place;~~

15 (7) Specify the amount of bail ~~conditions of pretrial~~
16 ~~release, if any;~~ and

17 (8) Specify any geographical limitation placed on the
18 execution of the warrant, ~~if any,~~ but such limitation
19 shall not be expressed in mileage.

20 ~~(e) The summons may be served in the same manner as the~~
21 ~~summons in a civil action, except that a police officer may~~
22 ~~serve a summons for a violation of an ordinance occurring~~
23 ~~within the municipality of the police officer.~~

24 ~~(f) If the person summoned fails to appear by the date~~
25 ~~required or cannot be located to serve the summons, a warrant~~
26 ~~may be issued by the court for the arrest of the person~~

1 ~~complained against.~~

2 ~~(g) A warrant of arrest issued under this Section shall~~
3 ~~incorporate the information included in the summons, and shall~~
4 ~~comply with the following:~~

5 ~~(1) The arrest warrant shall specify any geographic~~
6 ~~limitation placed on the execution of the warrant, but~~
7 ~~such limitation shall not be expressed in mileage.~~

8 (e) ~~(2)~~ The ~~arrest~~ warrant shall be directed to all peace
9 officers in the State. It shall be executed by the peace
10 officer, or by a private person specially named therein, at
11 any location within the geographic limitation for execution
12 placed on the warrant. If no geographic limitation is placed
13 on the warrant, then it may be executed anywhere in the State.

14 (f) ~~(h)~~ The arrest warrant ~~or summons~~ may be issued
15 electronically or electromagnetically by use of electronic
16 mail or a facsimile transmission machine and any ~~such~~ arrest
17 warrant ~~or summons~~ shall have the same validity as a written
18 ~~arrest warrant or summons.~~

19 (Source: P.A. 101-239, eff. 1-1-20; 101-652, eff. 1-1-23;
20 102-1104, eff. 1-1-23.)

21 (725 ILCS 5/107-11) (from Ch. 38, par. 107-11)

22 Sec. 107-11. When summons may be issued.

23 (a) When authorized to issue a warrant of arrest, a court
24 may instead issue a summons.

25 (b) The summons shall:

- 1 (1) Be in writing;
- 2 (2) State the name of the person summoned and his or
3 her address, if known;
- 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 or her office; and
- 9 (6) Command the person to appear before a court at a
10 certain time and place.

11 (c) The summons may be served in the same manner as the
12 summons in a civil action ~~or by certified or regular mail,~~
13 except that police officers may serve summons for violations
14 of ordinances occurring within their municipalities.

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

16 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

17 Sec. 109-1. Person arrested; ~~release from law enforcement~~
18 ~~custody and court appearance; geographic constraints prevent~~
19 ~~in-person appearances.~~

20 (a) A person arrested with or without a warrant ~~for an~~
21 ~~offense for which pretrial release may be denied under~~
22 ~~paragraphs (1) through (6) of Section 110-6.1~~ shall be taken
23 without unnecessary delay before the nearest and most
24 accessible judge in that county, except when such county is a
25 participant in a regional jail authority, in which event such

1 person may be taken to the nearest and most accessible judge,
2 irrespective of the county where such judge presides, ~~within~~
3 ~~48 hours,~~ and a charge shall be filed. Whenever a person
4 arrested either with or without a warrant is required to be
5 taken before a judge, a charge may be filed against such person
6 by way of a two-way closed circuit television system
7 ~~audio visual communication system,~~ except that a hearing to
8 deny ~~pretrial release~~ bail to the defendant may not be
9 conducted by way of closed circuit television ~~two way~~
10 ~~audio visual communication system unless the accused waives~~
11 ~~the right to be present physically in court, the court~~
12 ~~determines that the physical health and safety of any person~~
13 ~~necessary to the proceedings would be endangered by appearing~~
14 ~~in court, or the chief judge of the circuit orders use of that~~
15 ~~system due to operational challenges in conducting the hearing~~
16 ~~in person. Such operational challenges must be documented and~~
17 ~~approved by the chief judge of the circuit, and a plan to~~
18 ~~address the challenges through reasonable efforts must be~~
19 ~~presented and approved by the Administrative Office of the~~
20 ~~Illinois Courts every 6 months..~~

21 ~~(a-1) Law enforcement shall issue a citation in lieu of~~
22 ~~eustodial arrest, upon proper identification, for those~~
23 ~~accused of any offense that is not a felony or Class A~~
24 ~~misdemeanor unless (i) a law enforcement officer reasonably~~
25 ~~believes the accused poses a threat to the community or any~~
26 ~~person, (ii) a custodial arrest is necessary because the~~

1 ~~criminal activity persists after the issuance of a citation,~~
2 ~~or (iii) the accused has an obvious medical or mental health~~
3 ~~issue that poses a risk to the accused's own safety. Nothing in~~
4 ~~this Section requires arrest in the case of Class A~~
5 ~~misdemeanor and felony offenses, or otherwise limits existing~~
6 ~~law enforcement discretion to decline to effect a custodial~~
7 ~~arrest.~~

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

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

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

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

26 (2) ~~advise~~ Advise the defendant of his right to

1 counsel and if indigent shall appoint a public defender or
2 licensed attorney at law of this State to represent him in
3 accordance with the provisions of Section 113-3 of this
4 Code;

5 (3) ~~schedule~~ Schedule a preliminary hearing in
6 appropriate cases;

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

12 (5) Order the confiscation of the person's passport or
13 impose travel restrictions on a defendant arrested for
14 first degree murder or other violent crime as defined in
15 Section 3 of the Rights of Crime Victims and Witnesses
16 Act, if the judge determines, based on the factors in
17 Section 110-5 of this Code, that this will reasonably
18 ensure the appearance of the defendant and compliance by
19 the defendant with all conditions of 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 the Rights of Crime Victims and Witnesses~~
25 ~~Act and shall be informed of their opportunity at this hearing~~
26 ~~to obtain an order of protection under Article 112A of this~~

1 ~~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 subsections (a), (b), or (e) of Section 103-5 of this Code
19 and on the day of the expiration of delay the period shall
20 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 two way audio video communication system unless~~
24 ~~the accused waives the right to be present physically in~~
25 ~~court, the court determines that the physical health and~~
26 ~~safety of any person necessary to the proceedings would be~~

1 ~~endangered by appearing in court, or the chief judge of the~~
2 ~~circuit orders use of that system due to operational~~
3 ~~challenges in conducting the hearing in person. Such~~
4 ~~operational challenges must be documented and approved by the~~
5 ~~chief judge of the circuit, and a plan to address the~~
6 ~~challenges through reasonable efforts must be presented and~~
7 ~~approved by the Administrative Office of the Illinois Courts~~
8 ~~every 6 months.~~

9 ~~(g) Defense counsel shall be given adequate opportunity to~~
10 ~~confer with the defendant prior to any hearing in which~~
11 ~~conditions of release or the detention of the defendant is to~~
12 ~~be considered, with a physical accommodation made to~~
13 ~~facilitate attorney/client consultation. If defense counsel~~
14 ~~needs to confer or consult with the defendant during any~~
15 ~~hearing conducted via a two way audio visual communication~~
16 ~~system, such consultation shall not be recorded and shall be~~
17 ~~undertaken consistent with constitutional protections.~~

18 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
19 102-1104, eff. 1-1-23.)

20 (725 ILCS 5/109-2) (from Ch. 38, par. 109-2)

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

22 (a) Any person arrested in a county other than the one in
23 which a warrant for his arrest was issued shall be taken
24 without unnecessary delay before the nearest and most
25 accessible judge in the county where the arrest was made or, if

1 no additional delay is created, before the nearest and most
2 accessible judge in the county from which the warrant was
3 issued. He shall be admitted to bail in the amount specified in
4 the warrant or, for offenses other than felonies, in an amount
5 as set by the judge, and such bail shall be conditioned on his
6 appearing in the court issuing the warrant on a certain date.
7 The judge may hold a hearing to determine if the defendant is
8 the same person as named in the warrant.

9 (b) Notwithstanding the provisions of subsection (a), any
10 person arrested in a county other than the one in which a
11 warrant for his arrest was issued, may waive the right to be
12 taken before a judge in the county where the arrest was made.
13 If a person so arrested waives such right, the arresting
14 agency shall surrender such person to a law enforcement agency
15 of the county that issued the warrant without unnecessary
16 delay. The provisions of Section 109-1 shall then apply to the
17 person so arrested.

18 ~~(c) If a person is taken before a judge in any county and a~~
19 ~~warrant for arrest issued by another Illinois county exists~~
20 ~~for that person, the court in the arresting county shall hold~~
21 ~~for that person a detention hearing under Section 110-6.1, or~~
22 ~~other hearing under Section 110-5 or Section 110-6.~~

23 ~~(d) After the court in the arresting county has determined~~
24 ~~whether the person shall be released or detained on the~~
25 ~~arresting offense, the court shall then order the sheriff to~~
26 ~~immediately contact the sheriff in any county where any~~

1 ~~warrant is outstanding and notify them of the arrest of the~~
2 ~~individual.~~

3 ~~(c) If a person has a warrant in another county for an~~
4 ~~offense, then, no later than 5 calendar days after the end of~~
5 ~~any detention issued on the charge in the arresting county,~~
6 ~~the county where the warrant is outstanding shall do one of the~~
7 ~~following:~~

8 ~~(1) transport the person to the county where the~~
9 ~~warrant was issued for a hearing under Section 110-6 or~~
10 ~~110-6.1 in the matter for which the warrant was issued; or~~

11 ~~(2) quash the warrant and order the person released on~~
12 ~~the case for which the warrant was issued only when the~~
13 ~~county that issued the warrant fails to transport the~~
14 ~~defendant in the timeline as proscribed.~~

15 ~~(f) If the issuing county fails to take any action under~~
16 ~~subsection (c) within 5 calendar days, the defendant shall be~~
17 ~~released from custody on the warrant, and the circuit judge or~~
18 ~~associate circuit judge in the county of arrest shall set~~
19 ~~conditions of release under Section 110-5 and shall admit the~~
20 ~~defendant to pretrial release for his or her appearance before~~
21 ~~the court named in the warrant. Upon releasing the defendant,~~
22 ~~the circuit judge or associate circuit judge shall certify~~
23 ~~such a fact on the warrant and deliver the warrant and the~~
24 ~~acknowledgment by the defendant of his or her receiving the~~
25 ~~conditions of pretrial release to the officer having charge of~~
26 ~~the defendant from arrest and without delay deliver such~~

1 ~~warrant and such acknowledgment by the defendant of his or her~~
2 ~~receiving the conditions to the court before which the~~
3 ~~defendant is required to appear.~~

4 ~~(g) If a person has a warrant in another county, in lieu of~~
5 ~~transporting the person to the issuing county as outlined in~~
6 ~~subsection (e), the issuing county may hold the hearing by way~~
7 ~~of a two way audio visual communication system if the accused~~
8 ~~waives the right to be physically present in court, the court~~
9 ~~determines that the physical health and safety of any person~~
10 ~~necessary to the proceedings would be endangered by appearing~~
11 ~~in court, or the chief judge of the circuit orders use of that~~
12 ~~system due to operational challenges in conducting the hearing~~
13 ~~in person. Such operational challenges must be documented and~~
14 ~~approved by the chief judge of the circuit, and a plan to~~
15 ~~address the challenges through reasonable efforts must be~~
16 ~~presented and approved by the Administrative Office of the~~
17 ~~Illinois Courts every 6 months.~~

18 ~~(h) If more than 2 Illinois county warrants exist, the~~
19 ~~judge in the county of arrest shall order that the process~~
20 ~~described in subsections (d) through (f) occur in each county~~
21 ~~in whatever order the judge finds most appropriate. Each judge~~
22 ~~in each subsequent county shall then follow the rules in this~~
23 ~~Section.~~

24 ~~(i) This Section applies only to warrants issued by~~
25 ~~Illinois state, county, or municipal courts.~~

26 ~~(j) When an issuing agency is contacted by an out of state~~

1 ~~agency of a person arrested for any offense, or when an~~
2 ~~arresting agency is contacted by or contacts an out-of-state~~
3 ~~issuing agency, the Uniform Criminal Extradition Act shall~~
4 ~~govern.~~

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

6 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

7 Sec. 109-3. Preliminary examination.

8 (a) The judge shall hold the defendant to answer to the
9 court having jurisdiction of the offense if from the evidence
10 it appears there is probable cause to believe an offense has
11 been committed by the defendant, as provided in Section
12 109-3.1 of this Code, if the offense is a felony.

13 (b) If the defendant waives preliminary examination the
14 judge shall hold him to answer and may, or on the demand of the
15 prosecuting attorney shall, cause the witnesses for the State
16 to be examined. After hearing the testimony if it appears that
17 there is not probable cause to believe the defendant guilty of
18 any offense the judge shall discharge him.

19 (c) During the examination of any witness or when the
20 defendant is making a statement or testifying the judge may
21 and on the request of the defendant or State shall exclude all
22 other witnesses. He may also cause the witnesses to be kept
23 separate and to be prevented from communicating with each
24 other until all are examined.

25 (d) If the defendant is held to answer the judge may

1 require any material witness for the State or defendant to
2 enter into a written undertaking to appear at the trial, and
3 may provide for the forfeiture of a sum certain in the event
4 the witness does not appear at the trial. Any witness who
5 refuses to execute a recognizance may be committed by the
6 judge to the custody of the sheriff until trial or further
7 order of the court having jurisdiction of the cause. Any
8 witness who executes a recognizance and fails to comply with
9 its terms shall, in addition to any forfeiture provided in the
10 recognizance, be subject to the penalty provided in Section
11 32-10 of the Criminal Code of 2012 for violation of bail bond
12 ~~commits a Class C misdemeanor.~~

13 (e) During preliminary hearing or examination the
14 defendant may move for an order of suppression of evidence
15 pursuant to Section 114-11 or 114-12 of this Act or for other
16 reasons, and may move for dismissal of the charge pursuant to
17 Section 114-1 of this Act or for other reasons.

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

19 (725 ILCS 5/109-3.1) (from Ch. 38, par. 109-3.1)

20 Sec. 109-3.1. Persons charged with felonies.

21 (a) In any case involving a person charged with a felony in
22 this State, alleged to have been committed on or after January
23 1, 1984, the provisions of this Section shall apply.

24 (b) Every person in custody in this State for the alleged
25 commission of a felony shall receive either a preliminary

1 examination as provided in Section 109-3 or an indictment by
2 Grand Jury as provided in Section 111-2, within 30 days from
3 the date he or she was taken into custody. Every person on bail
4 or recognizance ~~released pretrial~~ for the alleged commission
5 of a felony shall receive either a preliminary examination as
6 provided in Section 109-3 or an indictment by Grand Jury as
7 provided in Section 111-2, within 60 days from the date he or
8 she was arrested.

9 The provisions of this paragraph shall not apply in the
10 following situations:

11 (1) when delay is occasioned by the defendant; or

12 (2) when the defendant has been indicted by the Grand
13 Jury on the felony offense for which he or she was
14 initially taken into custody or on an offense arising from
15 the same transaction or conduct of the defendant that was
16 the basis for the felony offense or offenses initially
17 charged; or

18 (3) when a competency examination is ordered by the
19 court; or

20 (4) when a competency hearing is held; or

21 (5) when an adjudication of incompetency for trial has
22 been made; or

23 (6) when the case has been continued by the court
24 under Section 114-4 of this Code after a determination
25 that the defendant is physically incompetent to stand
26 trial.

1 (c) Delay occasioned by the defendant shall temporarily
2 suspend, for the time of the delay, the period within which the
3 preliminary examination must be held. On the day of expiration
4 of the delay the period in question shall continue at the point
5 at which it was suspended.

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

7 (725 ILCS 5/Art. 110 heading)

8 ARTICLE 110. ~~PRETRIAL RELEASE~~ BAIL

9 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

10 Sec. 110-1. Definitions. As used in this Article:

11 (a) "Security" is that which is required to be pledged to
12 insure the payment of bail.

13 (b) "Sureties" encompasses the monetary and nonmonetary
14 requirements set by the court as conditions for release either
15 before or after conviction. "Surety" is one who executes a
16 bail bond and binds himself to pay the bail if the person in
17 custody fails to comply with all conditions of the bail bond.

18 (c) The phrase "for which a sentence of imprisonment,
19 without conditional and revocable release, shall be imposed by
20 law as a consequence of conviction" means an offense for which
21 a sentence of imprisonment ~~in the Department of Corrections,~~
22 without probation, periodic imprisonment or conditional
23 discharge, is required by law upon conviction.

24 (d) "Real and present threat to the physical safety of any

1 person or persons", as used in this Article, includes a threat
2 to the community, person, persons or class of persons.

3 ~~(Blank).~~

4 ~~(c) "Protective order" means any order of protection~~
5 ~~issued under Section 112A 14 of this Code or the Illinois~~
6 ~~Domestic Violence Act of 1986, a stalking no contact order~~
7 ~~issued under Section 80 of the Stalking No Contact Order Act,~~
8 ~~or a civil no contact order issued under Section 213 of the~~
9 ~~Civil No Contact Order Act.~~

10 ~~(f) "Willful flight" means intentional conduct with a~~
11 ~~purpose to thwart the judicial process to avoid prosecution.~~
12 ~~Isolated instances of nonappearance in court alone are not~~
13 ~~evidence of the risk of willful flight. Reoccurrence and~~
14 ~~patterns of intentional conduct to evade prosecution, along~~
15 ~~with any affirmative steps to communicate or remedy any such~~
16 ~~missed court date, may be considered as factors in assessing~~
17 ~~future intent to evade prosecution.~~

18 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
19 102-1104, eff. 1-1-23; revised 12-13-22.)

20 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

21 Sec. 110-2. Release on own recognizance ~~Pretrial release.~~
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 that he or she must comply with the provisions of
4 Section 110-12 of this Code regarding any change in his or her
5 address, the defendant may be released on his or her own
6 recognizance. The defendant's address shall at all times
7 remain a matter of public record with the clerk of the court. A
8 failure to appear as required by such recognizance shall
9 constitute an offense subject to the penalty provided in
10 Section 32-10 of the Criminal Code of 2012 for violation of the
11 bail bond, and any obligated sum fixed in the recognizance
12 shall be forfeited and collected in accordance with subsection
13 (g) of Section 110-7 of this Code.

14 This Section shall be liberally construed to effectuate
15 the purpose of relying upon contempt of court proceedings or
16 criminal sanctions instead of financial loss to assure the
17 appearance of the defendant, and that the defendant will not
18 pose a danger to any person or the community and that the
19 defendant will comply with all conditions of bond. Monetary
20 bail should be set only when it is determined that no other
21 conditions of release will reasonably assure the defendant's
22 appearance in court, that the defendant does not present a
23 danger to any person or the community and that the defendant
24 will comply with all conditions of bond.

25 The State may appeal any order permitting release by
26 personal recognizance.

1 ~~(a) All persons charged with an offense shall be eligible~~
2 ~~for pretrial release before conviction. It is presumed that a~~
3 ~~defendant is entitled to release on personal recognizance on~~
4 ~~the condition that the defendant attend all required court~~
5 ~~proceedings and the defendant does not commit any criminal~~
6 ~~offense, and complies with all terms of pretrial release,~~
7 ~~including, but not limited to, orders of protection under both~~
8 ~~Section 112A 4 of this Code and Section 214 of the Illinois~~
9 ~~Domestic Violence Act of 1986, all civil no contact orders,~~
10 ~~and all stalking no contact orders. Pretrial release may be~~
11 ~~denied only if a person is charged with an offense listed in~~
12 ~~Section 110 6.1 and after the court has held a hearing under~~
13 ~~Section 110 6.1, and in a manner consistent with subsections~~
14 ~~(b), (c), and (d) of this Section.~~

15 ~~(b) At all pretrial hearings, the prosecution shall have~~
16 ~~the burden to prove by clear and convincing evidence that any~~
17 ~~condition of release is necessary.~~

18 ~~(c) When it is alleged that pretrial release should be~~
19 ~~denied to a person upon the grounds that the person presents a~~
20 ~~real and present threat to the safety of any person or persons~~
21 ~~or the community, based on the specific articulable facts of~~
22 ~~the case, the burden of proof of such allegations shall be upon~~
23 ~~the State.~~

24 ~~(d) When it is alleged that pretrial release should be~~
25 ~~denied to a person charged with stalking or aggravated~~
26 ~~stalking upon the grounds set forth in Section 110 6.3, the~~

1 ~~burden of proof of those allegations shall be upon the State.~~

2 ~~(c) This Section shall be liberally construed to~~
3 ~~effectuate the purpose of relying on pretrial release by~~
4 ~~nonmonetary means to reasonably ensure an eligible person's~~
5 ~~appearance in court, the protection of the safety of any other~~
6 ~~person or the community, that the person will not attempt or~~
7 ~~obstruct the criminal justice process, and the person's~~
8 ~~compliance with all conditions of release, while authorizing~~
9 ~~the court, upon motion of a prosecutor, to order pretrial~~
10 ~~detention of the person under Section 110-6.1 when it finds~~
11 ~~clear and convincing evidence that no condition or combination~~
12 ~~of conditions can reasonably ensure the effectuation of these~~
13 ~~goals.~~

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

15 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

16 Sec. 110-3. Issuance of warrant Options for warrant
17 alternatives. Upon failure to comply with any condition of a
18 bail bond or recognizance the court having jurisdiction at the
19 time of such failure may, in addition to any other action
20 provided by law, issue a warrant for the arrest of the person
21 at liberty on bail or his own recognizance. The contents of
22 such a warrant shall be the same as required for an arrest
23 warrant issued upon complaint. When a defendant is at liberty
24 on bail or his own recognizance on a felony charge and fails to
25 appear in court as directed, the court shall issue a warrant

1 for the arrest of such person. Such warrant shall be noted with
2 a directive to peace officers to arrest the person and hold
3 such person without bail and to deliver such person before the
4 court for further proceedings.

5 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 ~~(a) Upon failure to comply with any condition of pretrial~~
10 ~~release, the court having jurisdiction at the time of such~~
11 ~~failure may, on its own motion or upon motion from the State,~~
12 ~~issue a summons or a warrant for the arrest of the person at~~
13 ~~liberty on pretrial release. This Section shall be construed~~
14 ~~to effectuate the goal of relying upon summonses rather than~~
15 ~~warrants to ensure the appearance of the defendant in court~~
16 ~~whenever possible. The contents of such a summons or warrant~~
17 ~~shall be the same as required for those issued upon complaint~~
18 ~~under Section 107-9.~~

19 ~~(b) A defendant who appears in court on the date assigned~~
20 ~~or within 48 hours of service, whichever is later, in response~~
21 ~~to a summons issued for failure to appear in court, shall not~~
22 ~~be recorded in the official docket as having failed to appear~~
23 ~~on the initial missed court date. If a person fails to appear~~
24 ~~in court on the date listed on the summons, the court may issue~~
25 ~~a warrant for the person's arrest.~~

26 ~~(c) For the purpose of any risk assessment or future~~

1 ~~evaluation of risk of willful flight or risk of failure to~~
2 ~~appear, a nonappearance in court cured by an appearance in~~
3 ~~response to a summons shall not be considered as evidence of~~
4 ~~future likelihood of appearance in court.~~

5 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;
6 102-1104, eff. 1-1-23.)

7 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

10 (a) In determining the amount of monetary bail or
11 conditions of release, if any, which will reasonably assure
12 the appearance of a defendant as required or the safety of any
13 other person or the community and the likelihood of compliance
14 by the defendant with all the conditions of bail, the court
15 shall, on the basis of available information, take into
16 account such matters as the nature and circumstances of the
17 offense charged, whether the evidence shows that as part of
18 the offense there was a use of violence or threatened use of
19 violence, whether the offense involved corruption of public
20 officials or employees, whether there was physical harm or
21 threats of physical harm to any public official, public
22 employee, judge, prosecutor, juror or witness, senior citizen,
23 child, or person with a disability, whether evidence shows
24 that during the offense or during the arrest the defendant
25 possessed or used a firearm, machine gun, explosive or metal

1 piercing ammunition or explosive bomb device or any military
2 or paramilitary armament, whether the evidence shows that the
3 offense committed was related to or in furtherance of the
4 criminal activities of an organized gang or was motivated by
5 the defendant's membership in or allegiance to an organized
6 gang, the condition of the victim, any written statement
7 submitted by the victim or proffer or representation by the
8 State regarding the impact which the alleged criminal conduct
9 has had on the victim and the victim's concern, if any, with
10 further contact with the defendant if released on bail,
11 whether the offense was based on racial, religious, sexual
12 orientation or ethnic hatred, the likelihood of the filing of
13 a greater charge, the likelihood of conviction, the sentence
14 applicable upon conviction, the weight of the evidence against
15 such defendant, whether there exists motivation or ability to
16 flee, whether there is any verification as to prior residence,
17 education, or family ties in the local jurisdiction, in
18 another county, state or foreign country, the defendant's
19 employment, financial resources, character and mental
20 condition, past conduct, prior use of alias names or dates of
21 birth, and length of residence in the community, the consent
22 of the defendant to periodic drug testing in accordance with
23 Section 110-6.5, whether a foreign national defendant is
24 lawfully admitted in the United States of America, whether the
25 government of the foreign national maintains an extradition
26 treaty with the United States by which the foreign government

1 will extradite to the United States its national for a trial
2 for a crime allegedly committed in the United States, whether
3 the defendant is currently subject to deportation or exclusion
4 under the immigration laws of the United States, whether the
5 defendant, although a United States citizen, is considered
6 under the law of any foreign state a national of that state for
7 the purposes of extradition or non-extradition to the United
8 States, the amount of unrecovered proceeds lost as a result of
9 the alleged offense, the source of bail funds tendered or
10 sought to be tendered for bail, whether from the totality of
11 the court's consideration, the loss of funds posted or sought
12 to be posted for bail will not deter the defendant from flight,
13 whether the evidence shows that the defendant is engaged in
14 significant possession, manufacture, or delivery of a
15 controlled substance or cannabis, either individually or in
16 consort with others, whether at the time of the offense
17 charged he or she was on bond or pre-trial release pending
18 trial, probation, periodic imprisonment or conditional
19 discharge pursuant to this Code or the comparable Code of any
20 other state or federal jurisdiction, whether the defendant is
21 on bond or pre-trial release pending the imposition or
22 execution of sentence or appeal of sentence for any offense
23 under the laws of Illinois or any other state or federal
24 jurisdiction, whether the defendant is under parole, aftercare
25 release, mandatory supervised release, or work release from
26 the Illinois Department of Corrections or Illinois Department

1 of Juvenile Justice or any penal institution or corrections
2 department of any state or federal jurisdiction, the
3 defendant's record of convictions, whether the defendant has
4 been convicted of a misdemeanor or ordinance offense in
5 Illinois or similar offense in other state or federal
6 jurisdiction within the 10 years preceding the current charge
7 or convicted of a felony in Illinois, whether the defendant
8 was convicted of an offense in another state or federal
9 jurisdiction that would be a felony if committed in Illinois
10 within the 20 years preceding the current charge or has been
11 convicted of such felony and released from the penitentiary
12 within 20 years preceding the current charge if a penitentiary
13 sentence was imposed in Illinois or other state or federal
14 jurisdiction, the defendant's records of juvenile adjudication
15 of delinquency in any jurisdiction, any record of appearance
16 or failure to appear by the defendant at court proceedings,
17 whether there was flight to avoid arrest or prosecution,
18 whether the defendant escaped or attempted to escape to avoid
19 arrest, whether the defendant refused to identify himself or
20 herself, or whether there was a refusal by the defendant to be
21 fingerprinted as required by law. Information used by the
22 court in its findings or stated in or offered in connection
23 with this Section may be by way of proffer based upon reliable
24 information offered by the State or defendant. All evidence
25 shall be admissible if it is relevant and reliable regardless
26 of whether it would be admissible under the rules of evidence

1 applicable at criminal trials. If the State presents evidence
2 that the offense committed by the defendant was related to or
3 in furtherance of the criminal activities of an organized gang
4 or was motivated by the defendant's membership in or
5 allegiance to an organized gang, and if the court determines
6 that the evidence may be substantiated, the court shall
7 prohibit the defendant from associating with other members of
8 the organized gang as a condition of bail or release. For the
9 purposes of this Section, "organized gang" has the meaning
10 ascribed to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 (a-5) There shall be a presumption that any conditions of
13 release imposed shall be non-monetary in nature and the court
14 shall impose the least restrictive conditions or combination
15 of conditions necessary to reasonably assure the appearance of
16 the defendant for further court proceedings and protect the
17 integrity of the judicial proceedings from a specific threat
18 to a witness or participant. Conditions of release may
19 include, but not be limited to, electronic home monitoring,
20 curfews, drug counseling, stay-away orders, and in-person
21 reporting. The court shall consider the defendant's
22 socio-economic circumstance when setting conditions of release
23 or imposing monetary bail.

24 (b) The amount of bail shall be:

25 (1) Sufficient to assure compliance with the
26 conditions set forth in the bail bond, which shall include

1 the defendant's current address with a written
2 admonishment to the defendant that he or she must comply
3 with the provisions of Section 110-12 regarding any change
4 in his or her address. The defendant's address shall at
5 all times remain a matter of public record with the clerk
6 of the court.

7 (2) Not oppressive.

8 (3) Considerate of the financial ability of the
9 accused.

10 (4) When a person is charged with a drug related
11 offense involving possession or delivery of cannabis or
12 possession or delivery of a controlled substance as
13 defined in the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act, the full street value of the
16 drugs seized shall be considered. "Street value" shall be
17 determined by the court on the basis of a proffer by the
18 State based upon reliable information of a law enforcement
19 official contained in a written report as to the amount
20 seized and such proffer may be used by the court as to the
21 current street value of the smallest unit of the drug
22 seized.

23 (b-5) Upon the filing of a written request demonstrating
24 reasonable cause, the State's Attorney may request a source of
25 bail hearing either before or after the posting of any funds.
26 If the hearing is granted, before the posting of any bail, the

1 accused must file a written notice requesting that the court
2 conduct a source of bail hearing. The notice must be
3 accompanied by justifying affidavits stating the legitimate
4 and lawful source of funds for bail. At the hearing, the court
5 shall inquire into any matters stated in any justifying
6 affidavits, and may also inquire into matters appropriate to
7 the determination which shall include, but are not limited to,
8 the following:

9 (1) the background, character, reputation, and
10 relationship to the accused of any surety; and

11 (2) the source of any money or property deposited by
12 any surety, and whether any such money or property
13 constitutes the fruits of criminal or unlawful conduct;
14 and

15 (3) the source of any money posted as cash bail, and
16 whether any such money constitutes the fruits of criminal
17 or unlawful conduct; and

18 (4) the background, character, reputation, and
19 relationship to the accused of the person posting cash
20 bail.

21 Upon setting the hearing, the court shall examine, under
22 oath, any persons who may possess material information.

23 The State's Attorney has a right to attend the hearing, to
24 call witnesses and to examine any witness in the proceeding.
25 The court shall, upon request of the State's Attorney,
26 continue the proceedings for a reasonable period to allow the

1 State's Attorney to investigate the matter raised in any
2 testimony or affidavit. If the hearing is granted after the
3 accused has posted bail, the court shall conduct a hearing
4 consistent with this subsection (b-5). At the conclusion of
5 the hearing, the court must issue an order either approving or
6 disapproving the bail.

7 (c) When a person is charged with an offense punishable by
8 fine only the amount of the bail shall not exceed double the
9 amount of the maximum penalty.

10 (d) When a person has been convicted of an offense and only
11 a fine has been imposed the amount of the bail shall not exceed
12 double the amount of the fine.

13 (e) The State may appeal any order granting bail or
14 setting a given amount for bail.

15 (f) When a person is charged with a violation of an order
16 of protection under Section 12-3.4 or 12-30 of the Criminal
17 Code of 1961 or the Criminal Code of 2012 or when a person is
18 charged with domestic battery, aggravated domestic battery,
19 kidnapping, aggravated kidnaping, unlawful restraint,
20 aggravated unlawful restraint, stalking, aggravated stalking,
21 cyberstalking, harassment by telephone, harassment through
22 electronic communications, or an attempt to commit first
23 degree murder committed against an intimate partner regardless
24 whether an order of protection has been issued against the
25 person,

26 (1) whether the alleged incident involved harassment

1 or abuse, as defined in the Illinois Domestic Violence Act
2 of 1986;

3 (2) whether the person has a history of domestic
4 violence, as defined in the Illinois Domestic Violence
5 Act, or a history of other criminal acts;

6 (3) based on the mental health of the person;

7 (4) whether the person has a history of violating the
8 orders of any court or governmental entity;

9 (5) whether the person has been, or is, potentially a
10 threat to any other person;

11 (6) whether the person has access to deadly weapons or
12 a history of using deadly weapons;

13 (7) whether the person has a history of abusing
14 alcohol or any controlled substance;

15 (8) based on the severity of the alleged incident that
16 is the basis of the alleged offense, including, but not
17 limited to, the duration of the current incident, and
18 whether the alleged incident involved the use of a weapon,
19 physical injury, sexual assault, strangulation, abuse
20 during the alleged victim's pregnancy, abuse of pets, or
21 forcible entry to gain access to the alleged victim;

22 (9) whether a separation of the person from the
23 alleged victim or a termination of the relationship
24 between the person and the alleged victim has recently
25 occurred or is pending;

26 (10) whether the person has exhibited obsessive or

1 controlling behaviors toward the alleged victim,
2 including, but not limited to, stalking, surveillance, or
3 isolation of the alleged victim or victim's family member
4 or members;

5 (11) whether the person has expressed suicidal or
6 homicidal ideations;

7 (12) based on any information contained in the
8 complaint and any police reports, affidavits, or other
9 documents accompanying the complaint,

10 the court may, in its discretion, order the respondent to
11 undergo a risk assessment evaluation using a recognized,
12 evidence-based instrument conducted by an Illinois Department
13 of Human Services approved partner abuse intervention program
14 provider, pretrial service, probation, or parole agency. These
15 agencies shall have access to summaries of the defendant's
16 criminal history, which shall not include victim interviews or
17 information, for the risk evaluation. Based on the information
18 collected from the 12 points to be considered at a bail hearing
19 under this subsection (f), the results of any risk evaluation
20 conducted and the other circumstances of the violation, the
21 court may order that the person, as a condition of bail, be
22 placed under electronic surveillance as provided in Section
23 5-8A-7 of the Unified Code of Corrections. Upon making a
24 determination whether or not to order the respondent to
25 undergo a risk assessment evaluation or to be placed under
26 electronic surveillance and risk assessment, the court shall

1 document in the record the court's reasons for making those
2 determinations. The cost of the electronic surveillance and
3 risk assessment shall be paid by, or on behalf, of the
4 defendant. As used in this subsection (f), "intimate partner"
5 means a spouse or a current or former partner in a cohabitation
6 or dating relationship.

7 ~~(a) In determining which conditions of pretrial release,~~
8 ~~if any, will reasonably ensure the appearance of a defendant~~
9 ~~as required or the safety of any other person or the community~~
10 ~~and the likelihood of compliance by the defendant with all the~~
11 ~~conditions of pretrial release, the court shall, on the basis~~
12 ~~of available information, take into account such matters as:~~

13 ~~(1) the nature and circumstances of the offense~~
14 ~~charged;~~

15 ~~(2) the weight of the evidence against the defendant,~~
16 ~~except that the court may consider the admissibility of~~
17 ~~any evidence sought to be excluded;~~

18 ~~(3) the history and characteristics of the defendant,~~
19 ~~including:~~

20 ~~(A) the defendant's character, physical and mental~~
21 ~~condition, family ties, employment, financial~~
22 ~~resources, length of residence in the community,~~
23 ~~community ties, past relating to drug or alcohol~~
24 ~~abuse, conduct, history criminal history, and record~~
25 ~~concerning appearance at court proceedings; and~~

26 ~~(B) whether, at the time of the current offense or~~

1 ~~arrest, the defendant was on probation, parole, or on~~
2 ~~other release pending trial, sentencing, appeal, or~~
3 ~~completion of sentence for an offense under federal~~
4 ~~law, or the law of this or any other state;~~

5 ~~(4) the nature and seriousness of the real and present~~
6 ~~threat to the safety of any person or persons or the~~
7 ~~community, based on the specific articulable facts of the~~
8 ~~case, that would be posed by the defendant's release, if~~
9 ~~applicable, as required under paragraph (7.5) of Section 4~~
10 ~~of the Rights of Crime Victims and Witnesses Act;~~

11 ~~(5) the nature and seriousness of the risk of~~
12 ~~obstructing or attempting to obstruct the criminal justice~~
13 ~~process that would be posed by the defendant's release, if~~
14 ~~applicable;~~

15 ~~(6) when a person is charged with a violation of a~~
16 ~~protective order, domestic battery, aggravated domestic~~
17 ~~battery, kidnapping, aggravated kidnaping, unlawful~~
18 ~~restraint, aggravated unlawful restraint, cyberstalking,~~
19 ~~harassment by telephone, harassment through electronic~~
20 ~~communications, or an attempt to commit first degree~~
21 ~~murder committed against a spouse or a current or former~~
22 ~~partner in a cohabitation or dating relationship,~~
23 ~~regardless of whether an order of protection has been~~
24 ~~issued against the person, the court may consider the~~
25 ~~following additional factors:~~

26 ~~(A) whether the alleged incident involved~~

1 ~~harassment or abuse, as defined in the Illinois~~
2 ~~Domestic Violence Act of 1986;~~

3 ~~(B) whether the person has a history of domestic~~
4 ~~violence, as defined in the Illinois Domestic Violence~~
5 ~~Act of 1986, or a history of other criminal acts;~~

6 ~~(C) the mental health of the person;~~

7 ~~(D) whether the person has a history of violating~~
8 ~~the orders of any court or governmental entity;~~

9 ~~(E) whether the person has been, or is,~~
10 ~~potentially a threat to any other person;~~

11 ~~(F) whether the person has access to deadly~~
12 ~~weapons or a history of using deadly weapons;~~

13 ~~(G) whether the person has a history of abusing~~
14 ~~alcohol or any controlled substance;~~

15 ~~(H) the severity of the alleged incident that is~~
16 ~~the basis of the alleged offense, including, but not~~
17 ~~limited to, the duration of the current incident, and~~
18 ~~whether the alleged incident involved the use of a~~
19 ~~weapon, physical injury, sexual assault,~~
20 ~~strangulation, abuse during the alleged victim's~~
21 ~~pregnancy, abuse of pets, or forcible entry to gain~~
22 ~~access to the alleged victim;~~

23 ~~(I) whether a separation of the person from the~~
24 ~~victim of abuse or a termination of the relationship~~
25 ~~between the person and the victim of abuse has~~
26 ~~recently occurred or is pending;~~

1 ~~(J) whether the person has exhibited obsessive or~~
2 ~~controlling behaviors toward the victim of abuse,~~
3 ~~including, but not limited to, stalking, surveillance,~~
4 ~~or isolation of the victim of abuse or the victim's~~
5 ~~family member or members;~~

6 ~~(K) whether the person has expressed suicidal or~~
7 ~~homicidal ideations; and~~

8 ~~(L) any other factors deemed by the court to have a~~
9 ~~reasonable bearing upon the defendant's propensity or~~
10 ~~reputation for violent, abusive, or assaultive~~
11 ~~behavior, or lack of that behavior.~~

12 ~~(7) in cases of stalking or aggravated stalking under~~
13 ~~Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the~~
14 ~~court may consider the factors listed in paragraph (6) and~~
15 ~~the following additional factors:~~

16 ~~(A) any evidence of the defendant's prior criminal~~
17 ~~history indicative of violent, abusive or assaultive~~
18 ~~behavior, or lack of that behavior; the evidence may~~
19 ~~include testimony or documents received in juvenile~~
20 ~~proceedings, criminal, quasi-criminal, civil~~
21 ~~commitment, domestic relations, or other proceedings;~~

22 ~~(B) any evidence of the defendant's psychological,~~
23 ~~psychiatric, or other similar social history that~~
24 ~~tends to indicate a violent, abusive, or assaultive~~
25 ~~nature, or lack of any such history;~~

26 ~~(C) the nature of the threat that is the basis of~~

1 ~~the charge against the defendant;~~

2 ~~(D) any statements made by, or attributed to, the~~
3 ~~defendant, together with the circumstances surrounding~~
4 ~~them;~~

5 ~~(E) the age and physical condition of any person~~
6 ~~allegedly assaulted by the defendant;~~

7 ~~(F) whether the defendant is known to possess or~~
8 ~~have access to any weapon or weapons; and~~

9 ~~(G) any other factors deemed by the court to have a~~
10 ~~reasonable bearing upon the defendant's propensity or~~
11 ~~reputation for violent, abusive, or assaultive~~
12 ~~behavior, or lack of that behavior.~~

13 ~~(b) The court may use a regularly validated risk~~
14 ~~assessment tool to aid its determination of appropriate~~
15 ~~conditions of release as provided under Section 110-6.4. If a~~
16 ~~risk assessment tool is used, the defendant's counsel shall be~~
17 ~~provided with the information and scoring system of the risk~~
18 ~~assessment tool used to arrive at the determination. The~~
19 ~~defendant retains the right to challenge the validity of a~~
20 ~~risk assessment tool used by the court and to present evidence~~
21 ~~relevant to the defendant's challenge.~~

22 ~~(c) The court shall impose any conditions that are~~
23 ~~mandatory under subsection (a) of Section 110-10. The court~~
24 ~~may impose any conditions that are permissible under~~
25 ~~subsection (b) of Section 110-10. The conditions of release~~
26 ~~imposed shall be the least restrictive conditions or~~

1 ~~combination of conditions necessary to reasonably ensure the~~
2 ~~appearance of the defendant as required or the safety of any~~
3 ~~other person or persons or the community.~~

4 ~~(d) When a person is charged with a violation of a~~
5 ~~protective order, the court may order the defendant placed~~
6 ~~under electronic surveillance as a condition of pretrial~~
7 ~~release, as provided in Section 5-8A-7 of the Unified Code of~~
8 ~~Corrections, based on the information collected under~~
9 ~~paragraph (6) of subsection (a) of this Section, the results~~
10 ~~of any assessment conducted, or other circumstances of the~~
11 ~~violation.~~

12 ~~(e) If a person remains in pretrial detention 48 hours~~
13 ~~after having been ordered released with pretrial conditions,~~
14 ~~the court shall hold a hearing to determine the reason for~~
15 ~~continued detention. If the reason for continued detention is~~
16 ~~due to the unavailability or the defendant's ineligibility for~~
17 ~~one or more pretrial conditions previously ordered by the~~
18 ~~court or directed by a pretrial services agency, the court~~
19 ~~shall reopen the conditions of release hearing to determine~~
20 ~~what available pretrial conditions exist that will reasonably~~
21 ~~ensure the appearance of a defendant as required, the safety~~
22 ~~of any other person, and the likelihood of compliance by the~~
23 ~~defendant with all the conditions of pretrial release. The~~
24 ~~inability of the defendant to pay for a condition of release or~~
25 ~~any other ineligibility for a condition of pretrial release~~
26 ~~shall not be used as a justification for the pretrial~~

1 ~~detention of that defendant.~~

2 ~~(f) Prior to the defendant's first appearance, and with~~
3 ~~sufficient time for meaningful attorney-client contact to~~
4 ~~gather information in order to advocate effectively for the~~
5 ~~defendant's pretrial release, the court shall appoint the~~
6 ~~public defender or a licensed attorney at law of this State to~~
7 ~~represent the defendant for purposes of that hearing, unless~~
8 ~~the defendant has obtained licensed counsel. Defense counsel~~
9 ~~shall have access to the same documentary information relied~~
10 ~~upon by the prosecution and presented to the court.~~

11 ~~(f-5) At each subsequent appearance of the defendant~~
12 ~~before the court, the judge must find that the current~~
13 ~~conditions imposed are necessary to reasonably ensure the~~
14 ~~appearance of the defendant as required, the safety of any~~
15 ~~other person, and the compliance of the defendant with all the~~
16 ~~conditions of pretrial release. The court is not required to~~
17 ~~be presented with new information or a change in circumstance~~
18 ~~to remove pretrial conditions.~~

19 ~~(g) Electronic monitoring, GPS monitoring, or home~~
20 ~~confinement can only be imposed as a condition of pretrial~~
21 ~~release if a no less restrictive condition of release or~~
22 ~~combination of less restrictive condition of release would~~
23 ~~reasonably ensure the appearance of the defendant for later~~
24 ~~hearings or protect an identifiable person or persons from~~
25 ~~imminent threat of serious physical harm.~~

26 ~~(h) If the court imposes electronic monitoring, GPS~~

1 ~~monitoring, or home confinement, the court shall set forth in~~
2 ~~the record the basis for its finding. A defendant shall be~~
3 ~~given custodial credit for each day he or she was subjected to~~
4 ~~home confinement, at the same rate described in subsection (b)~~
5 ~~of Section 5-4.5-100 of the Unified Code of Corrections. The~~
6 ~~court may give custodial credit to a defendant for each day the~~
7 ~~defendant was subjected to GPS monitoring without home~~
8 ~~confinement or electronic monitoring without home confinement.~~

9 ~~(i) If electronic monitoring, GPS monitoring, or home~~
10 ~~confinement is imposed, the court shall determine every 60~~
11 ~~days if no less restrictive condition of release or~~
12 ~~combination of less restrictive conditions of release would~~
13 ~~reasonably ensure the appearance, or continued appearance, of~~
14 ~~the defendant for later hearings or protect an identifiable~~
15 ~~person or persons from imminent threat of serious physical~~
16 ~~harm. If the court finds that there are less restrictive~~
17 ~~conditions of release, the court shall order that the~~
18 ~~condition be removed. This subsection takes effect January 1,~~
19 ~~2022.~~

20 ~~(j) Crime Victims shall be given notice by the State's~~
21 ~~Attorney's office of this hearing as required in paragraph (1)~~
22 ~~of subsection (b) of Section 4.5 of the Rights of Crime Victims~~
23 ~~and Witnesses Act and shall be informed of their opportunity~~
24 ~~at this hearing to obtain a protective order.~~

25 ~~(k) The State and defendants may appeal court orders~~
26 ~~imposing conditions of pretrial release.~~

1 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
2 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1104, eff.
3 1-1-23.)

4 (725 ILCS 5/110-5.2)

5 Sec. 110-5.2. Bail ~~Pretrial release~~; pregnant pre-trial
6 detainee.

7 (a) It is the policy of this State that a pre-trial
8 detainee shall not be required to deliver a child while in
9 custody absent a finding by the court that continued pre-trial
10 custody is necessary to protect the public or the victim of the
11 offense on which the charge is based ~~alleviate a real and~~
12 ~~present threat to the safety of any person or persons or the~~
13 ~~community, based on the specific articulable facts of the~~
14 ~~case, or prevent the defendant's willful flight.~~

15 (b) If the court reasonably believes that a pre-trial
16 detainee will give birth while in custody, the court shall
17 order an alternative to custody unless, after a hearing, the
18 court determines:

19 (1) that the release of the pregnant pre-trial
20 detainee would pose a real and present threat to the
21 physical safety of the alleged victim of the offense and
22 continuing custody is necessary to prevent the fulfillment
23 of the threat upon which the charge is based; or ~~the~~
24 ~~pregnant pretrial detainee is charged with an offense for~~
25 ~~which pretrial release may be denied under Section~~

1 ~~110-6.1; and~~

2 (2) that the release of the pregnant pre-trial
3 detainee would pose a real and present threat to the
4 physical safety of any person or persons or the general
5 public after a hearing under Section 110-6.1 that
6 considers the circumstances of the pregnancy, the court
7 determines that continued detention is the only way to
8 prevent a real and present threat to the safety of any
9 person or persons or the community, based on the specific
10 articulable facts of the case, or prevent the defendant's
11 willful flight.

12 (c) The court may order a pregnant or post-partum detainee
13 to be subject to electronic monitoring as a condition of
14 pre-trial release or order other condition or combination of
15 conditions the court reasonably determines are in the best
16 interest of the detainee and the public. Electronic Monitoring
17 may be ordered by the court only if no less restrictive
18 condition of release or combination of less restrictive
19 conditions of release would reasonably ensure the appearance,
20 or continued appearance, of the defendant for later hearings
21 or protect an identifiable person or persons from imminent
22 threat of serious physical harm. All pregnant people or those
23 who have given birth within 6 weeks shall be granted ample
24 movement to attend doctor's appointments and for emergencies
25 related to the health of the pregnancy, infant, or postpartum
26 person.

1 (d) This Section shall be applicable to a pregnant
2 pre-trial detainee in custody on or after the effective date
3 of this amendatory Act of the 100th General Assembly.

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

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

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

10 (a) Upon verified application by the State or the
11 defendant or on its own motion the court before which the
12 proceeding is pending may increase or reduce the amount of
13 bail or may alter the conditions of the bail bond or grant bail
14 where it has been previously revoked or denied. If bail has
15 been previously revoked pursuant to subsection (f) of this
16 Section or if bail has been denied to the defendant pursuant to
17 subsection (e) of Section 110-6.1 or subsection (e) of Section
18 110-6.3, the defendant shall be required to present a verified
19 application setting forth in detail any new facts not known or
20 obtainable at the time of the previous revocation or denial of
21 bail proceedings. If the court grants bail where it has been
22 previously revoked or denied, the court shall state on the
23 record of the proceedings the findings of facts and conclusion
24 of law upon which such order is based.

25 (a-5) In addition to any other available motion or

1 procedure under this Code, a person in custody solely for a
2 Category B offense due to an inability to post monetary bail
3 shall be brought before the court at the next available court
4 date or 7 calendar days from the date bail was set, whichever
5 is earlier, for a rehearing on the amount or conditions of bail
6 or release pending further court proceedings. The court may
7 reconsider conditions of release for any other person whose
8 inability to post monetary bail is the sole reason for
9 continued incarceration, including a person in custody for a
10 Category A offense or a Category A offense and a Category B
11 offense. The court may deny the rehearing permitted under this
12 subsection (a-5) if the person has failed to appear as
13 required before the court and is incarcerated based on a
14 warrant for failure to appear on the same original criminal
15 offense.

16 (b) Violation of the conditions of Section 110-10 of this
17 Code or any special conditions of bail as ordered by the court
18 shall constitute grounds for the court to increase the amount
19 of bail, or otherwise alter the conditions of bail, or, where
20 the alleged offense committed on bail is a forcible felony in
21 Illinois or a Class 2 or greater offense under the Illinois
22 Controlled Substances Act, the Cannabis Control Act, or the
23 Methamphetamine Control and Community Protection Act, revoke
24 bail pursuant to the appropriate provisions of subsection (e)
25 of this Section.

26 (c) Reasonable notice of such application by the defendant

1 shall be given to the State.

2 (d) Reasonable notice of such application by the State
3 shall be given to the defendant, except as provided in
4 subsection (e).

5 (e) Upon verified application by the State stating facts
6 or circumstances constituting a violation or a threatened
7 violation of any of the conditions of the bail bond the court
8 may issue a warrant commanding any peace officer to bring the
9 defendant without unnecessary delay before the court for a
10 hearing on the matters set forth in the application. If the
11 actual court before which the proceeding is pending is absent
12 or otherwise unavailable another court may issue a warrant
13 pursuant to this Section. When the defendant is charged with a
14 felony offense and while free on bail is charged with a
15 subsequent felony offense and is the subject of a proceeding
16 set forth in Section 109-1 or 109-3 of this Code, upon the
17 filing of a verified petition by the State alleging a
18 violation of Section 110-10 (a) (4) of this Code, the court
19 shall without prior notice to the defendant, grant leave to
20 file such application and shall order the transfer of the
21 defendant and the application without unnecessary delay to the
22 court before which the previous felony matter is pending for a
23 hearing as provided in subsection (b) or this subsection of
24 this Section. The defendant shall be held without bond pending
25 transfer to and a hearing before such court. At the conclusion
26 of the hearing based on a violation of the conditions of

1 Section 110-10 of this Code or any special conditions of bail
2 as ordered by the court the court may enter an order increasing
3 the amount of bail or alter the conditions of bail as deemed
4 appropriate.

5 (f) Where the alleged violation consists of the violation
6 of one or more felony statutes of any jurisdiction which would
7 be a forcible felony in Illinois or a Class 2 or greater
8 offense under the Illinois Controlled Substances Act, the
9 Cannabis Control Act, or the Methamphetamine Control and
10 Community Protection Act and the defendant is on bail for the
11 alleged commission of a felony, or where the defendant is on
12 bail for a felony domestic battery (enhanced pursuant to
13 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
14 or the Criminal Code of 2012), aggravated domestic battery,
15 aggravated battery, unlawful restraint, aggravated unlawful
16 restraint or domestic battery in violation of item (1) of
17 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
18 or the Criminal Code of 2012 against a family or household
19 member as defined in Section 112A-3 of this Code and the
20 violation is an offense of domestic battery against the same
21 victim the court shall, on the motion of the State or its own
22 motion, revoke bail in accordance with the following
23 provisions:

24 (1) The court shall hold the defendant without bail
25 pending the hearing on the alleged breach; however, if the
26 defendant is not admitted to bail the hearing shall be

1 commenced within 10 days from the date the defendant is
2 taken into custody or the defendant may not be held any
3 longer without bail, unless delay is occasioned by the
4 defendant. Where defendant occasions the delay, the
5 running of the 10 day period is temporarily suspended and
6 resumes at the termination of the period of delay. Where
7 defendant occasions the delay with 5 or fewer days
8 remaining in the 10 day period, the court may grant a
9 period of up to 5 additional days to the State for good
10 cause shown. The State, however, shall retain the right to
11 proceed to hearing on the alleged violation at any time,
12 upon reasonable notice to the defendant and the court.

13 (2) At a hearing on the alleged violation the State
14 has the burden of going forward and proving the violation
15 by clear and convincing evidence. The evidence shall be
16 presented in open court with the opportunity to testify,
17 to present witnesses in his behalf, and to cross-examine
18 witnesses if any are called by the State, and
19 representation by counsel and if the defendant is indigent
20 to have counsel appointed for him. The rules of evidence
21 applicable in criminal trials in this State shall not
22 govern the admissibility of evidence at such hearing.
23 Information used by the court in its findings or stated in
24 or offered in connection with hearings for increase or
25 revocation of bail may be by way of proffer based upon
26 reliable information offered by the State or defendant.

1 All evidence shall be admissible if it is relevant and
2 reliable regardless of whether it would be admissible
3 under the rules of evidence applicable at criminal trials.
4 A motion by the defendant to suppress evidence or to
5 suppress a confession shall not be entertained at such a
6 hearing. Evidence that proof may have been obtained as a
7 result of an unlawful search and seizure or through
8 improper interrogation is not relevant to this hearing.

9 (3) Upon a finding by the court that the State has
10 established by clear and convincing evidence that the
11 defendant has committed a forcible felony or a Class 2 or
12 greater offense under the Illinois Controlled Substances
13 Act, the Cannabis Control Act, or the Methamphetamine
14 Control and Community Protection Act while admitted to
15 bail, or where the defendant is on bail for a felony
16 domestic battery (enhanced pursuant to subsection (b) of
17 Section 12-3.2 of the Criminal Code of 1961 or the
18 Criminal Code of 2012), aggravated domestic battery,
19 aggravated battery, unlawful restraint, aggravated
20 unlawful restraint or domestic battery in violation of
21 item (1) of subsection (a) of Section 12-3.2 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 against
23 a family or household member as defined in Section 112A-3
24 of this Code and the violation is an offense of domestic
25 battery, against the same victim, the court shall revoke
26 the bail of the defendant and hold the defendant for trial

1 without bail. Neither the finding of the court nor any
2 transcript or other record of the hearing shall be
3 admissible in the State's case in chief, but shall be
4 admissible for impeachment, or as provided in Section
5 115-10.1 of this Code or in a perjury proceeding.

6 (4) If the bail of any defendant is revoked pursuant
7 to paragraph (f) (3) of this Section, the defendant may
8 demand and shall be entitled to be brought to trial on the
9 offense with respect to which he was formerly released on
10 bail within 90 days after the date on which his bail was
11 revoked. If the defendant is not brought to trial within
12 the 90 day period required by the preceding sentence, he
13 shall not be held longer without bail. In computing the 90
14 day period, the court shall omit any period of delay
15 resulting from a continuance granted at the request of the
16 defendant.

17 (5) If the defendant either is arrested on a warrant
18 issued pursuant to this Code or is arrested for an
19 unrelated offense and it is subsequently discovered that
20 the defendant is a subject of another warrant or warrants
21 issued pursuant to this Code, the defendant shall be
22 transferred promptly to the court which issued such
23 warrant. If, however, the defendant appears initially
24 before a court other than the court which issued such
25 warrant, the non-issuing court shall not alter the amount
26 of bail set on such warrant unless the court sets forth on

1 the record of proceedings the conclusions of law and facts
2 which are the basis for such altering of another court's
3 bond. The non-issuing court shall not alter another
4 court's bail set on a warrant unless the interests of
5 justice and public safety are served by such action.

6 (g) The State may appeal any order where the court has
7 increased or reduced the amount of bail or altered the
8 conditions of the bail bond or granted bail where it has
9 previously been revoked.

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

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

23 ~~Upon the filing of a petition or upon motion of the court~~
24 ~~seeking revocation, the court shall order the transfer of the~~
25 ~~defendant and the petition or motion to the court before which~~
26 ~~the previous felony or Class A misdemeanor is pending. The~~

1 ~~defendant may be held in custody pending transfer to and a~~
2 ~~hearing before such court. The defendant shall be transferred~~
3 ~~to the court before which the previous matter is pending~~
4 ~~without unnecessary delay, and the revocation hearing shall~~
5 ~~occur within 72 hours of the filing of the State's petition or~~
6 ~~the court's motion for revocation.~~

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

20 ~~The court before which the previous felony matter or Class~~
21 ~~A misdemeanor is pending may revoke the defendant's pretrial~~
22 ~~release after a hearing. During the hearing for revocation,~~
23 ~~the defendant shall be represented by counsel and have an~~
24 ~~opportunity to be heard regarding the violation and evidence~~
25 ~~in mitigation. The court shall consider all relevant~~
26 ~~circumstances, including, but not limited to, the nature and~~

1 ~~seriousness of the violation or criminal act alleged. The~~
2 ~~State shall bear the burden of proving, by clear and~~
3 ~~convincing evidence, that no condition or combination of~~
4 ~~conditions of release would reasonably ensure the appearance~~
5 ~~of the defendant for later hearings or prevent the defendant~~
6 ~~from being charged with a subsequent felony or Class A~~
7 ~~misdemeanor.~~

8 ~~In lieu of revocation, the court may release the defendant~~
9 ~~pre trial, with or without modification of conditions of~~
10 ~~pretrial release.~~

11 ~~If the case that caused the revocation is dismissed, the~~
12 ~~defendant is found not guilty in the case causing the~~
13 ~~revocation, or the defendant completes a lawfully imposed~~
14 ~~sentence on the case causing the revocation, the court shall,~~
15 ~~without unnecessary delay, hold a hearing on conditions of~~
16 ~~pretrial release pursuant to Section 110-5 and release the~~
17 ~~defendant with or without modification of conditions of~~
18 ~~pretrial release.~~

19 ~~Both the State and the defendant may appeal an order~~
20 ~~revoking pretrial release or denying a petition for revocation~~
21 ~~of release.~~

22 ~~(b) If a defendant previously has been granted pretrial~~
23 ~~release under this Section for a Class B or Class C misdemeanor~~
24 ~~offense, a petty or business offense, or an ordinance~~
25 ~~violation and if the defendant is subsequently charged with a~~
26 ~~felony that is alleged to have occurred during the defendant's~~

1 ~~pretrial release or a Class A misdemeanor offense that is~~
2 ~~alleged to have occurred during the defendant's pretrial~~
3 ~~release, such pretrial release may not be revoked, but the~~
4 ~~court may impose sanctions under subsection (c).~~

5 ~~(c) The court shall follow the procedures set forth in~~
6 ~~Section 110-3 to ensure the defendant's appearance in court if~~
7 ~~the defendant:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(3) (Blank); or~~

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

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

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

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

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

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

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

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

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

7 Sec. 110-6.1. Denial of bail in non-probationable felony
8 offenses ~~pretrial release.~~

9 (a) Upon verified petition by the State, the court shall
10 hold a hearing to determine whether bail should be denied to a
11 defendant who is charged with a felony offense for which a
12 sentence of imprisonment, without probation, periodic
13 imprisonment or conditional discharge, is required by law upon
14 conviction, when it is alleged that the defendant's admission
15 to bail poses a real and present threat to the physical safety
16 of any person or persons.

17 (1) A petition may be filed without prior notice to
18 the defendant at the first appearance before a judge, or
19 within the 21 calendar days, except as provided in Section
20 110-6, after arrest and release of the defendant upon
21 reasonable notice to defendant; provided that while such
22 petition is pending before the court, the defendant if
23 previously released shall not be detained.

24 (2) The hearing shall be held immediately upon the
25 defendant's appearance before the court, unless for good

1 cause shown the defendant or the State seeks a
2 continuance. A continuance on motion of the defendant may
3 not exceed 5 calendar days, and a continuance on the
4 motion of the State may not exceed 3 calendar days. The
5 defendant may be held in custody during such continuance.

6 (b) The court may deny bail to the defendant where, after
7 the hearing, it is determined that:

8 (1) the proof is evident or the presumption great that
9 the defendant has committed an offense for which a
10 sentence of imprisonment, without probation, periodic
11 imprisonment or conditional discharge, must be imposed by
12 law as a consequence of conviction, and

13 (2) the defendant poses a real and present threat to
14 the physical safety of any person or persons, by conduct
15 which may include, but is not limited to, a forcible
16 felony, the obstruction of justice, intimidation, injury,
17 physical harm, an offense under the Illinois Controlled
18 Substances Act which is a Class X felony, or an offense
19 under the Methamphetamine Control and Community Protection
20 Act which is a Class X felony, and

21 (3) the court finds that no condition or combination
22 of conditions set forth in subsection (b) of Section
23 110-10 of this Article, can reasonably assure the physical
24 safety of any other person or persons.

25 (c) Conduct of the hearings.

26 (1) The hearing on the defendant's culpability and

1 dangerousness shall be conducted in accordance with the
2 following provisions:

3 (A) Information used by the court in its findings or
4 stated in or offered at such hearing may be by way of
5 proffer based upon reliable information offered by the
6 State or by defendant. Defendant has the right to be
7 represented by counsel, and if he is indigent, to have
8 counsel appointed for him. Defendant shall have the
9 opportunity to testify, to present witnesses in his
10 own behalf, and to cross-examine witnesses if any are
11 called by the State. The defendant has the right to
12 present witnesses in his favor. When the ends of
13 justice so require, the court may exercise its
14 discretion and compel the appearance of a complaining
15 witness. The court shall state on the record reasons
16 for granting a defense request to compel the presence
17 of a complaining witness. Cross-examination of a
18 complaining witness at the pretrial detention hearing
19 for the purpose of impeaching the witness' credibility
20 is insufficient reason to compel the presence of the
21 witness. In deciding whether to compel the appearance
22 of a complaining witness, the court shall be
23 considerate of the emotional and physical well-being
24 of the witness. The pre-trial detention hearing is not
25 to be used for purposes of discovery, and the post
26 arraignment rules of discovery do not apply. The State

1 shall tender to the defendant, prior to the hearing,
2 copies of defendant's criminal history, if any, if
3 available, and any written or recorded statements and
4 the substance of any oral statements made by any
5 person, if relied upon by the State in its petition.
6 The rules concerning the admissibility of evidence in
7 criminal trials do not apply to the presentation and
8 consideration of information at the hearing. At the
9 trial concerning the offense for which the hearing was
10 conducted neither the finding of the court nor any
11 transcript or other record of the hearing shall be
12 admissible in the State's case in chief, but shall be
13 admissible for impeachment, or as provided in Section
14 115-10.1 of this Code, or in a perjury proceeding.

15 (B) A motion by the defendant to suppress evidence or
16 to suppress a confession shall not be entertained.
17 Evidence that proof may have been obtained as the
18 result of an unlawful search and seizure or through
19 improper interrogation is not relevant to this state
20 of the prosecution.

21 (2) The facts relied upon by the court to support a
22 finding that the defendant poses a real and present threat
23 to the physical safety of any person or persons shall be
24 supported by clear and convincing evidence presented by
25 the State.

26 (d) Factors to be considered in making a determination of

1 dangerousness. The court may, in determining whether the
2 defendant poses a real and present threat to the physical
3 safety of any person or persons, consider but shall not be
4 limited to evidence or testimony concerning:

5 (1) The nature and circumstances of any offense
6 charged, including whether the offense is a crime of
7 violence, involving a weapon.

8 (2) The history and characteristics of the defendant
9 including:

10 (A) Any evidence of the defendant's prior criminal
11 history indicative of violent, abusive or assaultive
12 behavior, or lack of such behavior. Such evidence may
13 include testimony or documents received in juvenile
14 proceedings, criminal, quasi-criminal, civil
15 commitment, domestic relations or other proceedings.

16 (B) Any evidence of the defendant's psychological,
17 psychiatric or other similar social history which
18 tends to indicate a violent, abusive, or assaultive
19 nature, or lack of any such history.

20 (3) The identity of any person or persons to whose
21 safety the defendant is believed to pose a threat, and the
22 nature of the threat;

23 (4) Any statements made by, or attributed to the
24 defendant, together with the circumstances surrounding
25 them;

26 (5) The age and physical condition of any person

1 assaulted by the defendant;

2 (6) Whether the defendant is known to possess or have
3 access to any weapon or weapons;

4 (7) Whether, at the time of the current offense or any
5 other offense or arrest, the defendant was on probation,
6 parole, aftercare release, mandatory supervised release or
7 other release from custody pending trial, sentencing,
8 appeal or completion of sentence for an offense under
9 federal or state law;

10 (8) Any other factors, including those listed in
11 Section 110-5 of this Article deemed by the court to have a
12 reasonable bearing upon the defendant's propensity or
13 reputation for violent, abusive or assaultive behavior, or
14 lack of such behavior.

15 (e) Detention order. The court shall, in any order for
16 detention:

17 (1) briefly summarize the evidence of the defendant's
18 culpability and its reasons for concluding that the
19 defendant should be held without bail;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his choice by visitation,
26 mail and telephone; and

1 (4) direct that the sheriff deliver the defendant as
2 required for appearances in connection with court
3 proceedings.

4 (f) If the court enters an order for the detention of the
5 defendant pursuant to subsection (e) of this Section, the
6 defendant shall be brought to trial on the offense for which he
7 is detained within 90 days after the date on which the order
8 for detention was entered. If the defendant is not brought to
9 trial within the 90 day period required by the preceding
10 sentence, he shall not be held longer without bail. In
11 computing the 90 day period, the court shall omit any period of
12 delay resulting from a continuance granted at the request of
13 the defendant.

14 (g) Rights of the defendant. Any person shall be entitled
15 to appeal any order entered under this Section denying bail to
16 the defendant.

17 (h) The State may appeal any order entered under this
18 Section denying any motion for denial of bail.

19 (i) Nothing in this Section shall be construed as
20 modifying or limiting in any way the defendant's presumption
21 of innocence in further criminal proceedings.

22 ~~(a) Upon verified petition by the State, the court shall~~
23 ~~hold a hearing and may deny a defendant pretrial release only~~
24 ~~if:~~

25 ~~(1) the defendant is charged with a felony offense~~
26 ~~other than a forcible felony for which, based on the~~

1 ~~charge or the defendant's criminal history, a sentence of~~
2 ~~imprisonment, without probation, periodic imprisonment or~~
3 ~~conditional discharge, is required by law upon conviction,~~
4 ~~and it is alleged that the defendant's pretrial release~~
5 ~~poses a real and present threat to the safety of any person~~
6 ~~or persons or the community, based on the specific~~
7 ~~articulable facts of the case;~~

8 ~~(1.5) the defendant's pretrial release poses a real~~
9 ~~and present threat to the safety of any person or persons~~
10 ~~or the community, based on the specific articulable facts~~
11 ~~of the case, and the defendant is charged with a forcible~~
12 ~~felony, which as used in this Section, means treason,~~
13 ~~first degree murder, second degree murder, predatory~~
14 ~~criminal sexual assault of a child, aggravated criminal~~
15 ~~sexual assault, criminal sexual assault, armed robbery,~~
16 ~~aggravated robbery, robbery, burglary where there is use~~
17 ~~of force against another person, residential burglary,~~
18 ~~home invasion, vehicular invasion, aggravated arson,~~
19 ~~arson, aggravated kidnaping, kidnaping, aggravated battery~~
20 ~~resulting in great bodily harm or permanent disability or~~
21 ~~disfigurement or any other felony which involves the~~
22 ~~threat of or infliction of great bodily harm or permanent~~
23 ~~disability or disfigurement;~~

24 ~~(2) the defendant is charged with stalking or~~
25 ~~aggravated stalking, and it is alleged that the~~
26 ~~defendant's pre trial release poses a real and present~~

1 ~~threat to the safety of a victim of the alleged offense,~~
2 ~~and denial of release is necessary to prevent fulfillment~~
3 ~~of the threat upon which the charge is based;~~

4 ~~(3) the defendant is charged with a violation of an~~
5 ~~order of protection issued under Section 112A-14 of this~~
6 ~~Code or Section 214 of the Illinois Domestic Violence Act~~
7 ~~of 1986, a stalking no contact order under Section 80 of~~
8 ~~the Stalking No Contact Order Act, or of a civil no contact~~
9 ~~order under Section 213 of the Civil No Contact Order Act,~~
10 ~~and it is alleged that the defendant's pretrial release~~
11 ~~poses a real and present threat to the safety of any person~~
12 ~~or persons or the community, based on the specific~~
13 ~~articulable facts of the case;~~

14 ~~(4) the defendant is charged with domestic battery or~~
15 ~~aggravated domestic battery under Section 12-3.2 or 12-3.3~~
16 ~~of the Criminal Code of 2012 and it is alleged that the~~
17 ~~defendant's pretrial release poses a real and present~~
18 ~~threat to the safety of any person or persons or the~~
19 ~~community, based on the specific articulable facts of the~~
20 ~~case;~~

21 ~~(5) the defendant is charged with any offense under~~
22 ~~Article 11 of the Criminal Code of 2012, except for~~
23 ~~Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,~~
24 ~~11-40, and 11-45 of the Criminal Code of 2012, or similar~~
25 ~~provisions of the Criminal Code of 1961 and it is alleged~~
26 ~~that the defendant's pretrial release poses a real and~~

1 ~~present threat to the safety of any person or persons or~~
2 ~~the community, based on the specific articulable facts of~~
3 ~~the case;~~

4 ~~(6) the defendant is charged with any of the following~~
5 ~~offenses under the Criminal Code of 2012, and it is~~
6 ~~alleged that the defendant's pretrial release poses a real~~
7 ~~and present threat to the safety of any person or persons~~
8 ~~or the community, based on the specific articulable facts~~
9 ~~of the case;~~

10 ~~(A) Section 24-1.2 (aggravated discharge of a~~
11 ~~firearm);~~

12 ~~(B) Section 24-2.5 (aggravated discharge of a~~
13 ~~machine gun or a firearm equipped with a device~~
14 ~~designed or use for silencing the report of a~~
15 ~~firearm);~~

16 ~~(C) Section 24-1.5 (reckless discharge of a~~
17 ~~firearm);~~

18 ~~(D) Section 24-1.7 (armed habitual criminal);~~

19 ~~(E) Section 24-2.2 (manufacture, sale or transfer~~
20 ~~of bullets or shells represented to be armor piercing~~
21 ~~bullets, dragon's breath shotgun shells, bolo shells,~~
22 ~~or flechette shells);~~

23 ~~(F) Section 24-3 (unlawful sale or delivery of~~
24 ~~firearms);~~

25 ~~(G) Section 24-3.3 (unlawful sale or delivery of~~
26 ~~firearms on the premises of any school);~~

1 ~~(H) Section 24-34 (unlawful sale of firearms by~~
2 ~~liquor license);~~

3 ~~(I) Section 24-3.5 (unlawful purchase of a~~
4 ~~firearm);~~

5 ~~(J) Section 24-3A (gunrunning);~~

6 ~~(K) Section 24-3B (firearms trafficking);~~

7 ~~(L) Section 10-9 (b) (involuntary servitude);~~

8 ~~(M) Section 10-9 (c) (involuntary sexual servitude~~
9 ~~of a minor);~~

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

11 ~~(O) Non-probationable violations: (i) unlawful use~~
12 ~~or possession of weapons by felons or persons in the~~
13 ~~Custody of the Department of Corrections facilities~~
14 ~~(Section 24-1.1), (ii) aggravated unlawful use of a~~
15 ~~weapon (Section 24-1.6), or (iii) aggravated~~
16 ~~possession of a stolen firearm (Section 24-3.9);~~

17 ~~(P) Section 9-3 (reckless homicide and involuntary~~
18 ~~manslaughter);~~

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

20 ~~(R) Section 10-5 (child abduction);~~

21 ~~(S) Felony violations of Section 12C-5 (child~~
22 ~~endangerment);~~

23 ~~(T) Section 12-7.1 (hate crime);~~

24 ~~(U) Section 10-3.1 (aggravated unlawful~~
25 ~~restraint);~~

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

1 ~~(W) Subdivision (f) (1) of Section 12-3.05~~
2 ~~(aggravated battery with a deadly weapon other than by~~
3 ~~discharge of a firearm);~~

4 ~~(6.5) the defendant is charged with any of the~~
5 ~~following offenses, and it is alleged that the defendant's~~
6 ~~pretrial release poses a real and present threat to the~~
7 ~~safety of any person or persons or the community, based on~~
8 ~~the specific articulable facts of the case:~~

9 ~~(A) Felony violations of Sections 3.01, 3.02, or~~
10 ~~3.03 of the Humane Care for Animals Act (cruel~~
11 ~~treatment, aggravated cruelty, and animal torture);~~

12 ~~(B) Subdivision (d) (1) (B) of Section 11-501 of the~~
13 ~~Illinois Vehicle Code (aggravated driving under the~~
14 ~~influence while operating a school bus with~~
15 ~~passengers);~~

16 ~~(C) Subdivision (d) (1) (C) of Section 11-501 of the~~
17 ~~Illinois Vehicle Code (aggravated driving under the~~
18 ~~influence causing great bodily harm);~~

19 ~~(D) Subdivision (d) (1) (D) of Section 11-501 of the~~
20 ~~Illinois Vehicle Code (aggravated driving under the~~
21 ~~influence after a previous reckless homicide~~
22 ~~conviction);~~

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

26 ~~(F) Subdivision (d) (1) (J) of Section 11-501 of the~~

1 ~~Illinois Vehicle Code (aggravated driving under the~~
2 ~~influence that resulted in bodily harm to a child~~
3 ~~under the age of 16);~~

4 ~~(7) the defendant is charged with an attempt to commit~~
5 ~~any charge listed in paragraphs (1) through (6.5), and it~~
6 ~~is alleged that the defendant's pretrial release poses a~~
7 ~~real and present threat to the safety of any person or~~
8 ~~persons or the community, based on the specific~~
9 ~~articulable facts of the case; or~~

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

12 ~~(A) Any felony described in subdivisions (a) (1)~~
13 ~~through (a) (7) of this Section; or~~

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

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

24 ~~(c) Timing of petition.~~

25 ~~(1) A petition may be filed without prior notice to~~
26 ~~the defendant at the first appearance before a judge, or~~

1 ~~within the 21 calendar days, except as provided in Section~~
2 ~~110-6, after arrest and release of the defendant upon~~
3 ~~reasonable notice to defendant; provided that while such~~
4 ~~petition is pending before the court, the defendant if~~
5 ~~previously released shall not be detained.~~

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

18 ~~(d) Contents of petition.~~

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

25 ~~(2) If the State seeks to file a second or subsequent~~
26 ~~petition under this Section, the State shall be required~~

1 ~~to present a verified application setting forth in detail~~
2 ~~any new facts not known or obtainable at the time of the~~
3 ~~filing of the previous petition.~~

4 ~~(c) Eligibility: All defendants shall be presumed eligible~~
5 ~~for pretrial release, and the State shall bear the burden of~~
6 ~~proving by clear and convincing evidence that:~~

7 ~~(1) the proof is evident or the presumption great that~~
8 ~~the defendant has committed an offense listed in~~
9 ~~subsection (a), and~~

10 ~~(2) for offenses listed in paragraphs (1) through (7)~~
11 ~~of subsection (a), the defendant poses a real and present~~
12 ~~threat to the safety of any person or persons or the~~
13 ~~community, based on the specific articulable facts of the~~
14 ~~case, by conduct which may include, but is not limited to,~~
15 ~~a forcible felony, the obstruction of justice,~~
16 ~~intimidation, injury, or abuse as defined by paragraph (1)~~
17 ~~of Section 103 of the Illinois Domestic Violence Act of~~
18 ~~1986, and~~

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

1 ~~(4) for offenses under subsection (b) of Section 407~~
2 ~~of the Illinois Controlled Substances Act that are subject~~
3 ~~to paragraph (1) of subsection (a), no condition or~~
4 ~~combination of conditions set forth in subsection (b) of~~
5 ~~Section 110-10 of this Article can mitigate the real and~~
6 ~~present threat to the safety of any person or persons or~~
7 ~~the community, based on the specific articulable facts of~~
8 ~~the case, and the defendant poses a serious risk to not~~
9 ~~appear in court as required.~~

10 ~~(f) Conduct of the hearings.~~

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

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

20 ~~(3) The defendant has the right to be represented by~~
21 ~~counsel, and if he or she is indigent, to have counsel~~
22 ~~appointed for him or her. The defendant shall have the~~
23 ~~opportunity to testify, to present witnesses on his or her~~
24 ~~own behalf, and to cross-examine any witnesses that are~~
25 ~~called by the State. Defense counsel shall be given~~
26 ~~adequate opportunity to confer with the defendant before~~

1 ~~any hearing at which conditions of release or the~~
2 ~~detention of the defendant are to be considered, with an~~
3 ~~accommodation for a physical condition made to facilitate~~
4 ~~attorney/client consultation. If defense counsel needs to~~
5 ~~confer or consult with the defendant during any hearing~~
6 ~~conducted via a two way audio visual communication system,~~
7 ~~such consultation shall not be recorded and shall be~~
8 ~~undertaken consistent with constitutional protections.~~

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

23 ~~(4) If the defense seeks to compel the complaining~~
24 ~~witness to testify as a witness in its favor, it shall~~
25 ~~petition the court for permission. When the ends of~~
26 ~~justice so require, the court may exercise its discretion~~

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

26 ~~(5) The rules concerning the admissibility of evidence~~

1 ~~in criminal trials do not apply to the presentation and~~
2 ~~consideration of information at the hearing. At the trial~~
3 ~~concerning the offense for which the hearing was conducted~~
4 ~~neither the finding of the court nor any transcript or~~
5 ~~other record of the hearing shall be admissible in the~~
6 ~~State's case in chief, but shall be admissible for~~
7 ~~impeachment, or as provided in Section 115 10.1 of this~~
8 ~~Code, or in a perjury proceeding.~~

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

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

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

26 ~~(1) The nature and circumstances of any offense~~

1 ~~charged, including whether the offense is a crime of~~
2 ~~violence, involving a weapon, or a sex offense.~~

3 ~~(2) The history and characteristics of the defendant~~
4 ~~including:~~

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

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

15 ~~(3) The identity of any person or persons to whose~~
16 ~~safety the defendant is believed to pose a threat, and the~~
17 ~~nature of the threat.~~

18 ~~(4) Any statements made by, or attributed to the~~
19 ~~defendant, together with the circumstances surrounding~~
20 ~~them.~~

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

22 ~~(6) The age and physical condition of any victim or~~
23 ~~complaining witness.~~

24 ~~(7) Whether the defendant is known to possess or have~~
25 ~~access to any weapon or weapons.~~

26 ~~(8) Whether, at the time of the current offense or any~~

1 ~~other offense or arrest, the defendant was on probation,~~
2 ~~parole, aftercare release, mandatory supervised release or~~
3 ~~other release from custody pending trial, sentencing,~~
4 ~~appeal or completion of sentence for an offense under~~
5 ~~federal or state law.~~

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

11 ~~(h) Detention order. The court shall, in any order for~~
12 ~~detention:~~

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

20 ~~(2) direct that the defendant be committed to the~~
21 ~~custody of the sheriff for confinement in the county jail~~
22 ~~pending trial;~~

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

1 ~~(4) direct that the sheriff deliver the defendant as~~
2 ~~required for appearances in connection with court~~
3 ~~proceedings.~~

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

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

22 ~~(j) Rights of the defendant. The defendant shall be~~
23 ~~entitled to appeal any order entered under this Section~~
24 ~~denying his or her pretrial release.~~

25 ~~(k) Appeal. The State may appeal any order entered under~~
26 ~~this Section denying any motion for denial of pretrial~~

1 ~~release.~~

2 ~~(1) Presumption of innocence. Nothing in this Section~~
3 ~~shall be construed as modifying or limiting in any way the~~
4 ~~defendant's presumption of innocence in further criminal~~
5 ~~proceedings.~~

6 ~~(m) Interest of victims.~~

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

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

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

17 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

18 Sec. 110-6.2. Post-conviction Detention.

19 (a) The court may order that a person who has been found
20 guilty of an offense and who is waiting imposition or
21 execution of sentence be held without ~~release~~ bond unless the
22 court finds by clear and convincing evidence that the person
23 is not likely to flee or pose a danger to any other person or
24 the community if released under Sections 110-5 and 110-10 of
25 this Act.

1 (b) The court may order that person who has been found
2 guilty of an offense and sentenced to a term of imprisonment be
3 held without ~~release~~ bond unless the court finds by clear and
4 convincing evidence that:

5 (1) the person is not likely to flee or pose a danger
6 to the safety of any other person or the community if
7 released on bond pending appeal; and

8 (2) that the appeal is not for purpose of delay and
9 raises a substantial question of law or fact likely to
10 result in reversal or an order for a new trial.

11 (Source: P.A. 96-1200, eff. 7-22-10; 101-652.)

12 (725 ILCS 5/110-6.4)

13 Sec. 110-6.4. Statewide risk-assessment tool. The Supreme
14 Court may establish a statewide risk-assessment tool to be
15 used in proceedings to assist the court in establishing
16 ~~conditions of pretrial release~~ bail for a defendant by
17 assessing the defendant's likelihood of appearing at future
18 court proceedings or determining if the defendant poses a real
19 and present threat to the physical safety of any person or
20 persons. The Supreme Court shall consider establishing a
21 risk-assessment tool that does not discriminate on the basis
22 of race, gender, educational level, socio-economic status, or
23 neighborhood. If a risk-assessment tool is utilized within a
24 circuit that does not require a personal interview to be
25 completed, the Chief Judge of the circuit or the director of

1 the pretrial services agency may exempt the requirement under
2 Section 9 and subsection (a) of Section 7 of the Pretrial
3 Services Act.

4 For the purpose of this Section, "risk-assessment tool"
5 means an empirically validated, evidence-based screening
6 instrument that demonstrates reduced instances of a
7 defendant's failure to appear for further court proceedings or
8 prevents future criminal activity.

9 (Source: P.A. 100-1, eff. 1-1-18; 100-863, eff. 8-14-18;
10 101-652.)

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of ~~pretrial release~~ bail bond.

13 (a) If a person is released prior to conviction, either
14 upon payment of bail security or on his or her own
15 recognizance, the conditions of ~~pretrial release~~ the bail bond
16 shall be that he or she will:

17 (1) Appear to answer the charge in the court having
18 jurisdiction on a day certain and thereafter as ordered by
19 the court until discharged or final order of the court;

20 (2) Submit himself or herself to the orders and
21 process of the court;

22 (3) ~~(Blank);~~ Not depart this State without leave of
23 the court;

24 (4) Not violate any criminal statute of any
25 jurisdiction;

1 (5) At a time and place designated by the court,
2 surrender all firearms in his or her possession to a law
3 enforcement officer designated by the court to take
4 custody of and impound the firearms and physically
5 surrender his or her Firearm Owner's Identification Card
6 to the clerk of the circuit court when the offense the
7 person has been charged with is a forcible felony,
8 stalking, aggravated stalking, domestic battery, any
9 violation of the Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act, or
11 the Cannabis Control Act that is classified as a Class 2 or
12 greater felony, or any felony violation of Article 24 of
13 the Criminal Code of 1961 or the Criminal Code of 2012; the
14 court may, however, forgo the imposition of this condition
15 when the circumstances of the case clearly do not warrant
16 it or when its imposition would be impractical; if the
17 Firearm Owner's Identification Card is confiscated, the
18 clerk of the circuit court shall mail the confiscated card
19 to the Illinois State Police; all legally possessed
20 firearms shall be returned to the person upon the charges
21 being dismissed, or if the person is found not guilty,
22 unless the finding of not guilty is by reason of insanity;
23 and

24 (6) At a time and place designated by the court,
25 submit to a psychological evaluation when the person has
26 been charged with a violation of item (4) of subsection

1 (a) of Section 24-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 and that violation occurred in a
3 school or in any conveyance owned, leased, or contracted
4 by a school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000
6 feet of real property comprising any school.

7 Psychological evaluations ordered pursuant to this Section
8 shall be completed promptly and made available to the State,
9 the defendant, and the court. As a further condition of
10 ~~pretrial release~~ bail under these circumstances, the court
11 shall order the defendant to refrain from entering upon the
12 property of the school, including any conveyance owned,
13 leased, or contracted by a school to transport students to or
14 from school or a school-related activity, or on any public way
15 within 1,000 feet of real property comprising any school. Upon
16 receipt of the psychological evaluation, either the State or
17 the defendant may request a change in the conditions of
18 ~~pretrial release~~ bail, pursuant to Section 110-6 of this Code.
19 The court may change the conditions of ~~pretrial release~~ bail
20 to include a requirement that the defendant follow the
21 recommendations of the psychological evaluation, including
22 undergoing psychiatric treatment. The conclusions of the
23 psychological evaluation and any statements elicited from the
24 defendant during its administration are not admissible as
25 evidence of guilt during the course of any trial on the charged
26 offense, unless the defendant places his or her mental

1 competency in issue.

2 (b) The court may impose other conditions, such as the
3 following, if the court finds that such conditions are
4 reasonably necessary to assure the defendant's appearance in
5 court, protect the public from the defendant, or prevent the
6 defendant's unlawful interference with the orderly
7 administration of justice:

8 (1) Report to or appear in person before such person
9 or agency as the court may direct;

10 (2) Refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) Refrain from approaching or communicating with
13 particular persons or classes of persons;

14 (4) Refrain from going to certain described
15 geographical areas or premises;

16 (5) Refrain from engaging in certain activities or
17 indulging in intoxicating liquors or in certain drugs;

18 (6) Undergo treatment for drug addiction or
19 alcoholism;

20 (7) Undergo medical or psychiatric treatment;

21 (8) Work or pursue a course of study or vocational
22 training;

23 (9) Attend or reside in a facility designated by the
24 court;

25 (10) Support his or her dependents;

26 (11) If a minor resides with his or her parents or in a

1 foster home, attend school, attend a non-residential
2 program for youths, and contribute to his or her own
3 support at home or in a foster home;

4 (12) Observe any curfew ordered by the court;

5 (13) Remain in the custody of such designated person
6 or organization agreeing to supervise his release. Such
7 third party custodian shall be responsible for notifying
8 the court if the defendant fails to observe the conditions
9 of release which the custodian has agreed to monitor, and
10 shall be subject to contempt of court for failure so to
11 notify the court;

12 (14) Be placed under direct supervision of the
13 Pretrial Services Agency, Probation Department or Court
14 Services Department in a pretrial bond home supervision
15 capacity with or without the use of an approved electronic
16 monitoring device subject to Article 8A of Chapter V of
17 the Unified Code of Corrections;

18 (14.1) The court shall impose upon a defendant who is
19 charged with any alcohol, cannabis, methamphetamine, or
20 controlled substance violation and is placed under direct
21 supervision of the Pretrial Services Agency, Probation
22 Department or Court Services Department in a pretrial bond
23 home supervision capacity with the use of an approved
24 monitoring device, as a condition of such bail bond, a fee
25 that represents costs incidental to the electronic
26 monitoring for each day of such bail supervision ordered

1 by the court, unless after determining the inability of
2 the defendant to pay the fee, the court assesses a lesser
3 fee or no fee as the case may be. The fee shall be
4 collected by the clerk of the circuit court, except as
5 provided in an administrative order of the Chief Judge of
6 the circuit court. The clerk of the circuit court shall
7 pay all monies collected from this fee to the county
8 treasurer for deposit in the substance abuse services fund
9 under Section 5-1086.1 of the Counties Code, except as
10 provided in an administrative order of the Chief Judge of
11 the circuit court.

12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for electronic
14 monitoring of offenders with regard to drug-related and
15 alcohol-related offenses, in which a vendor supplies and
16 monitors the operation of the electronic monitoring
17 device, and collects the fees on behalf of the county. The
18 program shall include provisions for indigent offenders
19 and the collection of unpaid fees. The program shall not
20 unduly burden the offender and shall be subject to review
21 by the Chief Judge.

22 The Chief Judge of the circuit court may suspend any
23 additional charges or fees for late payment, interest, or
24 damage to any device;

25 (14.2) The court shall impose upon all defendants,
26 including those defendants subject to paragraph (14.1)

1 above, placed under direct supervision of the Pretrial
2 Services Agency, Probation Department or Court Services
3 Department in a pretrial bond home supervision capacity
4 with the use of an approved monitoring device, as a
5 condition of such bail bond, a fee which shall represent
6 costs incidental to such electronic monitoring for each
7 day of such bail supervision ordered by the court, unless
8 after determining the inability of the defendant to pay
9 the fee, the court assesses a lesser fee or no fee as the
10 case may be. The fee shall be collected by the clerk of the
11 circuit court, except as provided in an administrative
12 order of the Chief Judge of the circuit court. The clerk of
13 the circuit court shall pay all monies collected from this
14 fee to the county treasurer who shall use the monies
15 collected to defray the costs of corrections. The county
16 treasurer shall deposit the fee collected in the county
17 working cash fund under Section 6-27001 or Section 6-29002
18 of the Counties Code, as the case may be, except as
19 provided in an administrative order of the Chief Judge of
20 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 (14.3) The Chief Judge of the Judicial Circuit may
9 establish reasonable fees to be paid by a person receiving
10 pretrial services while under supervision of a pretrial
11 services agency, probation department, or court services
12 department. Reasonable fees may be charged for pretrial
13 services including, but not limited to, pretrial
14 supervision, diversion programs, electronic monitoring,
15 victim impact services, drug and alcohol testing, DNA
16 testing, GPS electronic monitoring, assessments and
17 evaluations related to domestic violence and other
18 victims, and victim mediation services. The person
19 receiving pretrial services may be ordered to pay all
20 costs incidental to pretrial services in accordance with
21 his or her ability to pay those costs;

22 (14.4) For persons charged with violating Section
23 11-501 of the Illinois Vehicle Code, refrain from
24 operating a motor vehicle not equipped with an ignition
25 interlock device, as defined in Section 1-129.1 of the
26 Illinois Vehicle Code, pursuant to the rules promulgated

1 by the Secretary of State for the installation of ignition
2 interlock devices. Under this condition the court may
3 allow a defendant who is not self-employed to operate a
4 vehicle owned by the defendant's employer that is not
5 equipped with an ignition interlock device in the course
6 and scope of the defendant's employment;

7 (15) Comply with the terms and conditions of an order
8 of protection issued by the court under the Illinois
9 Domestic Violence Act of 1986 or an order of protection
10 issued by the court of another state, tribe, or United
11 States territory;

12 (16) Under Section 110-6.5 comply with the conditions
13 of the drug testing program; and

14 (17) Such other reasonable conditions as the court may
15 impose.

16 ~~(b) Additional conditions of release shall be set only~~
17 ~~when it is determined that they are necessary to ensure the~~
18 ~~defendant's appearance in court, ensure the defendant does not~~
19 ~~commit any criminal offense, ensure the defendant complies~~
20 ~~with all conditions of pretrial release, prevent the~~
21 ~~defendant's unlawful interference with the orderly~~
22 ~~administration of justice, or ensure compliance with the rules~~
23 ~~and procedures of problem solving courts. However, conditions~~
24 ~~shall include the least restrictive means and be~~
25 ~~individualized. Conditions shall not mandate rehabilitative~~
26 ~~services unless directly tied to the risk of pretrial~~

1 ~~misconduct. Conditions of supervision shall not include~~
2 ~~punitive measures such as community service work or~~
3 ~~restitution. Conditions may include the following:~~

4 ~~(0.05) Not depart this State without leave of the~~
5 ~~court;~~

6 ~~(1) Report to or appear in person before such person~~
7 ~~or agency as the court may direct;~~

8 ~~(2) Refrain from possessing a firearm or other~~
9 ~~dangerous weapon;~~

10 ~~(3) Refrain from approaching or communicating with~~
11 ~~particular persons or classes of persons;~~

12 ~~(4) Refrain from going to certain described geographic~~
13 ~~areas or premises;~~

14 ~~(5) Be placed under direct supervision of the Pretrial~~
15 ~~Services Agency, Probation Department or Court Services~~
16 ~~Department in a pretrial home supervision capacity with or~~
17 ~~without the use of an approved electronic monitoring~~
18 ~~device subject to Article 8A of Chapter V of the Unified~~
19 ~~Code of Corrections;~~

20 ~~(6) For persons charged with violating Section 11-501~~
21 ~~of the Illinois Vehicle Code, refrain from operating a~~
22 ~~motor vehicle not equipped with an ignition interlock~~
23 ~~device, as defined in Section 1-129.1 of the Illinois~~
24 ~~Vehicle Code, pursuant to the rules promulgated by the~~
25 ~~Secretary of State for the installation of ignition~~
26 ~~interlock devices. Under this condition the court may~~

1 ~~allow a defendant who is not self-employed to operate a~~
2 ~~vehicle owned by the defendant's employer that is not~~
3 ~~equipped with an ignition interlock device in the course~~
4 ~~and scope of the defendant's employment;~~

5 ~~(7) Comply with the terms and conditions of an order~~
6 ~~of protection issued by the court under the Illinois~~
7 ~~Domestic Violence Act of 1986 or an order of protection~~
8 ~~issued by the court of another state, tribe, or United~~
9 ~~States territory;~~

10 ~~(8) Sign a written admonishment requiring that he or~~
11 ~~she comply with the provisions of Section 110-12 regarding~~
12 ~~any change in his or her address. The defendant's address~~
13 ~~shall at all times remain a matter of record with the clerk~~
14 ~~of the court; and~~

15 ~~(9) Such other reasonable conditions as the court may~~
16 ~~impose, so long as these conditions are the least~~
17 ~~restrictive means to achieve the goals listed in~~
18 ~~subsection (b), are individualized, and are in accordance~~
19 ~~with national best practices as detailed in the Pretrial~~
20 ~~Supervision Standards of the Supreme Court.~~

21 ~~The defendant shall receive verbal and written~~
22 ~~notification of conditions of pretrial release and future~~
23 ~~court dates, including the date, time, and location of court.~~

24 (c) When a person is charged with an offense under Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, involving a victim who is a minor under
2 18 years of age living in the same household with the defendant
3 at the time of the offense, in granting bail or releasing the
4 defendant on his own recognizance, the judge shall impose
5 conditions to restrict the defendant's access to the victim
6 which may include, but are not limited to conditions that he
7 will:

8 1. Vacate the household.

9 2. Make payment of temporary support to his
10 dependents.

11 3. Refrain from contact or communication with the
12 child 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
4 as 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
17 the 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 unable to post bond, the
2 court may impose a no contact provision with the victim or
3 other interested party that shall be enforced while the
4 defendant remains in custody.

5 (Source: P.A. 101-138, eff. 1-1-20; 101-652; eff. 1-1-23;
6 102-1104, eff. 1-1-23.)

7 (725 ILCS 5/110-11) (from Ch. 38, par. 110-11)

8 Sec. 110-11. ~~Pretrial release~~ Bail on a new trial. If the
9 judgment of conviction is reversed and the cause remanded for
10 a new trial the trial court may order that the ~~conditions of~~
11 ~~pretrial release~~ bail stand pending such trial, or ~~modify the~~
12 ~~conditions of pretrial release~~ reduce or increase bail.

13 (Source: Laws 1963, p. 2836; P.A. 101-652.)

14 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

15 Sec. 110-12. Notice of change of address. A defendant who
16 has been admitted to bail ~~pretrial release~~ shall file a
17 written notice with the clerk of the court before which the
18 proceeding is pending of any change in his or her address
19 within 24 hours after such change, except that a defendant who
20 has been admitted to bail ~~pretrial release~~ for a forcible
21 felony as defined in Section 2-8 of the Criminal Code of 2012
22 shall file a written notice with the clerk of the court before
23 which the proceeding is pending and the clerk shall
24 immediately deliver a time stamped copy of the written notice

1 to the State's Attorney ~~prosecutor~~ charged with the
2 prosecution within 24 hours prior to such change. The address
3 of a defendant who has been admitted to bail ~~pretrial release~~
4 shall at all times remain a matter of public record with the
5 clerk of the court.

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

7 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 110-14. Credit toward fines for pretrial
10 incarceration ~~on bailable offense; credit against monetary~~
11 ~~bail for certain offenses.~~

12 (a) Any person denied pretrial release ~~incarcerated on a~~
13 ~~bailable offense who does not supply bail~~ and against whom a
14 fine is levied on conviction of the offense shall be
15 automatically credited ~~allowed a credit of~~ \$30 for each day so
16 incarcerated upon application of the defendant. However, in no
17 case shall the amount so ~~allowed or~~ credited exceed the amount
18 of the fine.

19 (b) Subsection (a) does not apply to a person incarcerated
20 for sexual assault as defined in paragraph (1) of subsection
21 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

22 (c) A person subject to bail on a Category B offense, l
23 before January 1, 2023, shall have \$30 deducted from his or her
24 10% cash bond amount every day the person is incarcerated. The
25 sheriff shall calculate and apply this \$30 per day reduction

1 and send notice to the circuit clerk if a defendant's 10% cash
2 bond amount is reduced to \$0, at which point the defendant
3 shall be released upon his or her own recognizance.

4 (d) The court may deny the incarceration credit in
5 subsection (c) of this Section if the person has failed to
6 appear as required before the court and is incarcerated based
7 on a warrant for failure to appear on the same original
8 criminal offense.

9 (e) (Blank). ~~This Section is repealed on January 1, 2023.~~

10 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
11 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
12 12-17-21. P.A. 102-1104, eff. 12-6-22.)

13 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

14 Sec. 111-2. Commencement of prosecutions.

15 (a) All prosecutions of felonies shall be by information
16 or by indictment. No prosecution may be pursued by information
17 unless a preliminary hearing has been held or waived in
18 accordance with Section 109-3 and at that hearing probable
19 cause to believe the defendant committed an offense was found,
20 and the provisions of Section 109-3.1 of this Code have been
21 complied with.

22 (b) All other prosecutions may be by indictment,
23 information or complaint.

24 (c) Upon the filing of an information or indictment in
25 open court charging the defendant with the commission of a sex

1 offense defined in any Section of Article 11 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, and a minor as
3 defined in Section 1-3 of the Juvenile Court Act of 1987 is
4 alleged to be the victim of the commission of the acts of the
5 defendant in the commission of such offense, the court may
6 appoint a guardian ad litem for the minor as provided in
7 Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile Court Act of
8 1987.

9 (d) Upon the filing of an information or indictment in
10 open court, the court shall immediately issue a warrant for
11 the arrest of each person charged with an offense directed to a
12 peace officer or some other person specifically named
13 commanding him to arrest such person.

14 (e) When the offense is ~~eligible for pretrial release~~
15 bailable, the judge shall endorse on the warrant the
16 ~~conditions of pretrial release~~ amount of bail required by the
17 order of the court, and if the court orders the process
18 returnable forthwith, the warrant shall require that the
19 accused be arrested and brought immediately into court.

20 (f) Where the prosecution of a felony is by information or
21 complaint after preliminary hearing, or after a waiver of
22 preliminary hearing in accordance with paragraph (a) of this
23 Section, such prosecution may be for all offenses, arising
24 from the same transaction or conduct of a defendant even
25 though the complaint or complaints filed at the preliminary
26 hearing charged only one or some of the offenses arising from

1 that transaction or conduct.

2 (Source: P.A. 97-1150, eff. 1-25-13; 101-652.)

3 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

4 Sec. 112A-23. Enforcement of protective orders.

5 (a) When violation is crime. A violation of any protective
6 order, whether issued in a civil, quasi-criminal proceeding or
7 by a military tribunal, shall be enforced by a criminal court
8 when:

9 (1) The respondent commits the crime of violation of a
10 domestic violence order of protection pursuant to Section
11 12-3.4 or 12-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, by having knowingly violated:

13 (i) remedies described in paragraph (1), (2), (3),
14 (14), or (14.5) of subsection (b) of Section 112A-14
15 of this Code,

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraph (1), (2), (3),
18 (14), or (14.5) of subsection (b) of Section 214 of the
19 Illinois Domestic Violence Act of 1986, in a valid
20 order of protection, which is authorized under the
21 laws of another state, tribe, or United States
22 territory, or

23 (iii) any other remedy when the act constitutes a
24 crime against the protected parties as defined by the
25 Criminal Code of 1961 or the Criminal Code of 2012.

1 Prosecution for a violation of a domestic violence
2 order of protection shall not bar concurrent prosecution
3 for any other crime, including any crime that may have
4 been committed at the time of the violation of the
5 domestic violence order of protection; or

6 (2) The respondent commits the crime of child
7 abduction pursuant to Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012, by having knowingly
9 violated:

10 (i) remedies described in paragraph (5), (6), or
11 (8) of subsection (b) of Section 112A-14 of this Code,
12 or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraph (1), (5), (6),
15 or (8) of subsection (b) of Section 214 of the Illinois
16 Domestic Violence Act of 1986, in a valid domestic
17 violence order of protection, which is authorized
18 under the laws of another state, tribe, or United
19 States territory.

20 (3) The respondent commits the crime of violation of a
21 civil no contact order when the respondent violates
22 Section 12-3.8 of the Criminal Code of 2012. Prosecution
23 for a violation of a civil no contact order shall not bar
24 concurrent prosecution for any other crime, including any
25 crime that may have been committed at the time of the
26 violation of the civil no contact order.

1 (4) The respondent commits the crime of violation of a
2 stalking no contact order when the respondent violates
3 Section 12-3.9 of the Criminal Code of 2012. Prosecution
4 for a violation of a stalking no contact order shall not
5 bar concurrent prosecution for any other crime, including
6 any crime that may have been committed at the time of the
7 violation of the stalking no contact order.

8 (b) When violation is contempt of court. A violation of
9 any valid protective order, whether issued in a civil or
10 criminal proceeding or by a military tribunal, may be enforced
11 through civil or criminal contempt procedures, as appropriate,
12 by any court with jurisdiction, regardless where the act or
13 acts which violated the protective order were committed, to
14 the extent consistent with the venue provisions of this
15 Article. Nothing in this Article shall preclude any Illinois
16 court from enforcing any valid protective order issued in
17 another state. Illinois courts may enforce protective orders
18 through both criminal prosecution and contempt proceedings,
19 unless the action which is second in time is barred by
20 collateral estoppel or the constitutional prohibition against
21 double jeopardy.

22 (1) In a contempt proceeding where the petition for a
23 rule to show cause sets forth facts evidencing an
24 immediate danger that the respondent will flee the
25 jurisdiction, conceal a child, or inflict physical abuse
26 on the petitioner or minor children or on dependent adults

1 in petitioner's care, the court may order the attachment
2 of the respondent without prior service of the rule to
3 show cause or the petition for a rule to show cause. Bond
4 shall be set unless specifically denied in writing.

5 (2) A petition for a rule to show cause for violation
6 of a protective order shall be treated as an expedited
7 proceeding.

8 (c) Violation of custody, allocation of parental
9 responsibility, or support orders. A violation of remedies
10 described in paragraph (5), (6), (8), or (9) of subsection (b)
11 of Section 112A-14 of this Code may be enforced by any remedy
12 provided by Section 607.5 of the Illinois Marriage and
13 Dissolution of Marriage Act. The court may enforce any order
14 for support issued under paragraph (12) of subsection (b) of
15 Section 112A-14 of this Code in the manner provided for under
16 Parts V and VII of the Illinois Marriage and Dissolution of
17 Marriage Act.

18 (d) Actual knowledge. A protective order may be enforced
19 pursuant to this Section if the respondent violates the order
20 after the respondent has actual knowledge of its contents as
21 shown through one of the following means:

22 (1) (Blank).

23 (2) (Blank).

24 (3) By service of a protective order under subsection
25 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of a protective order in civil or
3 criminal court shall not be affected by either of the
4 following:

5 (1) The existence of a separate, correlative order
6 entered under Section 112A-15 of this Code.

7 (2) Any finding or order entered in a conjoined
8 criminal proceeding.

9 (e-5) If a civil no contact order entered under subsection
10 (6) of Section 112A-20 of the Code of Criminal Procedure of
11 1963 conflicts with an order issued pursuant to the Juvenile
12 Court Act of 1987 or the Illinois Marriage and Dissolution of
13 Marriage Act, the conflicting order issued under subsection
14 (6) of Section 112A-20 of the Code of Criminal Procedure of
15 1963 shall be void.

16 (f) Circumstances. The court, when determining whether or
17 not a violation of a protective order has occurred, shall not
18 require physical manifestations of abuse on the person of the
19 victim.

20 (g) Penalties.

21 (1) Except as provided in paragraph (3) of this
22 subsection (g), where the court finds the commission of a
23 crime or contempt of court under subsection (a) or (b) of
24 this Section, the penalty shall be the penalty that
25 generally applies in such criminal or contempt
26 proceedings, and may include one or more of the following:

1 incarceration, payment of restitution, a fine, payment of
2 attorneys' fees and costs, or community service.

3 (2) The court shall hear and take into account
4 evidence of any factors in aggravation or mitigation
5 before deciding an appropriate penalty under paragraph (1)
6 of this subsection (g).

7 (3) To the extent permitted by law, the court is
8 encouraged to:

9 (i) increase the penalty for the knowing violation
10 of any protective order over any penalty previously
11 imposed by any court for respondent's violation of any
12 protective order or penal statute involving petitioner
13 as victim and respondent as defendant;

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 protective order; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of a protective order

20 unless the court explicitly finds that an increased
21 penalty or that period of imprisonment would be manifestly
22 unjust.

23 (4) In addition to any other penalties imposed for a
24 violation of a protective order, a criminal court may
25 consider evidence of any violations of a protective order:

26 (i) to increase, revoke, or modify the ~~conditions~~

1 ~~of pretrial release~~ bail bond on an underlying
2 criminal charge pursuant to Section 110-6 of this
3 Code;

4 (ii) to revoke or modify an order of probation,
5 conditional discharge, or supervision, pursuant to
6 Section 5-6-4 of the Unified Code of Corrections;

7 (iii) to revoke or modify a sentence of periodic
8 imprisonment, pursuant to Section 5-7-2 of the Unified
9 Code of Corrections.

10 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
11 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-890, eff.
12 5-19-22.)

13 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

14 Sec. 113-3.1. Payment for Court-Appointed Counsel.

15 (a) Whenever under either Section 113-3 of this Code or
16 Rule 607 of the Illinois Supreme Court the court appoints
17 counsel to represent a defendant, the court may order the
18 defendant to pay to the Clerk of the Circuit Court a reasonable
19 sum to reimburse either the county or the State for such
20 representation. In a hearing to determine the amount of the
21 payment, the court shall consider the affidavit prepared by
22 the defendant under Section 113-3 of this Code and any other
23 information pertaining to the defendant's financial
24 circumstances which may be submitted by the parties. Such
25 hearing shall be conducted on the court's own motion or on

1 motion of the prosecutor ~~State's Attorney~~ at any time after
2 the appointment of counsel but no later than 90 days after the
3 entry of a final order disposing of the case at the trial
4 level.

5 (b) Any sum ordered paid under this Section may not exceed
6 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
7 defendant charged with a felony, or \$2,500 for a defendant who
8 is appealing a conviction of any class offense.

9 (c) The method of any payment required under this Section
10 shall be as specified by the Court. The court may order that
11 payments be made on a monthly basis during the term of
12 representation; however, the sum deposited as money bond shall
13 not be used to satisfy this court order. ~~Any sum deposited as~~
14 ~~money bond with the Clerk of the Circuit Court under Section~~
15 ~~110-7 of this Code may be used in the court's discretion in~~
16 ~~whole or in part to comply with any payment order entered in~~
17 ~~accordance with paragraph (a) of this Section. The court may~~
18 ~~give special consideration to the interests of relatives or~~
19 ~~other third parties who may have posted a money bond on the~~
20 ~~behalf of the defendant to secure his release.~~ At any time
21 prior to full payment of any payment order the court on its own
22 motion or the motion of any party may reduce, increase, or
23 suspend the ordered payment, or modify the method of payment,
24 as the interest of fairness may require. No increase,
25 suspension, or reduction may be ordered without a hearing and
26 notice to all parties.

1 (d) The Supreme Court or the circuit courts may provide by
2 rule for procedures for the enforcement of orders entered
3 under this Section. Such rules may provide for the assessment
4 of all costs, including attorneys' fees which are required for
5 the enforcement of orders entered under this Section when the
6 court in an enforcement proceeding has first found that the
7 defendant has willfully refused to pay. The Clerk of the
8 Circuit Court shall keep records and make reports to the court
9 concerning funds paid under this Section in whatever manner
10 the court directs.

11 (e) Whenever an order is entered under this Section for
12 the reimbursement of the State due to the appointment of the
13 State Appellate Defender as counsel on appeal, the order shall
14 provide that the Clerk of the Circuit Court shall retain all
15 funds paid pursuant to such order until the full amount of the
16 sum ordered to be paid by the defendant has been paid. When no
17 balance remains due on such order, the Clerk of the Circuit
18 Court shall inform the court of this fact and the court shall
19 promptly order the Clerk of the Circuit Court to pay to the
20 State Treasurer all of the sum paid.

21 (f) The Clerk of the Circuit Court shall retain all funds
22 under this Section paid for the reimbursement of the county,
23 and shall inform the court when no balance remains due on an
24 order entered hereunder. The Clerk of the Circuit Court shall
25 make payments of funds collected under this Section to the
26 County Treasurer in whatever manner and at whatever point as

1 the court may direct, including payments made on a monthly
2 basis during the term of representation.

3 (g) A defendant who fails to obey any order of court
4 entered under this Section may be punished for contempt of
5 court. Any arrearage in payments may be reduced to judgment in
6 the court's discretion and collected by any means authorized
7 for the collection of money judgments under the law of this
8 State.

9 (Source: P.A. 102-1104, eff. 1-1-23.)

10 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

11 Sec. 114-1. Motion to dismiss charge.

12 (a) Upon the written motion of the defendant made prior to
13 trial before or after a plea has been entered the court may
14 dismiss the indictment, information or complaint upon any of
15 the following grounds:

16 (1) The defendant has not been placed on trial in
17 compliance with Section 103-5 of this Code.

18 (2) The prosecution of the offense is barred by
19 Sections 3-3 through 3-8 of the Criminal Code of 2012.

20 (3) The defendant has received immunity from
21 prosecution for the offense charged.

22 (4) The indictment was returned by a Grand Jury which
23 was improperly selected and which results in substantial
24 injustice to the defendant.

25 (5) The indictment was returned by a Grand Jury which

1 acted contrary to Article 112 of this Code and which
2 results in substantial injustice to the defendant.

3 (6) The court in which the charge has been filed does
4 not have jurisdiction.

5 (7) The county is an improper place of trial.

6 (8) The charge does not state an offense.

7 (9) The indictment is based solely upon the testimony
8 of an incompetent witness.

9 (10) The defendant is misnamed in the charge and the
10 misnomer results in substantial injustice to the
11 defendant.

12 (11) The requirements of Section 109-3.1 have not been
13 complied with.

14 (b) The court shall require any motion to dismiss to be
15 filed within a reasonable time after the defendant has been
16 arraigned. Any motion not filed within such time or an
17 extension thereof shall not be considered by the court and the
18 grounds therefor, except as to subsections (a)(6) and (a)(8)
19 of this Section, are waived.

20 (c) If the motion presents only an issue of law the court
21 shall determine it without the necessity of further pleadings.
22 If the motion alleges facts not of record in the case the State
23 shall file an answer admitting or denying each of the factual
24 allegations of the motion.

25 (d) When an issue of fact is presented by a motion to
26 dismiss and the answer of the State the court shall conduct a

1 hearing and determine the issues.

2 (d-5) When a defendant seeks dismissal of the charge upon
3 the ground set forth in subsection (a)(7) of this Section, the
4 defendant shall make a prima facie showing that the county is
5 an improper place of trial. Upon such showing, the State shall
6 have the burden of proving, by a preponderance of the
7 evidence, that the county is the proper place of trial.

8 (d-6) When a defendant seeks dismissal of the charge upon
9 the grounds set forth in subsection (a)(2) of this Section,
10 the prosecution shall have the burden of proving, by a
11 preponderance of the evidence, that the prosecution of the
12 offense is not barred by Sections 3-3 through 3-8 of the
13 Criminal Code of 2012.

14 (e) Dismissal of the charge upon the grounds set forth in
15 subsections (a)(4) through (a)(11) of this Section shall not
16 prevent the return of a new indictment or the filing of a new
17 charge, and upon such dismissal the court may order that the
18 defendant be held in custody or, if the defendant had been
19 previously released on ~~pretrial-release~~ bail, that the
20 ~~pretrial-release~~ bail be continued for a specified time
21 pending the return of a new indictment or the filing of a new
22 charge.

23 (f) If the court determines that the motion to dismiss
24 based upon the grounds set forth in subsections (a)(6) and
25 (a)(7) is well founded it may, instead of dismissal, order the
26 cause transferred to a court of competent jurisdiction or to a

1 proper place of trial.

2 (Source: P.A. 100-434, eff. 1-1-18; 101-652.)

3 (725 ILCS 5/115-4.1) (from Ch. 38, par. 115-4.1)

4 Sec. 115-4.1. Absence of defendant.

5 (a) When a defendant after arrest and an initial court
6 appearance for a non-capital felony or a misdemeanor, fails to
7 appear for trial, at the request of the State and after the
8 State has affirmatively proven through substantial evidence
9 that the defendant is willfully avoiding trial, the court may
10 commence trial in the absence of the defendant. Absence of a
11 defendant as specified in this Section shall not be a bar to
12 indictment of a defendant, return of information against a
13 defendant, or arraignment of a defendant for the charge for
14 which ~~pretrial release~~ bail has been granted. If a defendant
15 fails to appear at arraignment, the court may enter a plea of
16 "not guilty" on his behalf. If a defendant absents himself
17 before trial on a capital felony, trial may proceed as
18 specified in this Section provided that the State certifies
19 that it will not seek a death sentence following conviction.
20 Trial in the defendant's absence shall be by jury unless the
21 defendant had previously waived trial by jury. The absent
22 defendant must be represented by retained or appointed
23 counsel. The court, at the conclusion of all of the
24 proceedings, may order the clerk of the circuit court to pay
25 counsel such sum as the court deems reasonable, from any bond

1 monies which were posted by the defendant with the clerk,
2 after the clerk has first deducted all court costs. If trial
3 had previously commenced in the presence of the defendant and
4 the defendant willfully absents himself for two successive
5 court days, the court shall proceed to trial. All procedural
6 rights guaranteed by the United States Constitution,
7 Constitution of the State of Illinois, statutes of the State
8 of Illinois, and rules of court shall apply to the proceedings
9 the same as if the defendant were present in court and had not
10 either ~~had his or her pretrial release revoked~~ forfeited his
11 bail bond or escaped from custody. The court may set the case
12 for a trial which may be conducted under this Section despite
13 the failure of the defendant to appear at the hearing at which
14 the trial date is set. When such trial date is set the clerk
15 shall send to the defendant, by certified mail at his last
16 known address indicated on his bond slip, notice of the new
17 date which has been set for trial. Such notification shall be
18 required when the defendant was not personally present in open
19 court at the time when the case was set for trial.

20 (b) The absence of a defendant from a trial conducted
21 pursuant to this Section does not operate as a bar to
22 concluding the trial, to a judgment of conviction resulting
23 therefrom, or to a final disposition of the trial in favor of
24 the defendant.

25 (c) Upon a verdict of not guilty, the court shall enter
26 judgment for the defendant. Upon a verdict of guilty, the

1 court shall set a date for the hearing of post-trial motions
2 and shall hear such motion in the absence of the defendant. If
3 post-trial motions are denied, the court shall proceed to
4 conduct a sentencing hearing and to impose a sentence upon the
5 defendant.

6 (d) A defendant who is absent for part of the proceedings
7 of trial, post-trial motions, or sentencing, does not thereby
8 forfeit his right to be present at all remaining proceedings.

9 (e) When a defendant who in his absence has been either
10 convicted or sentenced or both convicted and sentenced appears
11 before the court, he must be granted a new trial or new
12 sentencing hearing if the defendant can establish that his
13 failure to appear in court was both without his fault and due
14 to circumstances beyond his control. A hearing with notice to
15 the State's Attorney on the defendant's request for a new
16 trial or a new sentencing hearing must be held before any such
17 request may be granted. At any such hearing both the defendant
18 and the State may present evidence.

19 (f) If the court grants only the defendant's request for a
20 new sentencing hearing, then a new sentencing hearing shall be
21 held in accordance with the provisions of the Unified Code of
22 Corrections. At any such hearing, both the defendant and the
23 State may offer evidence of the defendant's conduct during his
24 period of absence from the court. The court may impose any
25 sentence authorized by the Unified Code of Corrections and is
26 not in any way limited or restricted by any sentence

1 previously imposed.

2 (g) A defendant whose motion under paragraph (e) for a new
3 trial or new sentencing hearing has been denied may file a
4 notice of appeal therefrom. Such notice may also include a
5 request for review of the judgment and sentence not vacated by
6 the trial court.

7 (Source: P.A. 90-787, eff. 8-14-98; 101-652.)

8 (725 ILCS 5/122-6) (from Ch. 38, par. 122-6)

9 Sec. 122-6. Disposition in trial court.

10 The court may receive proof by affidavits, depositions,
11 oral testimony, or other evidence. In its discretion the court
12 may order the petitioner brought before the court for the
13 hearing. If the court finds in favor of the petitioner, it
14 shall enter an appropriate order with respect to the judgment
15 or sentence in the former proceedings and such supplementary
16 orders as to rearraignment, retrial, custody, ~~conditions of~~
17 ~~pretrial release~~ bail or discharge as may be necessary and
18 proper.

19 (Source: Laws 1963, p. 2836; P.A. 101-652.)

20 (725 ILCS 5/102-10.5 rep.)

21 (725 ILCS 5/102-14.5 rep.)

22 (725 ILCS 5/110-6.6 rep.)

23 (725 ILCS 5/110-7.5 rep.)

24 (725 ILCS 5/110-1.5 rep.)

1 Section 1-225. The Code of Criminal Procedure of 1963 is
2 amended by repealing Sections 102-10.5, 102-14.5, 110-1.5
3 110-6.6, and 110-7.5.

4 Section 1-230. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 103-2, 103-3, 108-8, and 110-14
6 as follows:

7 (725 ILCS 5/103-2) (from Ch. 38, par. 103-2)

8 Sec. 103-2. Treatment while in custody.

9 (a) On being taken into custody every person shall have
10 the right to remain silent.

11 (b) No unlawful means of any kind shall be used to obtain a
12 statement, admission or confession from any person in custody.

13 (c) Persons in custody shall be treated humanely and
14 provided with proper food, shelter and, if required, medical
15 treatment ~~without unreasonable delay if the need for the~~
16 ~~treatment is apparent.~~

17 (Source: Laws 1963, p. 2836; P.A. 101-652.)

18 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

19 Sec. 108-8. Use of force in execution of search warrant.

20 (a) All necessary and reasonable force may be used to
21 effect an entry into any building or property or part thereof
22 to execute a search warrant.

23 (b) The court issuing a warrant may authorize the officer

1 executing the warrant to make entry without first knocking and
2 announcing his or her office if it finds, based upon a showing
3 of specific facts, the existence of the following exigent
4 circumstances:

5 (1) That the officer reasonably believes that if
6 notice were given a weapon would be used:

7 (i) against the officer executing the search
8 warrant; or

9 (ii) against another person.

10 (2) That if notice were given there is an imminent
11 "danger" that evidence will be destroyed.

12 ~~(e) Prior to the issuing of a warrant under subsection~~
13 ~~(b), the officer must attest that:~~

14 ~~(1) prior to entering the location described in the~~
15 ~~search warrant, a supervising officer will ensure that~~
16 ~~each participating member is assigned a body worn camera~~
17 ~~and is following policies and procedures in accordance~~
18 ~~with Section 10-20 of the Law Enforcement Officer Worn~~
19 ~~Body Camera Act; provided that the law enforcement agency~~
20 ~~has implemented body worn camera in accordance with~~
21 ~~Section 10-15 of the Law Enforcement Officer Worn Body~~
22 ~~Camera Act. If a law enforcement agency or each~~
23 ~~participating member of a multi-jurisdictional team has~~
24 ~~not implemented a body camera in accordance with Section~~
25 ~~10-15 of the Law Enforcement Officer Worn Body Camera Act,~~
26 ~~the officer must attest that the interaction authorized by~~

1 ~~the warrant is otherwise recorded;~~

2 ~~(2) The supervising officer verified the subject~~
3 ~~address listed on the warrant for accuracy and planned for~~
4 ~~children or other vulnerable people on-site; and~~

5 ~~(3) if an officer becomes aware the search warrant was~~
6 ~~executed at an address, unit, or apartment different from~~
7 ~~the location listed on the search warrant, that member~~
8 ~~will immediately notify a supervisor who will ensure an~~
9 ~~internal investigation or formal inquiry ensues.~~

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

11 (725 ILCS 5/110-14) (from Ch. 38, par. 110-14)

12 Sec. 110-14. Credit ~~toward fines~~ for ~~pretrial~~
13 incarceration on bailable offense; credit against monetary
14 bail for certain offenses.

15 (a) Any person ~~denied pretrial release~~ incarcerated on a
16 bailable offense who does not supply bail and against whom a
17 fine is levied on conviction of the offense shall be
18 ~~automatically credited~~ allowed a credit of \$30 for each day so
19 incarcerated upon application of the defendant. However, in no
20 case shall the amount so allowed or credited exceed the amount
21 of the fine.

22 (b) Subsection (a) does not apply to a person incarcerated
23 for sexual assault as defined in paragraph (1) of subsection
24 (a) of Section 5-9-1.7 of the Unified Code of Corrections.

25 (c) A person subject to bail on a Category B offense,

1 ~~before January 1, 2023,~~ shall have \$30 deducted from his or her
2 10% cash bond amount every day the person is incarcerated. The
3 sheriff shall calculate and apply this \$30 per day reduction
4 and send notice to the circuit clerk if a defendant's 10% cash
5 bond amount is reduced to \$0, at which point the defendant
6 shall be released upon his or her own recognizance.

7 (d) The court may deny the incarceration credit in
8 subsection (c) of this Section if the person has failed to
9 appear as required before the court and is incarcerated based
10 on a warrant for failure to appear on the same original
11 criminal offense.

12 (e) (Blank).

13 (Source: P.A. 101-408, eff. 1-1-20; P.A. 101-652, eff. 7-1-21.
14 Repealed by P.A. 102-28. Reenacted by P.A. 102-687, eff.
15 12-17-21. P.A. 102-1104, eff. 12-6-22.)

16 Section 1-235. The Code of Criminal Procedure of 1963 is
17 amended by reenacting Sections 103-3, 110-4, 110-6.3, 110-6.5,
18 110-7, 110-8, 110-9, 110-13, 110-15, 110-16, 110-17, and
19 110-18 and Article 110A as follows:

20 (725 ILCS 5/103-3)

21 Sec. 103-3. Right to communicate with attorney and family;
22 transfers.

23 (a) Persons who are arrested shall have the right to
24 communicate with an attorney of their choice and a member of

1 their family by making a reasonable number of telephone calls
2 or in any other reasonable manner. Such communication shall be
3 permitted within a reasonable time after arrival at the first
4 place of custody.

5 (b) In the event the accused is transferred to a new place
6 of custody his right to communicate with an attorney and a
7 member of his family is renewed.

8 (Source: Laws 1963, p. 2836.)

9 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

10 Sec. 110-4. Bailable Offenses.

11 (a) All persons shall be bailable before conviction,
12 except the following offenses where the proof is evident or
13 the presumption great that the defendant is guilty of the
14 offense: capital offenses; offenses for which a sentence of
15 life imprisonment may be imposed as a consequence of
16 conviction; felony offenses for which a sentence of
17 imprisonment, without conditional and revocable release, shall
18 be imposed by law as a consequence of conviction, where the
19 court after a hearing, determines that the release of the
20 defendant would pose a real and present threat to the physical
21 safety of any person or persons; stalking or aggravated
22 stalking, where the court, after a hearing, determines that
23 the release of the defendant would pose a real and present
24 threat to the physical safety of the alleged victim of the
25 offense and denial of bail is necessary to prevent fulfillment

1 of the threat upon which the charge is based; or unlawful use
2 of weapons in violation of item (4) of subsection (a) of
3 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 when that offense occurred in a school or in any
5 conveyance owned, leased, or contracted by a school to
6 transport students to or from school or a school-related
7 activity, or on any public way within 1,000 feet of real
8 property comprising any school, where the court, after a
9 hearing, determines that the release of the defendant would
10 pose a real and present threat to the physical safety of any
11 person and denial of bail is necessary to prevent fulfillment
12 of that threat; or making a terrorist threat in violation of
13 Section 29D-20 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 or an attempt to commit the offense of making a
15 terrorist threat, where the court, after a hearing, determines
16 that the release of the defendant would pose a real and present
17 threat to the physical safety of any person and denial of bail
18 is necessary to prevent fulfillment of that threat.

19 (b) A person seeking release on bail who is charged with a
20 capital offense or an offense for which a sentence of life
21 imprisonment may be imposed shall not be bailable until a
22 hearing is held wherein such person has the burden of
23 demonstrating that the proof of his guilt is not evident and
24 the presumption is not great.

25 (c) Where it is alleged that bail should be denied to a
26 person upon the grounds that the person presents a real and

1 present threat to the physical safety of any person or
2 persons, the burden of proof of such allegations shall be upon
3 the State.

4 (d) When it is alleged that bail should be denied to a
5 person charged with stalking or aggravated stalking upon the
6 grounds set forth in Section 110-6.3 of this Code, the burden
7 of proof of those allegations shall be upon the State.

8 (Source: P.A. 97-1150, eff. 1-25-13.)

9 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

10 Sec. 110-6.3. Denial of bail in stalking and aggravated
11 stalking offenses.

12 (a) Upon verified petition by the State, the court shall
13 hold a hearing to determine whether bail should be denied to a
14 defendant who is charged with stalking or aggravated stalking,
15 when it is alleged that the defendant's admission to bail
16 poses a real and present threat to the physical safety of the
17 alleged victim of the offense, and denial of release on bail or
18 personal recognizance is necessary to prevent fulfillment of
19 the threat upon which the charge is based.

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

1 previously released shall not be detained.

2 (2) The hearing shall be held immediately upon the
3 defendant's appearance before the court, unless for good
4 cause shown the defendant or the State seeks a
5 continuance. A continuance on motion of the defendant may
6 not exceed 5 calendar days, and the defendant may be held
7 in custody during the continuance. A continuance on the
8 motion of the State may not exceed 3 calendar days;
9 however, the defendant may be held in custody during the
10 continuance under this provision if the defendant has been
11 previously found to have violated an order of protection
12 or has been previously convicted of, or granted court
13 supervision for, any of the offenses set forth in Sections
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-2,
15 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4,
16 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code
17 of 1961 or the Criminal Code of 2012, against the same
18 person as the alleged victim of the stalking or aggravated
19 stalking offense.

20 (b) The court may deny bail to the defendant when, after
21 the hearing, it is determined that:

22 (1) the proof is evident or the presumption great that
23 the defendant has committed the offense of stalking or
24 aggravated stalking; and

25 (2) the defendant poses a real and present threat to
26 the physical safety of the alleged victim of the offense;

1 and

2 (3) the denial of release on bail or personal
3 recognizance is necessary to prevent fulfillment of the
4 threat upon which the charge is based; and

5 (4) the court finds that no condition or combination
6 of conditions set forth in subsection (b) of Section
7 110-10 of this Code, including mental health treatment at
8 a community mental health center, hospital, or facility of
9 the Department of Human Services, can reasonably assure
10 the physical safety of the alleged victim of the offense.

11 (c) Conduct of the hearings.

12 (1) The hearing on the defendant's culpability and
13 threat to the alleged victim of the offense shall be
14 conducted in accordance with the following provisions:

15 (A) Information used by the court in its findings
16 or stated in or offered at the hearing may be by way of
17 proffer based upon reliable information offered by the
18 State or by defendant. Defendant has the right to be
19 represented by counsel, and if he is indigent, to have
20 counsel appointed for him. Defendant shall have the
21 opportunity to testify, to present witnesses in his
22 own behalf, and to cross-examine witnesses if any are
23 called by the State. The defendant has the right to
24 present witnesses in his favor. When the ends of
25 justice so require, the court may exercise its
26 discretion and compel the appearance of a complaining

1 witness. The court shall state on the record reasons
2 for granting a defense request to compel the presence
3 of a complaining witness. Cross-examination of a
4 complaining witness at the pretrial detention hearing
5 for the purpose of impeaching the witness' credibility
6 is insufficient reason to compel the presence of the
7 witness. In deciding whether to compel the appearance
8 of a complaining witness, the court shall be
9 considerate of the emotional and physical well-being
10 of the witness. The pretrial detention hearing is not
11 to be used for the purposes of discovery, and the post
12 arraignment rules of discovery do not apply. The State
13 shall tender to the defendant, prior to the hearing,
14 copies of defendant's criminal history, if any, if
15 available, and any written or recorded statements and
16 the substance of any oral statements made by any
17 person, if relied upon by the State. The rules
18 concerning the admissibility of evidence in criminal
19 trials do not apply to the presentation and
20 consideration of information at the hearing. At the
21 trial concerning the offense for which the hearing was
22 conducted neither the finding of the court nor any
23 transcript or other record of the hearing shall be
24 admissible in the State's case in chief, but shall be
25 admissible for impeachment, or as provided in Section
26 115-10.1 of this Code, or in a perjury proceeding.

1 (B) A motion by the defendant to suppress evidence
2 or to suppress a confession shall not be entertained.
3 Evidence that proof may have been obtained as the
4 result of an unlawful search and seizure or through
5 improper interrogation is not relevant to this state
6 of the prosecution.

7 (2) The facts relied upon by the court to support a
8 finding that:

9 (A) the defendant poses a real and present threat
10 to the physical safety of the alleged victim of the
11 offense; and

12 (B) the denial of release on bail or personal
13 recognizance is necessary to prevent fulfillment of
14 the threat upon which the charge is based;

15 shall be supported by clear and convincing evidence
16 presented by the State.

17 (d) Factors to be considered in making a determination of
18 the threat to the alleged victim of the offense. The court may,
19 in determining whether the defendant poses, at the time of the
20 hearing, a real and present threat to the physical safety of
21 the alleged victim of the offense, consider but shall not be
22 limited to evidence or testimony concerning:

23 (1) The nature and circumstances of the offense
24 charged;

25 (2) The history and characteristics of the defendant
26 including:

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

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

11 (3) The nature of the threat which is the basis of the
12 charge against the defendant;

13 (4) Any statements made by, or attributed to the
14 defendant, together with the circumstances surrounding
15 them;

16 (5) The age and physical condition of any person
17 assaulted by the defendant;

18 (6) Whether the defendant is known to possess or have
19 access to any weapon or weapons;

20 (7) Whether, at the time of the current offense or any
21 other offense or arrest, the defendant was on probation,
22 parole, aftercare release, mandatory supervised release or
23 other release from custody pending trial, sentencing,
24 appeal or completion of sentence for an offense under
25 federal or state law;

26 (8) Any other factors, including those listed in

1 Section 110-5 of this Code, 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 (e) The court shall, in any order denying bail to a person
6 charged with stalking or aggravated stalking:

7 (1) briefly summarize the evidence of the defendant's
8 culpability and its reasons for concluding that the
9 defendant should be held without bail;

10 (2) direct that the defendant be committed to the
11 custody of the sheriff for confinement in the county jail
12 pending trial;

13 (3) direct that the defendant be given a reasonable
14 opportunity for private consultation with counsel, and for
15 communication with others of his choice by visitation,
16 mail and telephone; and

17 (4) direct that the sheriff deliver the defendant as
18 required for appearances in connection with court
19 proceedings.

20 (f) If the court enters an order for the detention of the
21 defendant under subsection (e) of this Section, the defendant
22 shall be brought to trial on the offense for which he is
23 detained within 90 days after the date on which the order for
24 detention was entered. If the defendant is not brought to
25 trial within the 90 day period required by this subsection
26 (f), he shall not be held longer without bail. In computing the

1 90 day period, the court shall omit any period of delay
2 resulting from a continuance granted at the request of the
3 defendant. The court shall immediately notify the alleged
4 victim of the offense that the defendant has been admitted to
5 bail under this subsection.

6 (g) Any person shall be entitled to appeal any order
7 entered under this Section denying bail to the defendant.

8 (h) The State may appeal any order entered under this
9 Section denying any motion for denial of bail.

10 (i) Nothing in this Section shall be construed as
11 modifying or limiting in any way the defendant's presumption
12 of innocence in further criminal proceedings.

13 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
14 98-558, eff. 1-1-14; 101-652, eff. 7-1-21.)

15 (725 ILCS 5/110-6.5)

16 Sec. 110-6.5. Drug testing program. The Chief Judge of the
17 circuit may establish a drug testing program as provided by
18 this Section in any county in the circuit if the county board
19 has approved the establishment of the program and the county
20 probation department or pretrial services agency has consented
21 to administer it. The drug testing program shall be conducted
22 under the following provisions:

23 (a) The court, in the case of a defendant charged with a
24 felony offense or any offense involving the possession or
25 delivery of cannabis or a controlled substance, shall:

1 (1) not consider the release of the defendant on his
2 or her own recognizance, unless the defendant consents to
3 periodic drug testing during the period of release on his
4 or her own recognizance, in accordance with this Section;

5 (2) consider the consent of the defendant to periodic
6 drug testing during the period of release on bail in
7 accordance with this Section as a favorable factor for the
8 defendant in determining the amount of bail, the
9 conditions of release or in considering the defendant's
10 motion to reduce the amount of bail.

11 (b) The drug testing shall be conducted by the pretrial
12 services agency or under the direction of the probation
13 department when a pretrial services agency does not exist in
14 accordance with this Section.

15 (c) A defendant who consents to periodic drug testing as
16 set forth in this Section shall sign an agreement with the
17 court that, during the period of release, the defendant shall
18 refrain from using illegal drugs and that the defendant will
19 comply with the conditions of the testing program. The
20 agreement shall be on a form prescribed by the court and shall
21 be executed at the time of the bail hearing. This agreement
22 shall be made a specific condition of bail.

23 (d) The drug testing program shall be conducted as
24 follows:

25 (1) The testing shall be done by urinalysis for the
26 detection of phencyclidine, heroin, cocaine, methadone and

1 amphetamines.

2 (2) The collection of samples shall be performed under
3 reasonable and sanitary conditions.

4 (3) Samples shall be collected and tested with due
5 regard for the privacy of the individual being tested and
6 in a manner reasonably calculated to prevent substitutions
7 or interference with the collection or testing of reliable
8 samples.

9 (4) Sample collection shall be documented, and the
10 documentation procedures shall include:

11 (i) Labeling of samples so as to reasonably
12 preclude the probability of erroneous identification
13 of test results; and

14 (ii) An opportunity for the defendant to provide
15 information on the identification of prescription or
16 nonprescription drugs used in connection with a
17 medical condition.

18 (5) Sample collection, storage, and transportation to
19 the place of testing shall be performed so as to
20 reasonably preclude the probability of sample
21 contamination or adulteration.

22 (6) Sample testing shall conform to scientifically
23 accepted analytical methods and procedures. Testing shall
24 include verification or confirmation of any positive test
25 result by a reliable analytical method before the result
26 of any test may be used as a basis for any action by the

1 court.

2 (e) The initial sample shall be collected before the
3 defendant's release on bail. Thereafter, the defendant shall
4 report to the pretrial services agency or probation department
5 as required by the agency or department. The pretrial services
6 agency or probation department shall immediately notify the
7 court of any defendant who fails to report for testing.

8 (f) After the initial test, a subsequent confirmed
9 positive test result indicative of continued drug use shall
10 result in the following:

11 (1) Upon the first confirmed positive test result, the
12 pretrial services agency or probation department, shall
13 place the defendant on a more frequent testing schedule
14 and shall warn the defendant of the consequences of
15 continued drug use.

16 (2) A second confirmed positive test result shall be
17 grounds for a hearing before the judge who authorized the
18 release of the defendant in accordance with the provisions
19 of subsection (g) of this Section.

20 (g) The court shall, upon motion of the State or upon its
21 own motion, conduct a hearing in connection with any defendant
22 who fails to appear for testing, fails to cooperate with the
23 persons conducting the testing program, attempts to submit a
24 sample not his or her own or has had a confirmed positive test
25 result indicative of continued drug use for the second or
26 subsequent time after the initial test. The hearing shall be

1 conducted in accordance with the procedures of Section 110-6.

2 Upon a finding by the court that the State has established
3 by clear and convincing evidence that the defendant has
4 violated the drug testing conditions of bail, the court may
5 consider any of the following sanctions:

6 (1) increase the amount of the defendant's bail or
7 conditions of release;

8 (2) impose a jail sentence of up to 5 days;

9 (3) revoke the defendant's bail; or

10 (4) enter such other orders which are within the power
11 of the court as deemed appropriate.

12 (h) The results of any drug testing conducted under this
13 Section shall not be admissible on the issue of the
14 defendant's guilt in connection with any criminal charge.

15 (i) The court may require that the defendant pay for the
16 cost of drug testing.

17 (Source: P.A. 88-677, eff. 12-15-94; 101-652, eff. 7-1-21.)

18 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

19 Sec. 110-7. Deposit of bail security.

20 (a) The person for whom bail has been set shall execute the
21 bail bond and deposit with the clerk of the court before which
22 the proceeding is pending a sum of money equal to 10% of the
23 bail, but in no event shall such deposit be less than \$25. The
24 clerk of the court shall provide a space on each form for a
25 person other than the accused who has provided the money for

1 the posting of bail to so indicate and a space signed by an
2 accused who has executed the bail bond indicating whether a
3 person other than the accused has provided the money for the
4 posting of bail. The form shall also include a written notice
5 to such person who has provided the defendant with the money
6 for the posting of bail indicating that the bail may be used to
7 pay costs, attorney's fees, fines, or other purposes
8 authorized by the court and if the defendant fails to comply
9 with the conditions of the bail bond, the court shall enter an
10 order declaring the bail to be forfeited. The written notice
11 must be: (1) distinguishable from the surrounding text; (2) in
12 bold type or underscored; and (3) in a type size at least 2
13 points larger than the surrounding type. When a person for
14 whom bail has been set is charged with an offense under the
15 Illinois Controlled Substances Act or the Methamphetamine
16 Control and Community Protection Act which is a Class X
17 felony, or making a terrorist threat in violation of Section
18 29D-20 of the Criminal Code of 1961 or the Criminal Code of
19 2012 or an attempt to commit the offense of making a terrorist
20 threat, the court may require the defendant to deposit a sum
21 equal to 100% of the bail. Where any person is charged with a
22 forcible felony while free on bail and is the subject of
23 proceedings under Section 109-3 of this Code the judge
24 conducting the preliminary examination may also conduct a
25 hearing upon the application of the State pursuant to the
26 provisions of Section 110-6 of this Code to increase or revoke

1 the bail for that person's prior alleged offense.

2 (b) Upon depositing this sum and any bond fee authorized
3 by law, the person shall be released from custody subject to
4 the conditions of the bail bond.

5 (c) Once bail has been given and a charge is pending or is
6 thereafter filed in or transferred to a court of competent
7 jurisdiction the latter court shall continue the original bail
8 in that court subject to the provisions of Section 110-6 of
9 this Code.

10 (d) After conviction the court may order that the original
11 bail stand as bail pending appeal or deny, increase or reduce
12 bail subject to the provisions of Section 110-6.2.

13 (e) After the entry of an order by the trial court allowing
14 or denying bail pending appeal either party may apply to the
15 reviewing court having jurisdiction or to a justice thereof
16 sitting in vacation for an order increasing or decreasing the
17 amount of bail or allowing or denying bail pending appeal
18 subject to the provisions of Section 110-6.2.

19 (f) When the conditions of the bail bond have been
20 performed and the accused has been discharged from all
21 obligations in the cause the clerk of the court shall return to
22 the accused or to the defendant's designee by an assignment
23 executed at the time the bail amount is deposited, unless the
24 court orders otherwise, 90% of the sum which had been
25 deposited and shall retain as bail bond costs 10% of the amount
26 deposited. However, in no event shall the amount retained by

1 the clerk as bail bond costs be less than \$5. Notwithstanding
2 the foregoing, in counties with a population of 3,000,000 or
3 more, in no event shall the amount retained by the clerk as
4 bail bond costs exceed \$100. Bail bond deposited by or on
5 behalf of a defendant in one case may be used, in the court's
6 discretion, to satisfy financial obligations of that same
7 defendant incurred in a different case due to a fine, court
8 costs, restitution or fees of the defendant's attorney of
9 record. In counties with a population of 3,000,000 or more,
10 the court shall not order bail bond deposited by or on behalf
11 of a defendant in one case to be used to satisfy financial
12 obligations of that same defendant in a different case until
13 the bail bond is first used to satisfy court costs and
14 attorney's fees in the case in which the bail bond has been
15 deposited and any other unpaid child support obligations are
16 satisfied. In counties with a population of less than
17 3,000,000, the court shall not order bail bond deposited by or
18 on behalf of a defendant in one case to be used to satisfy
19 financial obligations of that same defendant in a different
20 case until the bail bond is first used to satisfy court costs
21 in the case in which the bail bond has been deposited.

22 At the request of the defendant the court may order such
23 90% of defendant's bail deposit, or whatever amount is
24 repayable to defendant from such deposit, to be paid to
25 defendant's attorney of record.

26 (g) If the accused does not comply with the conditions of

1 the bail bond the court having jurisdiction shall enter an
2 order declaring the bail to be forfeited. Notice of such order
3 of forfeiture shall be mailed forthwith to the accused at his
4 last known address. If the accused does not appear and
5 surrender to the court having jurisdiction within 30 days from
6 the date of the forfeiture or within such period satisfy the
7 court that appearance and surrender by the accused is
8 impossible and without his fault the court shall enter
9 judgment for the State if the charge for which the bond was
10 given was a felony or misdemeanor, or if the charge was
11 quasi-criminal or traffic, judgment for the political
12 subdivision of the State which prosecuted the case, against
13 the accused for the amount of the bail and costs of the court
14 proceedings; however, in counties with a population of less
15 than 3,000,000, instead of the court entering a judgment for
16 the full amount of the bond the court may, in its discretion,
17 enter judgment for the cash deposit on the bond, less costs,
18 retain the deposit for further disposition or, if a cash bond
19 was posted for failure to appear in a matter involving
20 enforcement of child support or maintenance, the amount of the
21 cash deposit on the bond, less outstanding costs, may be
22 awarded to the person or entity to whom the child support or
23 maintenance is due. The deposit made in accordance with
24 paragraph (a) shall be applied to the payment of costs. If
25 judgment is entered and any amount of such deposit remains
26 after the payment of costs it shall be applied to payment of

1 the judgment and transferred to the treasury of the municipal
2 corporation wherein the bond was taken if the offense was a
3 violation of any penal ordinance of a political subdivision of
4 this State, or to the treasury of the county wherein the bond
5 was taken if the offense was a violation of any penal statute
6 of this State. The balance of the judgment may be enforced and
7 collected in the same manner as a judgment entered in a civil
8 action.

9 (h) After a judgment for a fine and court costs or either
10 is entered in the prosecution of a cause in which a deposit had
11 been made in accordance with paragraph (a) the balance of such
12 deposit, after deduction of bail bond costs, shall be applied
13 to the payment of the judgment.

14 (i) When a court appearance is required for an alleged
15 violation of the Criminal Code of 1961, the Criminal Code of
16 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
17 and Aquatic Life Code, the Child Passenger Protection Act, or
18 a comparable offense of a unit of local government as
19 specified in Supreme Court Rule 551, and if the accused does
20 not appear in court on the date set for appearance or any date
21 to which the case may be continued and the court issues an
22 arrest warrant for the accused, based upon his or her failure
23 to appear when having so previously been ordered to appear by
24 the court, the accused upon his or her admission to bail shall
25 be assessed by the court a fee of \$75. Payment of the fee shall
26 be a condition of release unless otherwise ordered by the

1 court. The fee shall be in addition to any bail that the
2 accused is required to deposit for the offense for which the
3 accused has been charged and may not be used for the payment of
4 court costs or fines assessed for the offense. The clerk of the
5 court shall remit \$70 of the fee assessed to the arresting
6 agency who brings the offender in on the arrest warrant. If the
7 Department of State Police is the arresting agency, \$70 of the
8 fee assessed shall be remitted by the clerk of the court to the
9 State Treasurer within one month after receipt for deposit
10 into the State Police Operations Assistance Fund. The clerk of
11 the court shall remit \$5 of the fee assessed to the Circuit
12 Court Clerk Operation and Administrative Fund as provided in
13 Section 27.3d of the Clerks of Courts Act.

14 (Source: P.A. 99-412, eff. 1-1-16; 101-652, eff. 7-1-21.)

15 (725 ILCS 5/110-8) (from Ch. 38, par. 110-8)

16 Sec. 110-8. Cash, stocks, bonds and real estate as
17 security for bail.

18 (a) In lieu of the bail deposit provided for in Section
19 110-7 of this Code any person for whom bail has been set may
20 execute the bail bond with or without sureties which bond may
21 be secured:

22 (1) By a deposit, with the clerk of the court, of an amount
23 equal to the required bail, of cash, or stocks and bonds in
24 which trustees are authorized to invest trust funds under the
25 laws of this State; or

1 (2) By real estate situated in this State with
2 unencumbered equity not exempt owned by the accused or
3 sureties worth double the amount of bail set in the bond.

4 (b) If the bail bond is secured by stocks and bonds the
5 accused or sureties shall file with the bond a sworn schedule
6 which shall be approved by the court and shall contain:

7 (1) A list of the stocks and bonds deposited
8 describing each in sufficient detail that it may be
9 identified;

10 (2) The market value of each stock and bond;

11 (3) The total market value of the stocks and bonds
12 listed;

13 (4) A statement that the affiant is the sole owner of
14 the stocks and bonds listed and they are not exempt from
15 the enforcement of a judgment thereon;

16 (5) A statement that such stocks and bonds have not
17 previously been used or accepted as bail in this State
18 during the 12 months preceding the date of the bail bond;
19 and

20 (6) A statement that such stocks and bonds are
21 security for the appearance of the accused in accordance
22 with the conditions of the bail bond.

23 (c) If the bail bond is secured by real estate the accused
24 or sureties shall file with the bond a sworn schedule which
25 shall contain:

26 (1) A legal description of the real estate;

1 (2) A description of any and all encumbrances on the
2 real estate including the amount of each and the holder
3 thereof;

4 (3) The market value of the unencumbered equity owned
5 by the affiant;

6 (4) A statement that the affiant is the sole owner of
7 such unencumbered equity and that it is not exempt from
8 the enforcement of a judgment thereon;

9 (5) A statement that the real estate has not
10 previously been used or accepted as bail in this State
11 during the 12 months preceding the date of the bail bond;
12 and

13 (6) A statement that the real estate is security for
14 the appearance of the accused in accordance with the
15 conditions of the bail bond.

16 (d) The sworn schedule shall constitute a material part of
17 the bail bond. The affiant commits perjury if in the sworn
18 schedule he makes a false statement which he does not believe
19 to be true. He shall be prosecuted and punished accordingly,
20 or, he may be punished for contempt.

21 (e) A certified copy of the bail bond and schedule of real
22 estate shall be filed immediately in the office of the
23 registrar of titles or recorder of the county in which the real
24 estate is situated and the State shall have a lien on such real
25 estate from the time such copies are filed in the office of the
26 registrar of titles or recorder. The registrar of titles or

1 recorder shall enter, index and record (or register as the
2 case may be) such bail bonds and schedules without requiring
3 any advance fee, which fee shall be taxed as costs in the
4 proceeding and paid out of such costs when collected.

5 (f) When the conditions of the bail bond have been
6 performed and the accused has been discharged from his
7 obligations in the cause, the clerk of the court shall return
8 to him or his sureties the deposit of any cash, stocks or
9 bonds. If the bail bond has been secured by real estate the
10 clerk of the court shall forthwith notify in writing the
11 registrar of titles or recorder and the lien of the bail bond
12 on the real estate shall be discharged.

13 (g) If the accused does not comply with the conditions of
14 the bail bond the court having jurisdiction shall enter an
15 order declaring the bail to be forfeited. Notice of such order
16 of forfeiture shall be mailed forthwith by the clerk of the
17 court to the accused and his sureties at their last known
18 address. If the accused does not appear and surrender to the
19 court having jurisdiction within 30 days from the date of the
20 forfeiture or within such period satisfy the court that
21 appearance and surrender by the accused is impossible and
22 without his fault the court shall enter judgment for the State
23 against the accused and his sureties for the amount of the bail
24 and costs of the proceedings; however, in counties with a
25 population of less than 3,000,000, if the defendant has posted
26 a cash bond, instead of the court entering a judgment for the

1 full amount of the bond the court may, in its discretion, enter
2 judgment for the cash deposit on the bond, less costs, retain
3 the deposit for further disposition or, if a cash bond was
4 posted for failure to appear in a matter involving enforcement
5 of child support or maintenance, the amount of the cash
6 deposit on the bond, less outstanding costs, may be awarded to
7 the person or entity to whom the child support or maintenance
8 is due.

9 (h) When judgment is entered in favor of the State on any
10 bail bond given for a felony or misdemeanor, or judgement for a
11 political subdivision of the state on any bail bond given for a
12 quasi-criminal or traffic offense, the State's Attorney or
13 political subdivision's attorney shall forthwith obtain a
14 certified copy of the judgment and deliver same to the sheriff
15 to be enforced by levy on the stocks or bonds deposited with
16 the clerk of the court and the real estate described in the
17 bail bond schedule. Any cash forfeited under subsection (g) of
18 this Section shall be used to satisfy the judgment and costs
19 and, without necessity of levy, ordered paid into the treasury
20 of the municipal corporation wherein the bail bond was taken
21 if the offense was a violation of any penal ordinance of a
22 political subdivision of this State, or into the treasury of
23 the county wherein the bail bond was taken if the offense was a
24 violation of any penal statute of this State, or to the person
25 or entity to whom child support or maintenance is owed if the
26 bond was taken for failure to appear in a matter involving

1 child support or maintenance. The stocks, bonds and real
2 estate shall be sold in the same manner as in sales for the
3 enforcement of a judgment in civil actions and the proceeds of
4 such sale shall be used to satisfy all court costs, prior
5 encumbrances, if any, and from the balance a sufficient amount
6 to satisfy the judgment shall be paid into the treasury of the
7 municipal corporation wherein the bail bond was taken if the
8 offense was a violation of any penal ordinance of a political
9 subdivision of this State, or into the treasury of the county
10 wherein the bail bond was taken if the offense was a violation
11 of any penal statute of this State. The balance shall be
12 returned to the owner. The real estate so sold may be redeemed
13 in the same manner as real estate may be redeemed after
14 judicial sales or sales for the enforcement of judgments in
15 civil actions.

16 (i) No stocks, bonds or real estate may be used or accepted
17 as bail bond security in this State more than once in any 12
18 month period.

19 (Source: P.A. 89-469, eff. 1-1-97; 101-652, eff. 7-1-21.)

20 (725 ILCS 5/110-9) (from Ch. 38, par. 110-9)

21 Sec. 110-9. Taking of bail by peace officer. When bail has
22 been set by a judicial officer for a particular offense or
23 offender any sheriff or other peace officer may take bail in
24 accordance with the provisions of Section 110-7 or 110-8 of
25 this Code and release the offender to appear in accordance

1 with the conditions of the bail bond, the Notice to Appear or
2 the Summons. The officer shall give a receipt to the offender
3 for the bail so taken and within a reasonable time deposit such
4 bail with the clerk of the court having jurisdiction of the
5 offense. A sheriff or other peace officer taking bail in
6 accordance with the provisions of Section 110-7 or 110-8 of
7 this Code shall accept payments made in the form of currency,
8 and may accept other forms of payment as the sheriff shall by
9 rule authorize. For purposes of this Section, "currency" has
10 the meaning provided in subsection (a) of Section 3 of the
11 Currency Reporting Act.

12 (Source: P.A. 99-618, eff. 1-1-17; 101-652, eff. 7-1-21.)

13 (725 ILCS 5/110-13) (from Ch. 38, par. 110-13)

14 Sec. 110-13. Persons prohibited from furnishing bail
15 security. No attorney at law practicing in this State and no
16 official authorized to admit another to bail or to accept bail
17 shall furnish any part of any security for bail in any criminal
18 action or any proceeding nor shall any such person act as
19 surety for any accused admitted to bail.

20 (Source: Laws 1963, p. 2836; 101-652, eff. 7-1-21.)

21 (725 ILCS 5/110-15) (from Ch. 38, par. 110-15)

22 Sec. 110-15. Applicability of provisions for giving and
23 taking bail. The provisions of Sections 110-7 and 110-8 of
24 this Code are exclusive of other provisions of law for the

1 giving, taking, or enforcement of bail. In all cases where a
2 person is admitted to bail the provisions of Sections 110-7
3 and 110-8 of this Code shall be applicable.

4 However, the Supreme Court may, by rule or order,
5 prescribe a uniform schedule of amounts of bail in all but
6 felony offenses. The uniform schedule shall not require a
7 person cited for violating the Illinois Vehicle Code or a
8 similar provision of a local ordinance for which a violation
9 is a petty offense as defined by Section 5-1-17 of the Unified
10 Code of Corrections, excluding business offenses as defined by
11 Section 5-1-2 of the Unified Code of Corrections or a
12 violation of Section 15-111 or subsection (d) of Section 3-401
13 of the Illinois Vehicle Code, to post bond to secure bail for
14 his or her release. Such uniform schedule may provide that the
15 cash deposit provisions of Section 110-7 shall not apply to
16 bail amounts established for alleged violations punishable by
17 fine alone, and the schedule may further provide that in
18 specified traffic cases a valid Illinois chauffeur's or
19 operator's license must be deposited, in addition to 10% of
20 the amount of the bail specified in the schedule.

21 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15;
22 101-652, eff. 7-1-21.)

23 (725 ILCS 5/110-16) (from Ch. 38, par. 110-16)

24 Sec. 110-16. Bail bond-forfeiture in same case or absents
25 self during trial-not bailable. If a person admitted to bail

1 on a felony charge forfeits his bond and fails to appear in
2 court during the 30 days immediately after such forfeiture, on
3 being taken into custody thereafter he shall not be bailable
4 in the case in question, unless the court finds that his
5 absence was not for the purpose of obstructing justice or
6 avoiding prosecution.

7 (Source: P.A. 77-1447; 101-652, eff. 7-1-21.)

8 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

9 Sec. 110-17. Unclaimed bail deposits. Any sum of money
10 deposited by any person to secure his or her release from
11 custody which remains unclaimed by the person entitled to its
12 return for 3 years after the conditions of the bail bond have
13 been performed and the accused has been discharged from all
14 obligations in the cause shall be presumed to be abandoned and
15 subject to disposition under the Revised Uniform Unclaimed
16 Property Act.

17 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
18 101-81, eff. 7-12-19; 101-652, eff. 7-1-21.)

19 (725 ILCS 5/110-18) (from Ch. 38, par. 110-18)

20 Sec. 110-18. Reimbursement. The sheriff of each county
21 shall certify to the treasurer of each county the number of
22 days that persons had been detained in the custody of the
23 sheriff without a bond being set as a result of an order
24 entered pursuant to Section 110-6.1 of this Code. The county

1 treasurer shall, no later than January 1, annually certify to
2 the Supreme Court the number of days that persons had been
3 detained without bond during the twelve-month period ending
4 November 30. The Supreme Court shall reimburse, from funds
5 appropriated to it by the General Assembly for such purposes,
6 the treasurer of each county an amount of money for deposit in
7 the county general revenue fund at a rate of \$50 per day for
8 each day that persons were detained in custody without bail as
9 a result of an order entered pursuant to Section 110-6.1 of
10 this Code.

11 (Source: P.A. 85-892; 101-652, eff. 7-1-21.)

12 (725 ILCS 5/Art. 110A heading)

13 ARTICLE 110A. PEACE BONDS

14 (725 ILCS 5/110A-5)

15 Sec. 110A-5. Courts as conservators of the peace. All
16 courts are conservators of the peace, shall cause to be kept
17 all laws made for the preservation of the peace, and may
18 require persons to give security to keep the peace or for their
19 good behavior, or both, as provided by this Article.

20 (Source: P.A. 89-234, eff. 1-1-96.)

21 (725 ILCS 5/110A-10)

22 Sec. 110A-10. Complaints. When complaint is made to a
23 judge that a person has threatened or is about to commit an

1 offense against the person or property of another, the court
2 shall examine on oath the complaint, and any witness who may be
3 produced, and reduce the complaint to writing, and cause it to
4 be subscribed and sworn to by the complainant.

5 The complaint may be issued electronically or
6 electromagnetically by use of a facsimile transmission
7 machine, and that complaint has the same validity as a written
8 complaint.

9 (Source: P.A. 89-234, eff. 1-1-96.)

10 (725 ILCS 5/110A-15)

11 Sec. 110A-15. Warrants. If the court is satisfied that
12 there is danger that an offense will be committed, the court
13 shall issue a warrant requiring the proper officer to whom it
14 is directed forthwith to apprehend the person complained of
15 and bring him or her before the court having jurisdiction in
16 the premises.

17 The warrant may be issued electronically or
18 electromagnetically by use of a facsimile transmission
19 machine, and that warrant has the same validity as a written
20 warrant.

21 (Source: P.A. 89-234, eff. 1-1-96.)

22 (725 ILCS 5/110A-20)

23 Sec. 110A-20. Hearing. When the person complained of is
24 brought before the court if the charge is controverted, the

1 testimony produced on behalf of the plaintiff and defendant
2 shall be heard.

3 (Source: P.A. 89-234, eff. 1-1-96.)

4 (725 ILCS 5/110A-25)

5 Sec. 110A-25. Malicious prosecution; costs. If it appears
6 that there is no just reason to fear the commission of the
7 offense, the defendant shall be discharged. If the court is of
8 the opinion that the prosecution was commenced maliciously
9 without probable cause, the court may enter judgment against
10 the complainant for the costs of the prosecution.

11 (Source: P.A. 89-234, eff. 1-1-96.)

12 (725 ILCS 5/110A-30)

13 Sec. 110A-30. Recognizance. If there is just reason to
14 fear the commission of an offense, the defendant shall be
15 required to give a recognizance, with sufficient security, in
16 the sum as the court may direct, to keep the peace towards all
17 people of this State, and especially towards the person
18 against whom or whose property there is reason to fear the
19 offense may be committed, for such time, not exceeding 12
20 months, as the court may order. But he or she shall not be
21 bound over to the next court unless he or she is also charged
22 with some other offense for which he or she ought to be held to
23 answer at the court.

24 (Source: P.A. 89-234, eff. 1-1-96.)

1 (725 ILCS 5/110A-35)

2 Sec. 110A-35. Refusal to give recognizance. If the person
3 so ordered to recognize complies with the order, he or she
4 shall be discharged; but if he or she refuses or neglects, the
5 court shall commit him or her to jail during the period for
6 which he or she was required to give security, or until he or
7 she so recognizes, stating in the warrant the cause of
8 commitment, with the sum and time for which the security was
9 required.

10 (Source: P.A. 89-234, eff. 1-1-96.)

11 (725 ILCS 5/110A-40)

12 Sec. 110A-40. Costs of prosecution. When a person is
13 required to give security to keep the peace, or for his or her
14 good behavior, the court may further order that the costs of
15 the prosecution, or any part of the costs, shall be paid by
16 that person, who shall stand committed until the costs are
17 paid or he or she is otherwise legally discharged.

18 (Source: P.A. 89-234, eff. 1-1-96.)

19 (725 ILCS 5/110A-45)

20 Sec. 110A-45. Discharge upon giving recognizance. A person
21 committed for not finding sureties, or refusing to recognize
22 as required by the court, may be discharged on giving the
23 security as was required.

1 (Source: P.A. 89-234, eff. 1-1-96.)

2 (725 ILCS 5/110A-50)

3 Sec. 110A-50. Filing of recognizance; breach of condition.
4 Every recognizance taken in accordance with the foregoing
5 provisions shall be filed of record by the clerk and upon a
6 breach of the condition the same shall be prosecuted by the
7 State's Attorney.

8 (Source: P.A. 89-234, eff. 1-1-96.)

9 (725 ILCS 5/110A-55)

10 Sec. 110A-55. Conviction not needed. In proceeding upon a
11 recognizance it is not necessary to show a conviction of the
12 defendant of an offense against the person or property of
13 another.

14 (Source: P.A. 89-234, eff. 1-1-96.)

15 (725 ILCS 5/110A-60)

16 Sec. 110A-60. Threat made in court. A person who, in the
17 presence of a court, commits or threatens to commit an offense
18 against the person or property of another, may be ordered,
19 without process, to enter into a recognizance to keep the
20 peace for a period not exceeding 12 months, and in case of
21 refusal be committed as in other cases.

22 (Source: P.A. 89-234, eff. 1-1-96.)

1 (725 ILCS 5/110A-65)

2 Sec. 110A-65. Remitting recognizance. When, upon an action
3 brought upon a recognizance, the penalty for the action is
4 adjudged forfeited, the court may, on the petition of a
5 defendant, remit the portion of it as the circumstances of the
6 case render just and reasonable.

7 (Source: P.A. 89-234, eff. 1-1-96.)

8 (725 ILCS 5/110A-70)

9 Sec. 110A-70. Surrender of principal. The sureties of a
10 person bound to keep the peace may, at any time, surrender
11 their principal to the sheriff of the county in which the
12 principal was bound, under the same rules and regulations
13 governing the surrender of the principal in other criminal
14 cases.

15 (Source: P.A. 89-234, eff. 1-1-96.)

16 (725 ILCS 5/110A-75)

17 Sec. 110A-75. New recognizance. The person so surrendered
18 may recognize anew, with sufficient sureties, before a court,
19 for the residue of the time, and shall thereupon be
20 discharged.

21 (Source: P.A. 89-234, eff. 1-1-96.)

22 (725 ILCS 5/110A-80)

23 Sec. 110A-80. Amended complaint. No proceeding to prevent

1 a breach of the peace shall be dismissed on account of any
2 informality or insufficiency in the complaint, or any process
3 or proceeding, but the complaint may be amended, by order of
4 the court, to conform to the facts in the case.

5 (Source: P.A. 89-234, eff. 1-1-96.)

6 Section 1-240. The Rights of Crime Victims and Witnesses
7 Act is amended by changing Sections 3, 4 and 4.5 as follows:

8 (725 ILCS 120/3) (from Ch. 38, par. 1403)

9 (Text of Section before amendment by P.A. 102-982)

10 Sec. 3. The terms used in this Act shall have the following
11 meanings:

12 (a) "Crime victim" or "victim" means: (1) any natural
13 person determined by the prosecutor or the court to have
14 suffered direct physical or psychological harm as a result of
15 a violent crime perpetrated or attempted against that person
16 or direct physical or psychological harm as a result of (i) a
17 violation of Section 11-501 of the Illinois Vehicle Code or
18 similar provision of a local ordinance or (ii) a violation of
19 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
20 of 2012; (2) in the case of a crime victim who is under 18
21 years of age or an adult victim who is incompetent or
22 incapacitated, both parents, legal guardians, foster parents,
23 or a single adult representative; (3) in the case of an adult
24 deceased victim, 2 representatives who may be the spouse,

1 parent, child or sibling of the victim, or the representative
2 of the victim's estate; and (4) an immediate family member of a
3 victim under clause (1) of this paragraph (a) chosen by the
4 victim. If the victim is 18 years of age or over, the victim
5 may choose any person to be the victim's representative. In no
6 event shall the defendant or any person who aided and abetted
7 in the commission of the crime be considered a victim, a crime
8 victim, or a representative of the victim.

9 A board, agency, or other governmental entity making
10 decisions regarding an offender's release, sentence reduction,
11 or clemency can determine additional persons are victims for
12 the purpose of its proceedings.

13 (a-3) "Advocate" means a person whose communications with
14 the victim are privileged under Section 8-802.1 or 8-802.2 of
15 the Code of Civil Procedure, or Section 227 of the Illinois
16 Domestic Violence Act of 1986.

17 (a-5) "Confer" means to consult together, share
18 information, compare opinions and carry on a discussion or
19 deliberation.

20 (a-7) "Sentence" includes, but is not limited to, the
21 imposition of sentence, a request for a reduction in sentence,
22 parole, mandatory supervised release, aftercare release, early
23 release, inpatient treatment, outpatient treatment,
24 conditional release after a finding that the defendant is not
25 guilty by reason of insanity, clemency, or a proposal that
26 would reduce the defendant's sentence or result in the

1 defendant's release. "Early release" refers to a discretionary
2 release.

3 (a-9) "Sentencing" includes, but is not limited to, the
4 imposition of sentence and a request for a reduction in
5 sentence, parole, mandatory supervised release, aftercare
6 release, early release, consideration of inpatient treatment
7 or outpatient treatment, or conditional release after a
8 finding that the defendant is not guilty by reason of
9 insanity.

10 (a-10) "Status hearing" means a hearing designed to
11 provide information to the court, at which no motion of a
12 substantive nature and no constitutional or statutory right of
13 a crime victim is implicated or at issue.

14 (b) "Witness" means: any person who personally observed
15 the commission of a crime and who will testify on behalf of the
16 State of Illinois; or a person who will be called by the
17 prosecution to give testimony establishing a necessary nexus
18 between the offender and the violent crime.

19 (c) "Violent crime" means: (1) any felony in which force
20 or threat of force was used against the victim; (2) any offense
21 involving sexual exploitation, sexual conduct, or sexual
22 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
23 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
24 Criminal Code of 2012; (4) domestic battery or stalking; (5)
25 violation of an order of protection, a civil no contact order,
26 or a stalking no contact order; (6) any misdemeanor which

1 results in death or great bodily harm to the victim; or (7) any
2 violation of Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, or Section 11-501 of the Illinois
4 Vehicle Code, or a similar provision of a local ordinance, if
5 the violation resulted in personal injury or death. "Violent
6 crime" includes any action committed by a juvenile that would
7 be a violent crime if committed by an adult. For the purposes
8 of this paragraph, "personal injury" shall include any Type A
9 injury as indicated on the traffic accident report completed
10 by a law enforcement officer that requires immediate
11 professional attention in either a doctor's office or medical
12 facility. A type A injury shall include severely bleeding
13 wounds, distorted extremities, and injuries that require the
14 injured party to be carried from the scene.

15 (d) (Blank).

16 (e) "Court proceedings" includes, but is not limited to,
17 the preliminary hearing, any post-arraignment hearing the
18 effect of which may be the release of the defendant from
19 custody or to alter the conditions of bond, change of plea
20 hearing, the trial, any pretrial or post-trial hearing,
21 sentencing, any oral argument or hearing before an Illinois
22 appellate court, any hearing under the Mental Health and
23 Developmental Disabilities Code or Section 5-2-4 of the
24 Unified Code of Corrections after a finding that the defendant
25 is not guilty by reason of insanity, including a hearing for
26 conditional release, any hearing related to a modification of

1 sentence, probation revocation hearing, aftercare release or
2 parole hearings, post-conviction relief proceedings, habeas
3 corpus proceedings and clemency proceedings related to the
4 defendant's conviction or sentence. For purposes of the
5 victim's right to be present, "court proceedings" does not
6 include (1) hearings under Section 109-1 of the Code of
7 Criminal Procedure of 1963, (2) grand jury proceedings, ~~(2)~~
8 (3) status hearings, or ~~(3)~~ (4) the issuance of an order or
9 decision of an Illinois court that dismisses a charge,
10 reverses a conviction, reduces a sentence, or releases an
11 offender under a court rule.

12 (e) "Court proceedings" includes, but is not limited to,
13 the preliminary hearing, any post-arraignment hearing the
14 effect of which may be the release of the defendant from
15 custody or to alter the conditions of bond, change of plea
16 hearing, the trial, any pretrial or post-trial hearing,
17 sentencing, any oral argument or hearing before an Illinois
18 appellate court, any hearing under the Mental Health and
19 Developmental Disabilities Code or Section 5-2-4 of the
20 Unified Code of Corrections after a finding that the defendant
21 is not guilty by reason of insanity, including a hearing for
22 conditional release, any hearing related to a modification of
23 sentence, probation revocation hearing, aftercare release or
24 parole hearings, post-conviction relief proceedings, habeas
25 corpus proceedings and clemency proceedings related to the
26 defendant's conviction or sentence. For purposes of the

1 victim's right to be present, "court proceedings" does not
2 include (1) hearings under Section 109-1 of the Code of
3 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
4 status hearings, or (4) the issuance of an order or decision of
5 an Illinois court that dismisses a charge, reverses a
6 conviction, reduces a sentence, or releases an offender under
7 a court rule.

8 (f) "Concerned citizen" includes relatives of the victim,
9 friends of the victim, witnesses to the crime, or any other
10 person associated with the victim or prisoner.

11 (g) "Victim's attorney" means an attorney retained by the
12 victim for the purposes of asserting the victim's
13 constitutional and statutory rights. An attorney retained by
14 the victim means an attorney who is hired to represent the
15 victim at the victim's expense or an attorney who has agreed to
16 provide pro bono representation. Nothing in this statute
17 creates a right to counsel at public expense for a victim.

18 (h) "Support person" means a person chosen by a victim to
19 be present at court proceedings.

20 (Source: P.A. 102-1104, eff. 1-1-23.)

21 (Text of Section after amendment by P.A. 102-982)

22 Sec. 3. The terms used in this Act shall have the following
23 meanings:

24 (a) "Crime victim" or "victim" means: (1) any natural
25 person determined by the prosecutor or the court to have

1 suffered direct physical or psychological harm as a result of
2 a violent crime perpetrated or attempted against that person
3 or direct physical or psychological harm as a result of (i) a
4 violation of Section 11-501 of the Illinois Vehicle Code or
5 similar provision of a local ordinance or (ii) a violation of
6 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
7 of 2012; (2) in the case of a crime victim who is under 18
8 years of age or an adult victim who is incompetent or
9 incapacitated, both parents, legal guardians, foster parents,
10 or a single adult representative; (3) in the case of an adult
11 deceased victim, 2 representatives who may be the spouse,
12 parent, child or sibling of the victim, or the representative
13 of the victim's estate; and (4) an immediate family member of a
14 victim under clause (1) of this paragraph (a) chosen by the
15 victim. If the victim is 18 years of age or over, the victim
16 may choose any person to be the victim's representative. In no
17 event shall the defendant or any person who aided and abetted
18 in the commission of the crime be considered a victim, a crime
19 victim, or a representative of the victim.

20 A board, agency, or other governmental entity making
21 decisions regarding an offender's release, sentence reduction,
22 or clemency can determine additional persons are victims for
23 the purpose of its proceedings.

24 (a-3) "Advocate" means a person whose communications with
25 the victim are privileged under Section 8-802.1 or 8-802.2 of
26 the Code of Civil Procedure, or Section 227 of the Illinois

1 Domestic Violence Act of 1986.

2 (a-5) "Confer" means to consult together, share
3 information, compare opinions and carry on a discussion or
4 deliberation.

5 (a-7) "Sentence" includes, but is not limited to, the
6 imposition of sentence, a request for a reduction in sentence,
7 parole, mandatory supervised release, aftercare release, early
8 release, inpatient treatment, outpatient treatment,
9 conditional release after a finding that the defendant is not
10 guilty by reason of insanity, clemency, or a proposal that
11 would reduce the defendant's sentence or result in the
12 defendant's release. "Early release" refers to a discretionary
13 release.

14 (a-9) "Sentencing" includes, but is not limited to, the
15 imposition of sentence and a request for a reduction in
16 sentence, parole, mandatory supervised release, aftercare
17 release, early release, consideration of inpatient treatment
18 or outpatient treatment, or conditional release after a
19 finding that the defendant is not guilty by reason of
20 insanity.

21 (a-10) "Status hearing" means a hearing designed to
22 provide information to the court, at which no motion of a
23 substantive nature and no constitutional or statutory right of
24 a crime victim is implicated or at issue.

25 (b) "Witness" means: any person who personally observed
26 the commission of a crime and who will testify on behalf of the

1 State of Illinois; or a person who will be called by the
2 prosecution to give testimony establishing a necessary nexus
3 between the offender and the violent crime.

4 (c) "Violent crime" means: (1) any felony in which force
5 or threat of force was used against the victim; (2) any offense
6 involving sexual exploitation, sexual conduct, or sexual
7 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
8 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
9 Criminal Code of 2012; (4) domestic battery or stalking; (5)
10 violation of an order of protection, a civil no contact order,
11 or a stalking no contact order; (6) any misdemeanor which
12 results in death or great bodily harm to the victim; or (7) any
13 violation of Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or Section 11-501 of the Illinois
15 Vehicle Code, or a similar provision of a local ordinance, if
16 the violation resulted in personal injury or death. "Violent
17 crime" includes any action committed by a juvenile that would
18 be a violent crime if committed by an adult. For the purposes
19 of this paragraph, "personal injury" shall include any Type A
20 injury as indicated on the traffic crash report completed by a
21 law enforcement officer that requires immediate professional
22 attention in either a doctor's office or medical facility. A
23 type A injury shall include severely bleeding wounds,
24 distorted extremities, and injuries that require the injured
25 party to be carried from the scene.

26 (d) (Blank).

1 (e) "Court proceedings" includes, but is not limited to,
2 the preliminary hearing, any post-arraignment hearing the
3 effect of which may be the release of the defendant from
4 custody or to alter the conditions of bond, change of plea
5 hearing, the trial, any pretrial or post-trial hearing,
6 sentencing, any oral argument or hearing before an Illinois
7 appellate court, any hearing under the Mental Health and
8 Developmental Disabilities Code or Section 5-2-4 of the
9 Unified Code of Corrections after a finding that the defendant
10 is not guilty by reason of insanity, including a hearing for
11 conditional release, any hearing related to a modification of
12 sentence, probation revocation hearing, aftercare release or
13 parole hearings, post-conviction relief proceedings, habeas
14 corpus proceedings and clemency proceedings related to the
15 defendant's conviction or sentence. For purposes of the
16 victim's right to be present, "court proceedings" does not
17 include (1) hearings under Section 109-1 of the Code of
18 Criminal Procedure of 1963, (2) grand jury proceedings, ~~(2)~~
19 (3) status hearings, or ~~(3)~~ (4) the issuance of an order or
20 decision of an Illinois court that dismisses a charge,
21 reverses a conviction, reduces a sentence, or releases an
22 offender under a court rule.

23 (f) "Concerned citizen" includes relatives of the victim,
24 friends of the victim, witnesses to the crime, or any other
25 person associated with the victim or prisoner.

26 (g) "Victim's attorney" means an attorney retained by the

1 victim for the purposes of asserting the victim's
2 constitutional and statutory rights. An attorney retained by
3 the victim means an attorney who is hired to represent the
4 victim at the victim's expense or an attorney who has agreed to
5 provide pro bono representation. Nothing in this statute
6 creates a right to counsel at public expense for a victim.

7 (h) "Support person" means a person chosen by a victim to
8 be present at court proceedings.

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

10 (725 ILCS 120/4) (from Ch. 38, par. 1404)

11 Sec. 4. Rights of crime victims.

12 (a) Crime victims shall have the following rights:

13 (1) The right to be treated with fairness and respect
14 for their dignity and privacy and to be free from
15 harassment, intimidation, and abuse throughout the
16 criminal justice process.

17 (1.5) The right to notice and to a hearing before a
18 court ruling on a request for access to any of the victim's
19 records, information, or communications which are
20 privileged or confidential by law.

21 (2) The right to timely notification of all court
22 proceedings.

23 (3) The right to communicate with the prosecution.

24 (4) The right to be heard at any post-arraignment
25 court proceeding in which a right of the victim is at issue

1 and any court proceeding involving a post-arraignment
2 release decision, plea, or sentencing.

3 (5) The right to be notified of the conviction, the
4 sentence, the imprisonment and the release of the accused.

5 (6) The right to the timely disposition of the case
6 following the arrest of the accused.

7 (7) The right to be reasonably protected from the
8 accused through the criminal justice process.

9 (7.5) The right to have the safety of the victim and
10 the victim's family considered in denying or fixing the
11 amount of bail, determining whether to release the
12 defendant, and setting conditions of release after arrest
13 and conviction.

14 (8) The right to be present at the trial and all other
15 court proceedings on the same basis as the accused, unless
16 the victim is to testify and the court determines that the
17 victim's testimony would be materially affected if the
18 victim hears other testimony at the trial.

19 (9) The right to have present at all court
20 proceedings, including proceedings under the Juvenile
21 Court Act of 1987, subject to the rules of evidence, an
22 advocate and other support person of the victim's choice.

23 (10) The right to restitution.

24 (b) Any law enforcement agency that investigates an
25 offense committed in this State shall provide a crime victim
26 with a written statement and explanation of the rights of

1 crime victims under this amendatory Act of the 99th General
2 Assembly within 48 hours of law enforcement's initial contact
3 with a victim. The statement shall include information about
4 crime victim compensation, including how to contact the Office
5 of the Illinois Attorney General to file a claim, and
6 appropriate referrals to local and State programs that provide
7 victim services. The content of the statement shall be
8 provided to law enforcement by the Attorney General. Law
9 enforcement shall also provide a crime victim with a sign-off
10 sheet that the victim shall sign and date as an
11 acknowledgement that he or she has been furnished with
12 information and an explanation of the rights of crime victims
13 and compensation set forth in this Act.

14 (b-5) Upon the request of the victim, the law enforcement
15 agency having jurisdiction shall provide a free copy of the
16 police report concerning the victim's incident, as soon as
17 practicable, but in no event later than 5 business days from
18 the request.

19 (c) The Clerk of the Circuit Court shall post the rights of
20 crime victims set forth in Article I, Section 8.1(a) of the
21 Illinois Constitution and subsection (a) of this Section
22 within 3 feet of the door to any courtroom where criminal
23 proceedings are conducted. The clerk may also post the rights
24 in other locations in the courthouse.

25 (d) At any point, the victim has the right to retain a
26 victim's attorney who may be present during all stages of any

1 interview, investigation, or other interaction with
2 representatives of the criminal justice system. Treatment of
3 the victim should not be affected or altered in any way as a
4 result of the victim's decision to exercise this right.

5 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law
9 enforcement, prosecutors, judges, and corrections will provide
10 information, as appropriate, of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation
17 is closed.

18 (a-5) When law enforcement authorities reopen a closed
19 case to resume investigating, they shall provide notice of the
20 reopening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (b) The office of the State's Attorney:

24 (1) shall provide notice of the filing of an
25 information, the return of an indictment, or the filing of

1 a petition to adjudicate a minor as a delinquent for a
2 violent crime;

3 (2) shall provide timely notice of the date, time, and
4 place of court proceedings; of any change in the date,
5 time, and place of court proceedings; and of any
6 cancellation of court proceedings. Notice shall be
7 provided in sufficient time, wherever possible, for the
8 victim to make arrangements to attend or to prevent an
9 unnecessary appearance at court proceedings;

10 (3) or victim advocate personnel shall provide
11 information of social services and financial assistance
12 available for victims of crime, including information of
13 how to apply for these services and assistance;

14 (3.5) or victim advocate personnel shall provide
15 information about available victim services, including
16 referrals to programs, counselors, and agencies that
17 assist a victim to deal with trauma, loss, and grief;

18 (4) shall assist in having any stolen or other
19 personal property held by law enforcement authorities for
20 evidentiary or other purposes returned as expeditiously as
21 possible, pursuant to the procedures set out in Section
22 115-9 of the Code of Criminal Procedure of 1963;

23 (5) or victim advocate personnel shall provide
24 appropriate employer intercession services to ensure that
25 employers of victims will cooperate with the criminal
26 justice system in order to minimize an employee's loss of

1 pay and other benefits resulting from court appearances;

2 (6) shall provide, whenever possible, a secure waiting
3 area during court proceedings that does not require
4 victims to be in close proximity to defendants or
5 juveniles accused of a violent crime, and their families
6 and friends;

7 (7) shall provide notice to the crime victim of the
8 right to have a translator present at all court
9 proceedings and, in compliance with the federal Americans
10 with Disabilities Act of 1990, the right to communications
11 access through a sign language interpreter or by other
12 means;

13 (8) (blank);

14 (8.5) shall inform the victim of the right to be
15 present at all court proceedings, unless the victim is to
16 testify and the court determines that the victim's
17 testimony would be materially affected if the victim hears
18 other testimony at trial;

19 (9) shall inform the victim of the right to have
20 present at all court proceedings, subject to the rules of
21 evidence and confidentiality, an advocate and other
22 support person of the victim's choice;

23 (9.3) shall inform the victim of the right to retain
24 an attorney, at the victim's own expense, who, upon
25 written notice filed with the clerk of the court and
26 State's Attorney, is to receive copies of all notices,

1 motions, and court orders filed thereafter in the case, in
2 the same manner as if the victim were a named party in the
3 case;

4 (9.5) shall inform the victim of (A) the victim's
5 right under Section 6 of this Act to make a statement at
6 the sentencing hearing; (B) the right of the victim's
7 spouse, guardian, parent, grandparent, and other immediate
8 family and household members under Section 6 of this Act
9 to present a statement at sentencing; and (C) if a
10 presentence report is to be prepared, the right of the
11 victim's spouse, guardian, parent, grandparent, and other
12 immediate family and household members to submit
13 information to the preparer of the presentence report
14 about the effect the offense has had on the victim and the
15 person;

16 (10) at the sentencing shall make a good faith attempt
17 to explain the minimum amount of time during which the
18 defendant may actually be physically imprisoned. The
19 Office of the State's Attorney shall further notify the
20 crime victim of the right to request from the Prisoner
21 Review Board or Department of Juvenile Justice information
22 concerning the release of the defendant;

23 (11) shall request restitution at sentencing and as
24 part of a plea agreement if the victim requests
25 restitution;

26 (12) shall, upon the court entering a verdict of not

1 guilty by reason of insanity, inform the victim of the
2 notification services available from the Department of
3 Human Services, including the statewide telephone number,
4 under subparagraph (d) (2) of this Section;

5 (13) shall provide notice within a reasonable time
6 after receipt of notice from the custodian, of the release
7 of the defendant on ~~pretrial-release~~ bail or personal
8 recognizance or the release from detention of a minor who
9 has been detained;

10 (14) shall explain in nontechnical language the
11 details of any plea or verdict of a defendant, or any
12 adjudication of a juvenile as a delinquent;

13 (15) shall make all reasonable efforts to consult with
14 the crime victim before the Office of the State's Attorney
15 makes an offer of a plea bargain to the defendant or enters
16 into negotiations with the defendant concerning a possible
17 plea agreement, and shall consider the written statement,
18 if prepared prior to entering into a plea agreement. The
19 right to consult with the prosecutor does not include the
20 right to veto a plea agreement or to insist the case go to
21 trial. If the State's Attorney has not consulted with the
22 victim prior to making an offer or entering into plea
23 negotiations with the defendant, the Office of the State's
24 Attorney shall notify the victim of the offer or the
25 negotiations within 2 business days and confer with the
26 victim;

1 (16) shall provide notice of the ultimate disposition
2 of the cases arising from an indictment or an information,
3 or a petition to have a juvenile adjudicated as a
4 delinquent for a violent crime;

5 (17) shall provide notice of any appeal taken by the
6 defendant and information on how to contact the
7 appropriate agency handling the appeal, and how to request
8 notice of any hearing, oral argument, or decision of an
9 appellate court;

10 (18) shall provide timely notice of any request for
11 post-conviction review filed by the defendant under
12 Article 122 of the Code of Criminal Procedure of 1963, and
13 of the date, time and place of any hearing concerning the
14 petition. Whenever possible, notice of the hearing shall
15 be given within 48 hours of the court's scheduling of the
16 hearing;

17 (19) shall forward a copy of any statement presented
18 under Section 6 to the Prisoner Review Board or Department
19 of Juvenile Justice to be considered in making a
20 determination under Section 3-2.5-85 or subsection (b) of
21 Section 3-3-8 of the Unified Code of Corrections;

22 (20) shall, within a reasonable time, offer to meet
23 with the crime victim regarding the decision of the
24 State's Attorney not to charge an offense, and shall meet
25 with the victim, if the victim agrees. The victim has a
26 right to have an attorney, advocate, and other support

1 person of the victim's choice attend this meeting with the
2 victim; and

3 (21) shall give the crime victim timely notice of any
4 decision not to pursue charges and consider the safety of
5 the victim when deciding how to give such notice.

6 (c) The court shall ensure that the rights of the victim
7 are afforded.

8 (c-5) The following procedures shall be followed to afford
9 victims the rights guaranteed by Article I, Section 8.1 of the
10 Illinois Constitution:

11 (1) Written notice. A victim may complete a written
12 notice of intent to assert rights on a form prepared by the
13 Office of the Attorney General and provided to the victim
14 by the State's Attorney. The victim may at any time
15 provide a revised written notice to the State's Attorney.
16 The State's Attorney shall file the written notice with
17 the court. At the beginning of any court proceeding in
18 which the right of a victim may be at issue, the court and
19 prosecutor shall review the written notice to determine
20 whether the victim has asserted the right that may be at
21 issue.

22 (2) Victim's retained attorney. A victim's attorney
23 shall file an entry of appearance limited to assertion of
24 the victim's rights. Upon the filing of the entry of
25 appearance and service on the State's Attorney and the
26 defendant, the attorney is to receive copies of all

1 notices, motions and court orders filed thereafter in the
2 case.

3 (3) Standing. The victim has standing to assert the
4 rights enumerated in subsection (a) of Article I, Section
5 8.1 of the Illinois Constitution and the statutory rights
6 under Section 4 of this Act in any court exercising
7 jurisdiction over the criminal case. The prosecuting
8 attorney, a victim, or the victim's retained attorney may
9 assert the victim's rights. The defendant in the criminal
10 case has no standing to assert a right of the victim in any
11 court proceeding, including on appeal.

12 (4) Assertion of and enforcement of rights.

13 (A) The prosecuting attorney shall assert a
14 victim's right or request enforcement of a right by
15 filing a motion or by orally asserting the right or
16 requesting enforcement in open court in the criminal
17 case outside the presence of the jury. The prosecuting
18 attorney shall consult with the victim and the
19 victim's attorney regarding the assertion or
20 enforcement of a right. If the prosecuting attorney
21 decides not to assert or enforce a victim's right, the
22 prosecuting attorney shall notify the victim or the
23 victim's attorney in sufficient time to allow the
24 victim or the victim's attorney to assert the right or
25 to seek enforcement of a right.

26 (B) If the prosecuting attorney elects not to

1 assert a victim's right or to seek enforcement of a
2 right, the victim or the victim's attorney may assert
3 the victim's right or request enforcement of a right
4 by filing a motion or by orally asserting the right or
5 requesting enforcement in open court in the criminal
6 case outside the presence of the jury.

7 (C) If the prosecuting attorney asserts a victim's
8 right or seeks enforcement of a right, unless the
9 prosecuting attorney objects or the trial court does
10 not allow it, the victim or the victim's attorney may
11 be heard regarding the prosecuting attorney's motion
12 or may file a simultaneous motion to assert or request
13 enforcement of the victim's right. If the victim or
14 the victim's attorney was not allowed to be heard at
15 the hearing regarding the prosecuting attorney's
16 motion, and the court denies the prosecuting
17 attorney's assertion of the right or denies the
18 request for enforcement of a right, the victim or
19 victim's attorney may file a motion to assert the
20 victim's right or to request enforcement of the right
21 within 10 days of the court's ruling. The motion need
22 not demonstrate the grounds for a motion for
23 reconsideration. The court shall rule on the merits of
24 the motion.

25 (D) The court shall take up and decide any motion
26 or request asserting or seeking enforcement of a

1 victim's right without delay, unless a specific time
2 period is specified by law or court rule. The reasons
3 for any decision denying the motion or request shall
4 be clearly stated on the record.

5 (E) No later than January 1, 2023, the Office of
6 the Attorney General shall:

7 (i) designate an administrative authority
8 within the Office of the Attorney General to
9 receive and investigate complaints relating to the
10 provision or violation of the rights of a crime
11 victim as described in Article I, Section 8.1 of
12 the Illinois Constitution and in this Act;

13 (ii) create and administer a course of
14 training for employees and offices of the State of
15 Illinois that fail to comply with provisions of
16 Illinois law pertaining to the treatment of crime
17 victims as described in Article I, Section 8.1 of
18 the Illinois Constitution and in this Act as
19 required by the court under Section 5 of this Act;
20 and

21 (iii) have the authority to make
22 recommendations to employees and offices of the
23 State of Illinois to respond more effectively to
24 the needs of crime victims, including regarding
25 the violation of the rights of a crime victim.

26 (F) Crime victims' rights may also be asserted by

1 filing a complaint for mandamus, injunctive, or
2 declaratory relief in the jurisdiction in which the
3 victim's right is being violated or where the crime is
4 being prosecuted. For complaints or motions filed by
5 or on behalf of the victim, the clerk of court shall
6 waive filing fees that would otherwise be owed by the
7 victim for any court filing with the purpose of
8 enforcing crime victims' rights. If the court denies
9 the relief sought by the victim, the reasons for the
10 denial shall be clearly stated on the record in the
11 transcript of the proceedings, in a written opinion,
12 or in the docket entry, and the victim may appeal the
13 circuit court's decision to the appellate court. The
14 court shall issue prompt rulings regarding victims'
15 rights. Proceedings seeking to enforce victims' rights
16 shall not be stayed or subject to unreasonable delay
17 via continuances.

18 (5) Violation of rights and remedies.

19 (A) If the court determines that a victim's right
20 has been violated, the court shall determine the
21 appropriate remedy for the violation of the victim's
22 right by hearing from the victim and the parties,
23 considering all factors relevant to the issue, and
24 then awarding appropriate relief to the victim.

25 (A-5) Consideration of an issue of a substantive
26 nature or an issue that implicates the constitutional

1 or statutory right of a victim at a court proceeding
2 labeled as a status hearing shall constitute a per se
3 violation of a victim's right.

4 (B) The appropriate remedy shall include only
5 actions necessary to provide the victim the right to
6 which the victim was entitled. Remedies may include,
7 but are not limited to: injunctive relief requiring
8 the victim's right to be afforded; declaratory
9 judgment recognizing or clarifying the victim's
10 rights; a writ of mandamus; and may include reopening
11 previously held proceedings; however, in no event
12 shall the court vacate a conviction. Any remedy shall
13 be tailored to provide the victim an appropriate
14 remedy without violating any constitutional right of
15 the defendant. In no event shall the appropriate
16 remedy to the victim be a new trial or damages.

17 The court shall impose a mandatory training course
18 provided by the Attorney General for the employee under
19 item (ii) of subparagraph (E) of paragraph (4), which must
20 be successfully completed within 6 months of the entry of
21 the court order.

22 This paragraph (5) takes effect January 2, 2023.

23 (6) Right to be heard. Whenever a victim has the right
24 to be heard, the court shall allow the victim to exercise
25 the right in any reasonable manner the victim chooses.

26 (7) Right to attend trial. A party must file a written

1 motion to exclude a victim from trial at least 60 days
2 prior to the date set for trial. The motion must state with
3 specificity the reason exclusion is necessary to protect a
4 constitutional right of the party, and must contain an
5 offer of proof. The court shall rule on the motion within
6 30 days. If the motion is granted, the court shall set
7 forth on the record the facts that support its finding
8 that the victim's testimony will be materially affected if
9 the victim hears other testimony at trial.

10 (8) Right to have advocate and support person present
11 at court proceedings.

12 (A) A party who intends to call an advocate as a
13 witness at trial must seek permission of the court
14 before the subpoena is issued. The party must file a
15 written motion at least 90 days before trial that sets
16 forth specifically the issues on which the advocate's
17 testimony is sought and an offer of proof regarding
18 (i) the content of the anticipated testimony of the
19 advocate; and (ii) the relevance, admissibility, and
20 materiality of the anticipated testimony. The court
21 shall consider the motion and make findings within 30
22 days of the filing of the motion. If the court finds by
23 a preponderance of the evidence that: (i) the
24 anticipated testimony is not protected by an absolute
25 privilege; and (ii) the anticipated testimony contains
26 relevant, admissible, and material evidence that is

1 not available through other witnesses or evidence, the
2 court shall issue a subpoena requiring the advocate to
3 appear to testify at an in camera hearing. The
4 prosecuting attorney and the victim shall have 15 days
5 to seek appellate review before the advocate is
6 required to testify at an ex parte in camera
7 proceeding.

8 The prosecuting attorney, the victim, and the
9 advocate's attorney shall be allowed to be present at
10 the ex parte in camera proceeding. If, after
11 conducting the ex parte in camera hearing, the court
12 determines that due process requires any testimony
13 regarding confidential or privileged information or
14 communications, the court shall provide to the
15 prosecuting attorney, the victim, and the advocate's
16 attorney a written memorandum on the substance of the
17 advocate's testimony. The prosecuting attorney, the
18 victim, and the advocate's attorney shall have 15 days
19 to seek appellate review before a subpoena may be
20 issued for the advocate to testify at trial. The
21 presence of the prosecuting attorney at the ex parte
22 in camera proceeding does not make the substance of
23 the advocate's testimony that the court has ruled
24 inadmissible subject to discovery.

25 (B) If a victim has asserted the right to have a
26 support person present at the court proceedings, the

1 victim shall provide the name of the person the victim
2 has chosen to be the victim's support person to the
3 prosecuting attorney, within 60 days of trial. The
4 prosecuting attorney shall provide the name to the
5 defendant. If the defendant intends to call the
6 support person as a witness at trial, the defendant
7 must seek permission of the court before a subpoena is
8 issued. The defendant must file a written motion at
9 least 45 days prior to trial that sets forth
10 specifically the issues on which the support person
11 will testify and an offer of proof regarding: (i) the
12 content of the anticipated testimony of the support
13 person; and (ii) the relevance, admissibility, and
14 materiality of the anticipated testimony.

15 If the prosecuting attorney intends to call the
16 support person as a witness during the State's
17 case-in-chief, the prosecuting attorney shall inform
18 the court of this intent in the response to the
19 defendant's written motion. The victim may choose a
20 different person to be the victim's support person.
21 The court may allow the defendant to inquire about
22 matters outside the scope of the direct examination
23 during cross-examination. If the court allows the
24 defendant to do so, the support person shall be
25 allowed to remain in the courtroom after the support
26 person has testified. A defendant who fails to

1 question the support person about matters outside the
2 scope of direct examination during the State's
3 case-in-chief waives the right to challenge the
4 presence of the support person on appeal. The court
5 shall allow the support person to testify if called as
6 a witness in the defendant's case-in-chief or the
7 State's rebuttal.

8 If the court does not allow the defendant to
9 inquire about matters outside the scope of the direct
10 examination, the support person shall be allowed to
11 remain in the courtroom after the support person has
12 been called by the defendant or the defendant has
13 rested. The court shall allow the support person to
14 testify in the State's rebuttal.

15 If the prosecuting attorney does not intend to
16 call the support person in the State's case-in-chief,
17 the court shall verify with the support person whether
18 the support person, if called as a witness, would
19 testify as set forth in the offer of proof. If the
20 court finds that the support person would testify as
21 set forth in the offer of proof, the court shall rule
22 on the relevance, materiality, and admissibility of
23 the anticipated testimony. If the court rules the
24 anticipated testimony is admissible, the court shall
25 issue the subpoena. The support person may remain in
26 the courtroom after the support person testifies and

1 shall be allowed to testify in rebuttal.

2 If the court excludes the victim's support person
3 during the State's case-in-chief, the victim shall be
4 allowed to choose another support person to be present
5 in court.

6 If the victim fails to designate a support person
7 within 60 days of trial and the defendant has
8 subpoenaed the support person to testify at trial, the
9 court may exclude the support person from the trial
10 until the support person testifies. If the court
11 excludes the support person the victim may choose
12 another person as a support person.

13 (9) Right to notice and hearing before disclosure of
14 confidential or privileged information or records.

15 (A) A defendant who seeks to subpoena testimony or
16 records of or concerning the victim that are
17 confidential or privileged by law must seek permission
18 of the court before the subpoena is issued. The
19 defendant must file a written motion and an offer of
20 proof regarding the relevance, admissibility and
21 materiality of the testimony or records. If the court
22 finds by a preponderance of the evidence that:

23 (i) the testimony or records are not protected
24 by an absolute privilege and

25 (ii) the testimony or records contain
26 relevant, admissible, and material evidence that

1 is not available through other witnesses or
2 evidence, the court shall issue a subpoena
3 requiring the witness to appear in camera or a
4 sealed copy of the records be delivered to the
5 court to be reviewed in camera. If, after
6 conducting an in camera review of the witness
7 statement or records, the court determines that
8 due process requires disclosure of any potential
9 testimony or any portion of the records, the court
10 shall provide copies of the records that it
11 intends to disclose to the prosecuting attorney
12 and the victim. The prosecuting attorney and the
13 victim shall have 30 days to seek appellate review
14 before the records are disclosed to the defendant,
15 used in any court proceeding, or disclosed to
16 anyone or in any way that would subject the
17 testimony or records to public review. The
18 disclosure of copies of any portion of the
19 testimony or records to the prosecuting attorney
20 under this Section does not make the records
21 subject to discovery or required to be provided to
22 the defendant.

23 (B) A prosecuting attorney who seeks to subpoena
24 information or records concerning the victim that are
25 confidential or privileged by law must first request
26 the written consent of the crime victim. If the victim

1 does not provide such written consent, including where
2 necessary the appropriate signed document required for
3 waiving privilege, the prosecuting attorney must serve
4 the subpoena at least 21 days prior to the date a
5 response or appearance is required to allow the
6 subject of the subpoena time to file a motion to quash
7 or request a hearing. The prosecuting attorney must
8 also send a written notice to the victim at least 21
9 days prior to the response date to allow the victim to
10 file a motion or request a hearing. The notice to the
11 victim shall inform the victim (i) that a subpoena has
12 been issued for confidential information or records
13 concerning the victim, (ii) that the victim has the
14 right to request a hearing prior to the response date
15 of the subpoena, and (iii) how to request the hearing.
16 The notice to the victim shall also include a copy of
17 the subpoena. If requested, a hearing regarding the
18 subpoena shall occur before information or records are
19 provided to the prosecuting attorney.

20 (10) Right to notice of court proceedings. If the
21 victim is not present at a court proceeding in which a
22 right of the victim is at issue, the court shall ask the
23 prosecuting attorney whether the victim was notified of
24 the time, place, and purpose of the court proceeding and
25 that the victim had a right to be heard at the court
26 proceeding. If the court determines that timely notice was

1 not given or that the victim was not adequately informed
2 of the nature of the court proceeding, the court shall not
3 rule on any substantive issues, accept a plea, or impose a
4 sentence and shall continue the hearing for the time
5 necessary to notify the victim of the time, place and
6 nature of the court proceeding. The time between court
7 proceedings shall not be attributable to the State under
8 Section 103-5 of the Code of Criminal Procedure of 1963.

9 (11) Right to timely disposition of the case. A victim
10 has the right to timely disposition of the case so as to
11 minimize the stress, cost, and inconvenience resulting
12 from the victim's involvement in the case. Before ruling
13 on a motion to continue trial or other court proceeding,
14 the court shall inquire into the circumstances for the
15 request for the delay and, if the victim has provided
16 written notice of the assertion of the right to a timely
17 disposition, and whether the victim objects to the delay.
18 If the victim objects, the prosecutor shall inform the
19 court of the victim's objections. If the prosecutor has
20 not conferred with the victim about the continuance, the
21 prosecutor shall inform the court of the attempts to
22 confer. If the court finds the attempts of the prosecutor
23 to confer with the victim were inadequate to protect the
24 victim's right to be heard, the court shall give the
25 prosecutor at least 3 but not more than 5 business days to
26 confer with the victim. In ruling on a motion to continue,

1 the court shall consider the reasons for the requested
2 continuance, the number and length of continuances that
3 have been granted, the victim's objections and procedures
4 to avoid further delays. If a continuance is granted over
5 the victim's objection, the court shall specify on the
6 record the reasons for the continuance and the procedures
7 that have been or will be taken to avoid further delays.

8 (12) Right to Restitution.

9 (A) If the victim has asserted the right to
10 restitution and the amount of restitution is known at
11 the time of sentencing, the court shall enter the
12 judgment of restitution at the time of sentencing.

13 (B) If the victim has asserted the right to
14 restitution and the amount of restitution is not known
15 at the time of sentencing, the prosecutor shall,
16 within 5 days after sentencing, notify the victim what
17 information and documentation related to restitution
18 is needed and that the information and documentation
19 must be provided to the prosecutor within 45 days
20 after sentencing. Failure to timely provide
21 information and documentation related to restitution
22 shall be deemed a waiver of the right to restitution.
23 The prosecutor shall file and serve within 60 days
24 after sentencing a proposed judgment for restitution
25 and a notice that includes information concerning the
26 identity of any victims or other persons seeking

1 restitution, whether any victim or other person
2 expressly declines restitution, the nature and amount
3 of any damages together with any supporting
4 documentation, a restitution amount recommendation,
5 and the names of any co-defendants and their case
6 numbers. Within 30 days after receipt of the proposed
7 judgment for restitution, the defendant shall file any
8 objection to the proposed judgment, a statement of
9 grounds for the objection, and a financial statement.
10 If the defendant does not file an objection, the court
11 may enter the judgment for restitution without further
12 proceedings. If the defendant files an objection and
13 either party requests a hearing, the court shall
14 schedule a hearing.

15 (13) Access to presentence reports.

16 (A) The victim may request a copy of the
17 presentence report prepared under the Unified Code of
18 Corrections from the State's Attorney. The State's
19 Attorney shall redact the following information before
20 providing a copy of the report:

21 (i) the defendant's mental history and
22 condition;

23 (ii) any evaluation prepared under subsection
24 (b) or (b-5) of Section 5-3-2; and

25 (iii) the name, address, phone number, and
26 other personal information about any other victim.

1 (B) The State's Attorney or the defendant may
2 request the court redact other information in the
3 report that may endanger the safety of any person.

4 (C) The State's Attorney may orally disclose to
5 the victim any of the information that has been
6 redacted if there is a reasonable likelihood that the
7 information will be stated in court at the sentencing.

8 (D) The State's Attorney must advise the victim
9 that the victim must maintain the confidentiality of
10 the report and other information. Any dissemination of
11 the report or information that was not stated at a
12 court proceeding constitutes indirect criminal
13 contempt of court.

14 (14) Appellate relief. If the trial court denies the
15 relief requested, the victim, the victim's attorney, or
16 the prosecuting attorney may file an appeal within 30 days
17 of the trial court's ruling. The trial or appellate court
18 may stay the court proceedings if the court finds that a
19 stay would not violate a constitutional right of the
20 defendant. If the appellate court denies the relief
21 sought, the reasons for the denial shall be clearly stated
22 in a written opinion. In any appeal in a criminal case, the
23 State may assert as error the court's denial of any crime
24 victim's right in the proceeding to which the appeal
25 relates.

26 (15) Limitation on appellate relief. In no case shall

1 an appellate court provide a new trial to remedy the
2 violation of a victim's right.

3 (16) The right to be reasonably protected from the
4 accused throughout the criminal justice process and the
5 right to have the safety of the victim and the victim's
6 family considered in denying or fixing the amount of bail,
7 determining whether to release the defendant, and setting
8 conditions of release after arrest and conviction. A
9 victim of domestic violence, a sexual offense, or stalking
10 may request the entry of a protective order under Article
11 112A of the Code of Criminal Procedure of 1963.

12 (d) Procedures after the imposition of sentence.

13 (1) The Prisoner Review Board shall inform a victim or
14 any other concerned citizen, upon written request, of the
15 prisoner's release on parole, mandatory supervised
16 release, electronic detention, work release, international
17 transfer or exchange, or by the custodian, other than the
18 Department of Juvenile Justice, of the discharge of any
19 individual who was adjudicated a delinquent for a crime
20 from State custody and by the sheriff of the appropriate
21 county of any such person's final discharge from county
22 custody. The Prisoner Review Board, upon written request,
23 shall provide to a victim or any other concerned citizen a
24 recent photograph of any person convicted of a felony,
25 upon his or her release from custody. The Prisoner Review
26 Board, upon written request, shall inform a victim or any

1 other concerned citizen when feasible at least 7 days
2 prior to the prisoner's release on furlough of the times
3 and dates of such furlough. Upon written request by the
4 victim or any other concerned citizen, the State's
5 Attorney shall notify the person once of the times and
6 dates of release of a prisoner sentenced to periodic
7 imprisonment. Notification shall be based on the most
8 recent information as to the victim's or other concerned
9 citizen's residence or other location available to the
10 notifying authority.

11 (2) When the defendant has been committed to the
12 Department of Human Services pursuant to Section 5-2-4 or
13 any other provision of the Unified Code of Corrections,
14 the victim may request to be notified by the releasing
15 authority of the approval by the court of an on-grounds
16 pass, a supervised off-grounds pass, an unsupervised
17 off-grounds pass, or conditional release; the release on
18 an off-grounds pass; the return from an off-grounds pass;
19 transfer to another facility; conditional release; escape;
20 death; or final discharge from State custody. The
21 Department of Human Services shall establish and maintain
22 a statewide telephone number to be used by victims to make
23 notification requests under these provisions and shall
24 publicize this telephone number on its website and to the
25 State's Attorney of each county.

26 (3) In the event of an escape from State custody, the

1 Department of Corrections or the Department of Juvenile
2 Justice immediately shall notify the Prisoner Review Board
3 of the escape and the Prisoner Review Board shall notify
4 the victim. The notification shall be based upon the most
5 recent information as to the victim's residence or other
6 location available to the Board. When no such information
7 is available, the Board shall make all reasonable efforts
8 to obtain the information and make the notification. When
9 the escapee is apprehended, the Department of Corrections
10 or the Department of Juvenile Justice immediately shall
11 notify the Prisoner Review Board and the Board shall
12 notify the victim.

13 (4) The victim of the crime for which the prisoner has
14 been sentenced has the right to register with the Prisoner
15 Review Board's victim registry. Victims registered with
16 the Board shall receive reasonable written notice not less
17 than 30 days prior to the parole hearing or target
18 aftercare release date. The victim has the right to submit
19 a victim statement for consideration by the Prisoner
20 Review Board or the Department of Juvenile Justice in
21 writing, on film, videotape, or other electronic means, or
22 in the form of a recording prior to the parole hearing or
23 target aftercare release date, or in person at the parole
24 hearing or aftercare release protest hearing, or by
25 calling the toll-free number established in subsection (f)
26 of this Section. The victim shall be notified within 7

1 days after the prisoner has been granted parole or
2 aftercare release and shall be informed of the right to
3 inspect the registry of parole decisions, established
4 under subsection (g) of Section 3-3-5 of the Unified Code
5 of Corrections. The provisions of this paragraph (4) are
6 subject to the Open Parole Hearings Act. Victim statements
7 provided to the Board shall be confidential and
8 privileged, including any statements received prior to
9 January 1, 2020 (the effective date of Public Act
10 101-288), except if the statement was an oral statement
11 made by the victim at a hearing open to the public.

12 (4-1) The crime victim has the right to submit a
13 victim statement for consideration by the Prisoner Review
14 Board or the Department of Juvenile Justice prior to or at
15 a hearing to determine the conditions of mandatory
16 supervised release of a person sentenced to a determinate
17 sentence or at a hearing on revocation of mandatory
18 supervised release of a person sentenced to a determinate
19 sentence. A victim statement may be submitted in writing,
20 on film, videotape, or other electronic means, or in the
21 form of a recording, or orally at a hearing, or by calling
22 the toll-free number established in subsection (f) of this
23 Section. Victim statements provided to the Board shall be
24 confidential and privileged, including any statements
25 received prior to January 1, 2020 (the effective date of
26 Public Act 101-288), except if the statement was an oral

1 statement made by the victim at a hearing open to the
2 public.

3 (4-2) The crime victim has the right to submit a
4 victim statement to the Prisoner Review Board for
5 consideration at an executive clemency hearing as provided
6 in Section 3-3-13 of the Unified Code of Corrections. A
7 victim statement may be submitted in writing, on film,
8 videotape, or other electronic means, or in the form of a
9 recording prior to a hearing, or orally at a hearing, or by
10 calling the toll-free number established in subsection (f)
11 of this Section. Victim statements provided to the Board
12 shall be confidential and privileged, including any
13 statements received prior to January 1, 2020 (the
14 effective date of Public Act 101-288), except if the
15 statement was an oral statement made by the victim at a
16 hearing open to the public.

17 (5) If a statement is presented under Section 6, the
18 Prisoner Review Board or Department of Juvenile Justice
19 shall inform the victim of any order of discharge pursuant
20 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
21 Corrections.

22 (6) At the written or oral request of the victim of the
23 crime for which the prisoner was sentenced or the State's
24 Attorney of the county where the person seeking parole or
25 aftercare release was prosecuted, the Prisoner Review
26 Board or Department of Juvenile Justice shall notify the

1 victim and the State's Attorney of the county where the
2 person seeking parole or aftercare release was prosecuted
3 of the death of the prisoner if the prisoner died while on
4 parole or aftercare release or mandatory supervised
5 release.

6 (7) When a defendant who has been committed to the
7 Department of Corrections, the Department of Juvenile
8 Justice, or the Department of Human Services is released
9 or discharged and subsequently committed to the Department
10 of Human Services as a sexually violent person and the
11 victim had requested to be notified by the releasing
12 authority of the defendant's discharge, conditional
13 release, death, or escape from State custody, the
14 releasing authority shall provide to the Department of
15 Human Services such information that would allow the
16 Department of Human Services to contact the victim.

17 (8) When a defendant has been convicted of a sex
18 offense as defined in Section 2 of the Sex Offender
19 Registration Act and has been sentenced to the Department
20 of Corrections or the Department of Juvenile Justice, the
21 Prisoner Review Board or the Department of Juvenile
22 Justice shall notify the victim of the sex offense of the
23 prisoner's eligibility for release on parole, aftercare
24 release, mandatory supervised release, electronic
25 detention, work release, international transfer or
26 exchange, or by the custodian of the discharge of any

1 individual who was adjudicated a delinquent for a sex
2 offense from State custody and by the sheriff of the
3 appropriate county of any such person's final discharge
4 from county custody. The notification shall be made to the
5 victim at least 30 days, whenever possible, before release
6 of the sex offender.

7 (e) The officials named in this Section may satisfy some
8 or all of their obligations to provide notices and other
9 information through participation in a statewide victim and
10 witness notification system established by the Attorney
11 General under Section 8.5 of this Act.

12 (f) The Prisoner Review Board shall establish a toll-free
13 number that may be accessed by the crime victim to present a
14 victim statement to the Board in accordance with paragraphs
15 (4), (4-1), and (4-2) of subsection (d).

16 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
17 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
18 8-20-21; 102-813, eff. 5-13-22.)

19 Section 1-245. The Pretrial Services Act is amended by
20 changing Sections 7, 11, 19, 20, 22, and 34 as follows:

21 (725 ILCS 185/7) (from Ch. 38, par. 307)

22 Sec. 7. Pretrial services agencies shall perform the
23 following duties for the circuit court:

24 (a) Interview and assemble verified information and data

1 concerning the community ties, employment, residency, criminal
2 record, and social background of arrested persons who are to
3 be, or have been, presented in court for first appearance on
4 felony charges, to assist the court in determining the
5 appropriate terms and conditions of pretrial release;

6 (b) Submit written reports of those investigations to the
7 court along with such findings and recommendations, if any, as
8 may be necessary to assess ~~appropriate conditions which shall~~
9 ~~be imposed to protect against the risks of nonappearance and~~
10 ~~commission of new offenses or other interference with the~~
11 ~~orderly administration of justice before trial;:~~

12 (1) the need for financial security to assure the
13 defendant's appearance at later proceedings; and

14 (2) appropriate conditions which shall be imposed to
15 protect against the risks of nonappearance and commission of
16 new offenses or other interference with the orderly
17 administration of justice before trial;

18 (c) Supervise compliance with pretrial release conditions,
19 and promptly report violations of those conditions to the
20 court and prosecutor to ~~ensure~~ assure effective enforcement;

21 (d) Cooperate with the court and all other criminal
22 justice agencies in the development of programs to minimize
23 unnecessary pretrial detention and protect the public against
24 breaches of pretrial release conditions; and

25 (e) Monitor the local operations of the pretrial release
26 system and maintain accurate and comprehensive records of

1 program activities.

2 (Source: P.A. 102-1104, eff. 1-1-23.)

3 (725 ILCS 185/11) (from Ch. 38, par. 311)

4 Sec. 11. No person shall be interviewed by a pretrial
5 services agency unless he or she has first been apprised of the
6 identity and purpose of the interviewer, the scope of the
7 interview, the right to secure legal advice, and the right to
8 refuse cooperation. Inquiry of the defendant shall carefully
9 exclude questions concerning the details of the current
10 charge. Statements made by the defendant during the interview,
11 or evidence derived therefrom, are admissible in evidence only
12 when the court is considering the imposition of pretrial or
13 posttrial conditions to bail or recognizance ~~of release,~~
14 ~~denial of pretrial release,~~ or when considering the
15 modification of a prior release order.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 12-6-22.)

17 (725 ILCS 185/19) (from Ch. 38, par. 319)

18 Sec. 19. Written reports under Section 17 shall set forth
19 all factual findings on which any recommendation and
20 conclusions contained therein are based together with the
21 source of each fact, and shall contain information and data
22 relevant to ~~appropriate conditions imposed to protect against~~
23 ~~the risk of nonappearance and commission of new offenses or~~
24 ~~other interference with the orderly administration of justice~~

1 ~~before trial.~~ the following issues:

2 (a) The need for financial security to assure the
3 defendant's appearance for later court proceedings; and

4 (b) Appropriate conditions imposed to protect against the
5 risk of nonappearance and commission of new offenses or other
6 interference with the orderly administration of justice before
7 trial.

8 (Source: P.A. 102-1104, eff. 1-1-23.)

9 (725 ILCS 185/20) (from Ch. 38, par. 320)

10 Sec. 20. In preparing and presenting its written reports
11 under Sections 17 and 19, pretrial services agencies shall in
12 appropriate cases include specific recommendations for the
13 setting ~~the conditions~~ , increase, or decrease of ~~pretrial~~
14 ~~release~~ bail; the release of the interviewee on his own
15 recognizance in sums certain; and the imposition of pretrial
16 conditions ~~of pretrial release~~ to bail or recognizance
17 designed to minimize the risks of nonappearance, the
18 commission of new offenses while awaiting trial, and other
19 potential interference with the orderly administration of
20 justice. In establishing objective internal criteria of any
21 such recommendation policies, the agency may utilize so-called
22 "point scales" for evaluating the aforementioned risks, but no
23 interviewee shall be considered as ineligible for particular
24 agency recommendations by sole reference to such procedures.

25 (Source: P.A. 91-357, eff. 7-29-99; 101-652.)

1 (725 ILCS 185/22) (from Ch. 38, par. 322)

2 Sec. 22. If so ordered by the court, the pretrial services
3 agency shall prepare and submit for the court's approval and
4 signature a uniform release order on the uniform form
5 established by the Supreme Court in all cases where an
6 interviewee may be released from custody under conditions
7 contained in an agency report. Such conditions shall become
8 part of the conditions of ~~pretrial release~~ the bail bond. A
9 copy of the uniform release order shall be provided to the
10 defendant and defendant's attorney of record, and the
11 prosecutor.

12 (Source: P.A. 84-1449; 101-652.)

13 (725 ILCS 185/34)

14 Sec. 34. Probation and court services departments
15 considered pretrial services agencies. For the purposes of
16 administering the provisions of Public Act 95-773, known as
17 the Cindy Bischof Law, all probation and court services
18 departments are to be considered pretrial services agencies
19 under this Act and under the ~~pretrial release~~ bail bond
20 provisions of the Code of Criminal Procedure of 1963.

21 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

22 Section 1-250. The Quasi-criminal and Misdemeanor Bail Act
23 is amended by changing the title of the Act and Sections 0.01,

1 1, 2, 3, and 5 as follows:

2 (725 ILCS 195/Act title)

3 An Act to authorize designated officers to let persons
4 charged with quasi-criminal offenses and misdemeanors to
5 ~~pretrial release~~ bail and to accept and receipt for fines on
6 pleas of guilty in minor offenses, in accordance with
7 schedules established by rule of court.

8 (725 ILCS 195/0.01) (from Ch. 16, par. 80)

9 Sec. 0.01. Short title. This Act may be cited as the
10 Quasi-criminal and Misdemeanor ~~Pretrial Release~~ Bail Act.

11 (Source: P.A. 86-1324; 101-652.)

12 (725 ILCS 195/1) (from Ch. 16, par. 81)

13 Sec. 1. Whenever in any circuit there shall be in force a
14 rule or order of the Supreme Court establishing a uniform ~~form~~
15 schedule prescribing the ~~conditions of pretrial release~~
16 amounts of bail for specified conservation cases, traffic
17 cases, quasi-criminal offenses and misdemeanors, any general
18 superintendent, chief, captain, lieutenant, or sergeant of
19 police, or other police officer, the sheriff, the circuit
20 clerk, and any deputy sheriff or deputy circuit clerk
21 designated by the Circuit Court for the purpose, are
22 authorized to let to ~~pretrial release~~ bail any person charged
23 with a quasi-criminal offense or misdemeanor and to accept and

1 receipt for bonds or cash bail in accordance with regulations
2 established by rule or order of the Supreme Court. Unless
3 otherwise provided by Supreme Court Rule, no such bail may be
4 posted or accepted in any place other than a police station,
5 sheriff's office or jail, or other county, municipal or other
6 building housing governmental units, or a division
7 headquarters building of the Illinois State Police. Bonds and
8 cash so received shall be delivered to the office of the
9 circuit clerk or that of his designated deputy as provided by
10 regulation. Such cash and securities so received shall be
11 delivered to the office of such clerk or deputy clerk within at
12 least 48 hours of receipt or within the time set for the
13 accused's appearance in court whichever is earliest.

14 In all cases where a person is admitted to bail under a
15 uniform schedule prescribing the amount of bail for specified
16 conservation cases, traffic cases, quasi-criminal offenses and
17 misdemeanors the provisions of Section 110-15 of the "Code of
18 Criminal Procedure of 1963", approved August 14, 1963, as
19 amended by the 75th General Assembly shall be applicable.

20 (Source: P.A. 80-897; 101-652.)

21 (725 ILCS 195/2) (from Ch. 16, par. 82)

22 Sec. 2. The conditions of the ~~pretrial release~~ bail bond
23 or deposit of cash bail shall be that the accused will appear
24 to answer the charge in court at a time and place specified in
25 the ~~pretrial release form~~ bond and thereafter as ordered by

1 the court until discharged on final order of the court and to
2 submit himself to the orders and process of the court. The
3 accused shall be furnished with an official receipt on a form
4 prescribed by rule of court for any cash or other security
5 deposited, and shall receive a copy of the ~~pretrial release~~
6 ~~form~~ bond specifying the time and place of his court
7 appearance.

8 Upon performance of the conditions of the ~~pretrial release~~
9 ~~bond,~~ the ~~pretrial release form~~ bond shall be null and void and
10 ~~the accused shall be released from the conditions of pretrial~~
11 ~~release~~ any cash bail or other security shall be returned to
12 the accused.

13 (Source: Laws 1963, p. 2652; P.A. 101-652.)

14 (725 ILCS 195/3) (from Ch. 16, par. 83)

15 Sec. 3. In lieu of ~~complying with the conditions of~~
16 ~~pretrial release~~ making bond or depositing cash bail as
17 provided in this Act or the deposit of other security
18 authorized by law, any accused person has the right to be
19 brought without unnecessary delay before the nearest or most
20 accessible judge of the circuit to be dealt with according to
21 law.

22 (Source: P.A. 77-1248; 101-652.)

23 (725 ILCS 195/5) (from Ch. 16, par. 85)

24 Sec. 5. Any person authorized to accept ~~pretrial release~~

1 bail or pleas of guilty by this Act who violates any provision
2 of this Act is guilty of a Class B misdemeanor.

3 (Source: P.A. 77-2319; 101-652.)

4 Section 1-255. The Unified Code of Corrections is amended
5 by changing Sections 5-3-2, 5-5-3.2, 5-6-4, 5-6-4.1, 5-8A-7,
6 and 8-2-1 as follows:

7 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

8 Sec. 5-3-2. Presentence report.

9 (a) In felony cases, the presentence report shall set
10 forth:

11 (1) the defendant's history of delinquency or
12 criminality, physical and mental history and condition,
13 family situation and background, economic status,
14 education, occupation and personal habits;

15 (2) information about special resources within the
16 community which might be available to assist the
17 defendant's rehabilitation, including treatment centers,
18 residential facilities, vocational training services,
19 correctional manpower programs, employment opportunities,
20 special educational programs, alcohol and drug abuse
21 programming, psychiatric and marriage counseling, and
22 other programs and facilities which could aid the
23 defendant's successful reintegration into society;

24 (3) the effect the offense committed has had upon the

1 victim or victims thereof, and any compensatory benefit
2 that various sentencing alternatives would confer on such
3 victim or victims;

4 (3.5) information provided by the victim's spouse,
5 guardian, parent, grandparent, and other immediate family
6 and household members about the effect the offense
7 committed has had on the victim and on the person
8 providing the information; if the victim's spouse,
9 guardian, parent, grandparent, or other immediate family
10 or household member has provided a written statement, the
11 statement shall be attached to the report;

12 (4) information concerning the defendant's status
13 since arrest, including his record if released on his own
14 recognizance, or the defendant's achievement record if
15 released on a conditional pre-trial supervision program;

16 (5) when appropriate, a plan, based upon the personal,
17 economic and social adjustment needs of the defendant,
18 utilizing public and private community resources as an
19 alternative to institutional sentencing;

20 (6) any other matters that the investigatory officer
21 deems relevant or the court directs to be included;

22 (7) information concerning the defendant's eligibility
23 for a sentence to a county impact incarceration program
24 under Section 5-8-1.2 of this Code; and

25 (8) information concerning the defendant's eligibility
26 for a sentence to an impact incarceration program

1 administered by the Department under Section 5-8-1.1.

2 (b) The investigation shall include a physical and mental
3 examination of the defendant when so ordered by the court. If
4 the court determines that such an examination should be made,
5 it shall issue an order that the defendant submit to
6 examination at such time and place as designated by the court
7 and that such examination be conducted by a physician,
8 psychologist or psychiatrist designated by the court. Such an
9 examination may be conducted in a court clinic if so ordered by
10 the court. The cost of such examination shall be paid by the
11 county in which the trial is held.

12 (b-5) In cases involving felony sex offenses in which the
13 offender is being considered for probation only or any felony
14 offense that is sexually motivated as defined in the Sex
15 Offender Management Board Act in which the offender is being
16 considered for probation only, the investigation shall include
17 a sex offender evaluation by an evaluator approved by the
18 Board and conducted in conformance with the standards
19 developed under the Sex Offender Management Board Act. In
20 cases in which the offender is being considered for any
21 mandatory prison sentence, the investigation shall not include
22 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
16 be 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; 101-652, eff. 1-1-23;
20 102-558, eff. 8-20-21.)

21 (730 ILCS 5/5-5-3.2)

22 (Text of Section before amendment by P.A. 102-982)

23 Sec. 5-5-3.2. Factors in aggravation and extended-term
24 sentencing.

25 (a) The following factors shall be accorded weight in

1 favor of imposing a term of imprisonment or may be considered
2 by the court as reasons to impose a more severe sentence under
3 Section 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened
5 serious harm;

6 (2) the defendant received compensation for committing
7 the offense;

8 (3) the defendant has a history of prior delinquency
9 or criminal activity;

10 (4) the defendant, by the duties of his office or by
11 his position, was obliged to prevent the particular
12 offense committed or to bring the offenders committing it
13 to justice;

14 (5) the defendant held public office at the time of
15 the offense, and the offense related to the conduct of
16 that office;

17 (6) the defendant utilized his professional reputation
18 or position in the community to commit the offense, or to
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from
21 committing the same crime;

22 (8) the defendant committed the offense against a
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a
25 person who has a physical disability or such person's
26 property;

1 (10) by reason of another individual's actual or
2 perceived race, color, creed, religion, ancestry, gender,
3 sexual orientation, physical or mental disability, or
4 national origin, the defendant committed the offense
5 against (i) the person or property of that individual;
6 (ii) the person or property of a person who has an
7 association with, is married to, or has a friendship with
8 the other individual; or (iii) the person or property of a
9 relative (by blood or marriage) of a person described in
10 clause (i) or (ii). For the purposes of this Section,
11 "sexual orientation" has the meaning ascribed to it in
12 paragraph (0-1) of Section 1-103 of the Illinois Human
13 Rights Act;

14 (11) the offense took place in a place of worship or on
15 the grounds of a place of worship, immediately prior to,
16 during or immediately following worship services. For
17 purposes of this subparagraph, "place of worship" shall
18 mean any church, synagogue or other building, structure or
19 place used primarily for religious worship;

20 (12) the defendant was convicted of a felony committed
21 while he was ~~on pretrial release~~ released on bail or his
22 own recognizance pending trial for a prior felony and was
23 convicted of such prior felony, or the defendant was
24 convicted of a felony committed while he was serving a
25 period of probation, conditional discharge, or mandatory
26 supervised release under subsection (d) of Section 5-8-1

1 for a prior felony;

2 (13) the defendant committed or attempted to commit a
3 felony while he was wearing a bulletproof vest. For the
4 purposes of this paragraph (13), a bulletproof vest is any
5 device which is designed for the purpose of protecting the
6 wearer from bullets, shot or other lethal projectiles;

7 (14) the defendant held a position of trust or
8 supervision such as, but not limited to, family member as
9 defined in Section 11-0.1 of the Criminal Code of 2012,
10 teacher, scout leader, baby sitter, or day care worker, in
11 relation to a victim under 18 years of age, and the
12 defendant committed an offense in violation of Section
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
14 11-14.4 except for an offense that involves keeping a
15 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
16 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
17 or 12-16 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 against that victim;

19 (15) the defendant committed an offense related to the
20 activities of an organized gang. For the purposes of this
21 factor, "organized gang" has the meaning ascribed to it in
22 Section 10 of the Streetgang Terrorism Omnibus Prevention
23 Act;

24 (16) the defendant committed an offense in violation
25 of one of the following Sections while in a school,
26 regardless of the time of day or time of year; on any

1 conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school related
3 activity; on the real property of a school; or on a public
4 way within 1,000 feet of the real property comprising any
5 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
6 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
7 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
8 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
9 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
10 for subdivision (a) (4) or (g) (1), of the Criminal Code of
11 1961 or the Criminal Code of 2012;

12 (16.5) the defendant committed an offense in violation
13 of one of the following Sections while in a day care
14 center, regardless of the time of day or time of year; on
15 the real property of a day care center, regardless of the
16 time of day or time of year; or on a public way within
17 1,000 feet of the real property comprising any day care
18 center, regardless of the time of day or time of year:
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision
24 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (17) the defendant committed the offense by reason of

1 any person's activity as a community policing volunteer or
2 to prevent any person from engaging in activity as a
3 community policing volunteer. For the purpose of this
4 Section, "community policing volunteer" has the meaning
5 ascribed to it in Section 2-3.5 of the Criminal Code of
6 2012;

7 (18) the defendant committed the offense in a nursing
8 home or on the real property comprising a nursing home.
9 For the purposes of this paragraph (18), "nursing home"
10 means a skilled nursing or intermediate long term care
11 facility that is subject to license by the Illinois
12 Department of Public Health under the Nursing Home Care
13 Act, the Specialized Mental Health Rehabilitation Act of
14 2013, the ID/DD Community Care Act, or the MC/DD Act;

15 (19) the defendant was a federally licensed firearm
16 dealer and was previously convicted of a violation of
17 subsection (a) of Section 3 of the Firearm Owners
18 Identification Card Act and has now committed either a
19 felony violation of the Firearm Owners Identification Card
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of
22 reckless homicide under Section 9-3 of the Criminal Code
23 of 1961 or the Criminal Code of 2012 or the offense of
24 driving under the influence of alcohol, other drug or
25 drugs, intoxicating compound or compounds or any
26 combination thereof under Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance
2 and (ii) was operating a motor vehicle in excess of 20
3 miles per hour over the posted speed limit as provided in
4 Article VI of Chapter 11 of the Illinois Vehicle Code;

5 (21) the defendant (i) committed the offense of
6 reckless driving or aggravated reckless driving under
7 Section 11-503 of the Illinois Vehicle Code and (ii) was
8 operating a motor vehicle in excess of 20 miles per hour
9 over the posted speed limit as provided in Article VI of
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a
12 person that the defendant knew, or reasonably should have
13 known, was a member of the Armed Forces of the United
14 States serving on active duty. For purposes of this clause
15 (22), the term "Armed Forces" means any of the Armed
16 Forces of the United States, including a member of any
17 reserve component thereof or National Guard unit called to
18 active duty;

19 (23) the defendant committed the offense against a
20 person who was elderly or infirm or who was a person with a
21 disability by taking advantage of a family or fiduciary
22 relationship with the elderly or infirm person or person
23 with a disability;

24 (24) the defendant committed any offense under Section
25 11-20.1 of the Criminal Code of 1961 or the Criminal Code
26 of 2012 and possessed 100 or more images;

1 (25) the defendant committed the offense while the
2 defendant or the victim was in a train, bus, or other
3 vehicle used for public transportation;

4 (26) the defendant committed the offense of child
5 pornography or aggravated child pornography, specifically
6 including paragraph (1), (2), (3), (4), (5), or (7) of
7 subsection (a) of Section 11-20.1 of the Criminal Code of
8 1961 or the Criminal Code of 2012 where a child engaged in,
9 solicited for, depicted in, or posed in any act of sexual
10 penetration or bound, fettered, or subject to sadistic,
11 masochistic, or sadomasochistic abuse in a sexual context
12 and specifically including paragraph (1), (2), (3), (4),
13 (5), or (7) of subsection (a) of Section 11-20.1B or
14 Section 11-20.3 of the Criminal Code of 1961 where a child
15 engaged in, solicited for, depicted in, or posed in any
16 act of sexual penetration or bound, fettered, or subject
17 to sadistic, masochistic, or sadomasochistic abuse in a
18 sexual context;

19 (27) the defendant committed the offense of first
20 degree murder, assault, aggravated assault, battery,
21 aggravated battery, robbery, armed robbery, or aggravated
22 robbery against a person who was a veteran and the
23 defendant knew, or reasonably should have known, that the
24 person was a veteran performing duties as a representative
25 of a veterans' organization. For the purposes of this
26 paragraph (27), "veteran" means an Illinois resident who

1 has served as a member of the United States Armed Forces, a
2 member of the Illinois National Guard, or a member of the
3 United States Reserve Forces; and "veterans' organization"
4 means an organization comprised of members of which
5 substantially all are individuals who are veterans or
6 spouses, widows, or widowers of veterans, the primary
7 purpose of which is to promote the welfare of its members
8 and to provide assistance to the general public in such a
9 way as to confer a public benefit;

10 (28) the defendant committed the offense of assault,
11 aggravated assault, battery, aggravated battery, robbery,
12 armed robbery, or aggravated robbery against a person that
13 the defendant knew or reasonably should have known was a
14 letter carrier or postal worker while that person was
15 performing his or her duties delivering mail for the
16 United States Postal Service;

17 (29) the defendant committed the offense of criminal
18 sexual assault, aggravated criminal sexual assault,
19 criminal sexual abuse, or aggravated criminal sexual abuse
20 against a victim with an intellectual disability, and the
21 defendant holds a position of trust, authority, or
22 supervision in relation to the victim;

23 (30) the defendant committed the offense of promoting
24 juvenile prostitution, patronizing a prostitute, or
25 patronizing a minor engaged in prostitution and at the
26 time of the commission of the offense knew that the

1 prostitute or minor engaged in prostitution was in the
2 custody or guardianship of the Department of Children and
3 Family Services;

4 (31) the defendant (i) committed the offense of
5 driving while under the influence of alcohol, other drug
6 or drugs, intoxicating compound or compounds or any
7 combination thereof in violation of Section 11-501 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance and (ii) the defendant during the commission of
10 the offense was driving his or her vehicle upon a roadway
11 designated for one-way traffic in the opposite direction
12 of the direction indicated by official traffic control
13 devices;

14 (32) the defendant committed the offense of reckless
15 homicide while committing a violation of Section 11-907 of
16 the Illinois Vehicle Code;

17 (33) the defendant was found guilty of an
18 administrative infraction related to an act or acts of
19 public indecency or sexual misconduct in the penal
20 institution. In this paragraph (33), "penal institution"
21 has the same meaning as in Section 2-14 of the Criminal
22 Code of 2012; or

23 (34) the defendant committed the offense of leaving
24 the scene of an accident in violation of subsection (b) of
25 Section 11-401 of the Illinois Vehicle Code and the
26 accident resulted in the death of a person and at the time

1 of the offense, the defendant was: (i) driving under the
2 influence of alcohol, other drug or drugs, intoxicating
3 compound or compounds or any combination thereof as
4 defined by Section 11-501 of the Illinois Vehicle Code; or
5 (ii) operating the motor vehicle while using an electronic
6 communication device as defined in Section 12-610.2 of the
7 Illinois Vehicle Code.

8 For the purposes of this Section:

9 "School" is defined as a public or private elementary or
10 secondary school, community college, college, or university.

11 "Day care center" means a public or private State
12 certified and licensed day care center as defined in Section
13 2.09 of the Child Care Act of 1969 that displays a sign in
14 plain view stating that the property is a day care center.

15 "Intellectual disability" means significantly subaverage
16 intellectual functioning which exists concurrently with
17 impairment in adaptive behavior.

18 "Public transportation" means the transportation or
19 conveyance of persons by means available to the general
20 public, and includes paratransit services.

21 "Traffic control devices" means all signs, signals,
22 markings, and devices that conform to the Illinois Manual on
23 Uniform Traffic Control Devices, placed or erected by
24 authority of a public body or official having jurisdiction,
25 for the purpose of regulating, warning, or guiding traffic.

26 (b) The following factors, related to all felonies, may be

1 considered by the court as reasons to impose an extended term
2 sentence under Section 5-8-2 upon any offender:

3 (1) When a defendant is convicted of any felony, after
4 having been previously convicted in Illinois or any other
5 jurisdiction of the same or similar class felony or
6 greater class felony, when such conviction has occurred
7 within 10 years after the previous conviction, excluding
8 time spent in custody, and such charges are separately
9 brought and tried and arise out of different series of
10 acts; or

11 (2) When a defendant is convicted of any felony and
12 the court finds that the offense was accompanied by
13 exceptionally brutal or heinous behavior indicative of
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony
16 committed against:

17 (i) a person under 12 years of age at the time of
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time
20 of the offense or such person's property; or

21 (iii) a person who had a physical disability at
22 the time of the offense or such person's property; or

23 (4) When a defendant is convicted of any felony and
24 the offense involved any of the following types of
25 specific misconduct committed as part of a ceremony, rite,
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or
2 social group:

3 (i) the brutalizing or torturing of humans or
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,
8 fraternal, business, governmental, educational, or
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense
22 committed while using a firearm with a laser sight
23 attached to it. For purposes of this paragraph, "laser
24 sight" has the meaning ascribed to it in Section 26-7 of
25 the Criminal Code of 2012; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted
2 of a felony and has been previously adjudicated a
3 delinquent minor under the Juvenile Court Act of 1987 for
4 an act that if committed by an adult would be a Class X or
5 Class 1 felony when the conviction has occurred within 10
6 years after the previous adjudication, excluding time
7 spent in custody; or

8 (8) When a defendant commits any felony and the
9 defendant used, possessed, exercised control over, or
10 otherwise directed an animal to assault a law enforcement
11 officer engaged in the execution of his or her official
12 duties or in furtherance of the criminal activities of an
13 organized gang in which the defendant is engaged; or

14 (9) When a defendant commits any felony and the
15 defendant knowingly video or audio records the offense
16 with the intent to disseminate the recording.

17 (c) The following factors may be considered by the court
18 as reasons to impose an extended term sentence under Section
19 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
20 offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
25 occurred within 10 years after the previous conviction,
26 excluding time spent in custody, and the charges are

1 separately brought and tried and arise out of different
2 series of acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

10 (2) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter, or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual.

15 (3) When a defendant is convicted of aggravated
16 criminal sexual assault or criminal sexual assault, when
17 there is a finding that aggravated criminal sexual assault
18 or criminal sexual assault was also committed on the same
19 victim by one or more other individuals, and the defendant
20 voluntarily participated in the crime with the knowledge
21 of the participation of the others in the crime, and the
22 commission of the crime was part of a single course of
23 conduct during which there was no substantial change in
24 the nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
4 of Section 12-14.1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony
7 violation of Section 24-1 of the Criminal Code of 1961 or
8 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
9 finding that the defendant is a member of an organized
10 gang.

11 (6) When a defendant was convicted of unlawful use of
12 weapons under Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
14 a weapon that is not readily distinguishable as one of the
15 weapons enumerated in Section 24-1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

17 (7) When a defendant is convicted of an offense
18 involving the illegal manufacture of a controlled
19 substance under Section 401 of the Illinois Controlled
20 Substances Act (720 ILCS 570/401), the illegal manufacture
21 of methamphetamine under Section 25 of the Methamphetamine
22 Control and Community Protection Act (720 ILCS 646/25), or
23 the illegal possession of explosives and an emergency
24 response officer in the performance of his or her duties
25 is killed or injured at the scene of the offense while
26 responding to the emergency caused by the commission of

1 the offense. In this paragraph, "emergency" means a
2 situation in which a person's life, health, or safety is
3 in jeopardy; and "emergency response officer" means a
4 peace officer, community policing volunteer, fireman,
5 emergency medical technician-ambulance, emergency medical
6 technician-intermediate, emergency medical
7 technician-paramedic, ambulance driver, other medical
8 assistance or first aid personnel, or hospital emergency
9 room personnel.

10 (8) When the defendant is convicted of attempted mob
11 action, solicitation to commit mob action, or conspiracy
12 to commit mob action under Section 8-1, 8-2, or 8-4 of the
13 Criminal Code of 2012, where the criminal object is a
14 violation of Section 25-1 of the Criminal Code of 2012,
15 and an electronic communication is used in the commission
16 of the offense. For the purposes of this paragraph (8),
17 "electronic communication" shall have the meaning provided
18 in Section 26.5-0.1 of the Criminal Code of 2012.

19 (d) For the purposes of this Section, "organized gang" has
20 the meaning ascribed to it in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (e) The court may impose an extended term sentence under
23 Article 4.5 of Chapter V upon an offender who has been
24 convicted of a felony violation of Section 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
26 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012

1 when the victim of the offense is under 18 years of age at the
2 time of the commission of the offense and, during the
3 commission of the offense, the victim was under the influence
4 of alcohol, regardless of whether or not the alcohol was
5 supplied by the offender; and the offender, at the time of the
6 commission of the offense, knew or should have known that the
7 victim had consumed alcohol.

8 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
9 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
10 8-20-21.)

11 (Text of Section after amendment by P.A. 102-982)

12 Sec. 5-5-3.2. Factors in aggravation and extended-term
13 sentencing.

14 (a) The following factors shall be accorded weight in
15 favor of imposing a term of imprisonment or may be considered
16 by the court as reasons to impose a more severe sentence under
17 Section 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened
19 serious harm;

20 (2) the defendant received compensation for committing
21 the offense;

22 (3) the defendant has a history of prior delinquency
23 or criminal activity;

24 (4) the defendant, by the duties of his office or by
25 his position, was obliged to prevent the particular

1 offense committed or to bring the offenders committing it
2 to justice;

3 (5) the defendant held public office at the time of
4 the offense, and the offense related to the conduct of
5 that office;

6 (6) the defendant utilized his professional reputation
7 or position in the community to commit the offense, or to
8 afford him an easier means of committing it;

9 (7) the sentence is necessary to deter others from
10 committing the same crime;

11 (8) the defendant committed the offense against a
12 person 60 years of age or older or such person's property;

13 (9) the defendant committed the offense against a
14 person who has a physical disability or such person's
15 property;

16 (10) by reason of another individual's actual or
17 perceived race, color, creed, religion, ancestry, gender,
18 sexual orientation, physical or mental disability, or
19 national origin, the defendant committed the offense
20 against (i) the person or property of that individual;
21 (ii) the person or property of a person who has an
22 association with, is married to, or has a friendship with
23 the other individual; or (iii) the person or property of a
24 relative (by blood or marriage) of a person described in
25 clause (i) or (ii). For the purposes of this Section,
26 "sexual orientation" has the meaning ascribed to it in

1 paragraph (O-1) of Section 1-103 of the Illinois Human
2 Rights Act;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was ~~on pretrial release~~ released on bail or his
11 own recognizance pending trial for a prior felony and was
12 convicted of such prior felony, or the defendant was
13 convicted of a felony committed while he was serving a
14 period of probation, conditional discharge, or mandatory
15 supervised release under subsection (d) of Section 5-8-1
16 for a prior felony;

17 (13) the defendant committed or attempted to commit a
18 felony while he was wearing a bulletproof vest. For the
19 purposes of this paragraph (13), a bulletproof vest is any
20 device which is designed for the purpose of protecting the
21 wearer from bullets, shot or other lethal projectiles;

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 11-0.1 of the Criminal Code of 2012,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
3 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
5 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
6 or 12-16 of the Criminal Code of 1961 or the Criminal Code
7 of 2012 against that victim;

8 (15) the defendant committed an offense related to the
9 activities of an organized gang. For the purposes of this
10 factor, "organized gang" has the meaning ascribed to it in
11 Section 10 of the Streetgang Terrorism Omnibus Prevention
12 Act;

13 (16) the defendant committed an offense in violation
14 of one of the following Sections while in a school,
15 regardless of the time of day or time of year; on any
16 conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a school related
18 activity; on the real property of a school; or on a public
19 way within 1,000 feet of the real property comprising any
20 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
22 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
23 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
24 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
25 for subdivision (a)(4) or (g)(1), of the Criminal Code of
26 1961 or the Criminal Code of 2012;

1 (16.5) the defendant committed an offense in violation
2 of one of the following Sections while in a day care
3 center, regardless of the time of day or time of year; on
4 the real property of a day care center, regardless of the
5 time of day or time of year; or on a public way within
6 1,000 feet of the real property comprising any day care
7 center, regardless of the time of day or time of year:
8 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
9 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
11 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
12 18-2, or 33A-2, or Section 12-3.05 except for subdivision
13 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
14 Criminal Code of 2012;

15 (17) the defendant committed the offense by reason of
16 any person's activity as a community policing volunteer or
17 to prevent any person from engaging in activity as a
18 community policing volunteer. For the purpose of this
19 Section, "community policing volunteer" has the meaning
20 ascribed to it in Section 2-3.5 of the Criminal Code of
21 2012;

22 (18) the defendant committed the offense in a nursing
23 home or on the real property comprising a nursing home.
24 For the purposes of this paragraph (18), "nursing home"
25 means a skilled nursing or intermediate long term care
26 facility that is subject to license by the Illinois

1 Department of Public Health under the Nursing Home Care
2 Act, the Specialized Mental Health Rehabilitation Act of
3 2013, the ID/DD Community Care Act, or the MC/DD Act;

4 (19) the defendant was a federally licensed firearm
5 dealer and was previously convicted of a violation of
6 subsection (a) of Section 3 of the Firearm Owners
7 Identification Card Act and has now committed either a
8 felony violation of the Firearm Owners Identification Card
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of
11 reckless homicide under Section 9-3 of the Criminal Code
12 of 1961 or the Criminal Code of 2012 or the offense of
13 driving under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds or any
15 combination thereof under Section 11-501 of the Illinois
16 Vehicle Code or a similar provision of a local ordinance
17 and (ii) was operating a motor vehicle in excess of 20
18 miles per hour over the posted speed limit as provided in
19 Article VI of Chapter 11 of the Illinois Vehicle Code;

20 (21) the defendant (i) committed the offense of
21 reckless driving or aggravated reckless driving under
22 Section 11-503 of the Illinois Vehicle Code and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (22) the defendant committed the offense against a

1 person that the defendant knew, or reasonably should have
2 known, was a member of the Armed Forces of the United
3 States serving on active duty. For purposes of this clause
4 (22), the term "Armed Forces" means any of the Armed
5 Forces of the United States, including a member of any
6 reserve component thereof or National Guard unit called to
7 active duty;

8 (23) the defendant committed the offense against a
9 person who was elderly or infirm or who was a person with a
10 disability by taking advantage of a family or fiduciary
11 relationship with the elderly or infirm person or person
12 with a disability;

13 (24) the defendant committed any offense under Section
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 and possessed 100 or more images;

16 (25) the defendant committed the offense while the
17 defendant or the victim was in a train, bus, or other
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child
20 pornography or aggravated child pornography, specifically
21 including paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) of Section 11-20.1 of the Criminal Code of
23 1961 or the Criminal Code of 2012 where a child engaged in,
24 solicited for, depicted in, or posed in any act of sexual
25 penetration or bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in a sexual context

1 and specifically including paragraph (1), (2), (3), (4),
2 (5), or (7) of subsection (a) of Section 11-20.1B or
3 Section 11-20.3 of the Criminal Code of 1961 where a child
4 engaged in, solicited for, depicted in, or posed in any
5 act of sexual penetration or bound, fettered, or subject
6 to sadistic, masochistic, or sadomasochistic abuse in a
7 sexual context;

8 (27) the defendant committed the offense of first
9 degree murder, assault, aggravated assault, battery,
10 aggravated battery, robbery, armed robbery, or aggravated
11 robbery against a person who was a veteran and the
12 defendant knew, or reasonably should have known, that the
13 person was a veteran performing duties as a representative
14 of a veterans' organization. For the purposes of this
15 paragraph (27), "veteran" means an Illinois resident who
16 has served as a member of the United States Armed Forces, a
17 member of the Illinois National Guard, or a member of the
18 United States Reserve Forces; and "veterans' organization"
19 means an organization comprised of members of which
20 substantially all are individuals who are veterans or
21 spouses, widows, or widowers of veterans, the primary
22 purpose of which is to promote the welfare of its members
23 and to provide assistance to the general public in such a
24 way as to confer a public benefit;

25 (28) the defendant committed the offense of assault,
26 aggravated assault, battery, aggravated battery, robbery,

1 armed robbery, or aggravated robbery against a person that
2 the defendant knew or reasonably should have known was a
3 letter carrier or postal worker while that person was
4 performing his or her duties delivering mail for the
5 United States Postal Service;

6 (29) the defendant committed the offense of criminal
7 sexual assault, aggravated criminal sexual assault,
8 criminal sexual abuse, or aggravated criminal sexual abuse
9 against a victim with an intellectual disability, and the
10 defendant holds a position of trust, authority, or
11 supervision in relation to the victim;

12 (30) the defendant committed the offense of promoting
13 juvenile prostitution, patronizing a prostitute, or
14 patronizing a minor engaged in prostitution and at the
15 time of the commission of the offense knew that the
16 prostitute or minor engaged in prostitution was in the
17 custody or guardianship of the Department of Children and
18 Family Services;

19 (31) the defendant (i) committed the offense of
20 driving while under the influence of alcohol, other drug
21 or drugs, intoxicating compound or compounds or any
22 combination thereof in violation of Section 11-501 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance and (ii) the defendant during the commission of
25 the offense was driving his or her vehicle upon a roadway
26 designated for one-way traffic in the opposite direction

1 of the direction indicated by official traffic control
2 devices;

3 (32) the defendant committed the offense of reckless
4 homicide while committing a violation of Section 11-907 of
5 the Illinois Vehicle Code;

6 (33) the defendant was found guilty of an
7 administrative infraction related to an act or acts of
8 public indecency or sexual misconduct in the penal
9 institution. In this paragraph (33), "penal institution"
10 has the same meaning as in Section 2-14 of the Criminal
11 Code of 2012; or

12 (34) the defendant committed the offense of leaving
13 the scene of a crash in violation of subsection (b) of
14 Section 11-401 of the Illinois Vehicle Code and the crash
15 resulted in the death of a person and at the time of the
16 offense, the defendant was: (i) driving under the
17 influence of alcohol, other drug or drugs, intoxicating
18 compound or compounds or any combination thereof as
19 defined by Section 11-501 of the Illinois Vehicle Code; or
20 (ii) operating the motor vehicle while using an electronic
21 communication device as defined in Section 12-610.2 of the
22 Illinois Vehicle Code.

23 For the purposes of this Section:

24 "School" is defined as a public or private elementary or
25 secondary school, community college, college, or university.

26 "Day care center" means a public or private State

1 certified and licensed day care center as defined in Section
2 2.09 of the Child Care Act of 1969 that displays a sign in
3 plain view stating that the property is a day care center.

4 "Intellectual disability" means significantly subaverage
5 intellectual functioning which exists concurrently with
6 impairment in adaptive behavior.

7 "Public transportation" means the transportation or
8 conveyance of persons by means available to the general
9 public, and includes paratransit services.

10 "Traffic control devices" means all signs, signals,
11 markings, and devices that conform to the Illinois Manual on
12 Uniform Traffic Control Devices, placed or erected by
13 authority of a public body or official having jurisdiction,
14 for the purpose of regulating, warning, or guiding traffic.

15 (b) The following factors, related to all felonies, may be
16 considered by the court as reasons to impose an extended term
17 sentence under Section 5-8-2 upon any offender:

18 (1) When a defendant is convicted of any felony, after
19 having been previously convicted in Illinois or any other
20 jurisdiction of the same or similar class felony or
21 greater class felony, when such conviction has occurred
22 within 10 years after the previous conviction, excluding
23 time spent in custody, and such charges are separately
24 brought and tried and arise out of different series of
25 acts; or

26 (2) When a defendant is convicted of any felony and

1 the court finds that the offense was accompanied by
2 exceptionally brutal or heinous behavior indicative of
3 wanton cruelty; or

4 (3) When a defendant is convicted of any felony
5 committed against:

6 (i) a person under 12 years of age at the time of
7 the offense or such person's property;

8 (ii) a person 60 years of age or older at the time
9 of the offense or such person's property; or

10 (iii) a person who had a physical disability at
11 the time of the offense or such person's property; or

12 (4) When a defendant is convicted of any felony and
13 the offense involved any of the following types of
14 specific misconduct committed as part of a ceremony, rite,
15 initiation, observance, performance, practice or activity
16 of any actual or ostensible religious, fraternal, or
17 social group:

18 (i) the brutalizing or torturing of humans or
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,
23 fraternal, business, governmental, educational, or
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (5) When a defendant is convicted of a felony other

1 than conspiracy and the court finds that the felony was
2 committed under an agreement with 2 or more other persons
3 to commit that offense and the defendant, with respect to
4 the other individuals, occupied a position of organizer,
5 supervisor, financier, or any other position of management
6 or leadership, and the court further finds that the felony
7 committed was related to or in furtherance of the criminal
8 activities of an organized gang or was motivated by the
9 defendant's leadership in an organized gang; or

10 (6) When a defendant is convicted of an offense
11 committed while using a firearm with a laser sight
12 attached to it. For purposes of this paragraph, "laser
13 sight" has the meaning ascribed to it in Section 26-7 of
14 the Criminal Code of 2012; or

15 (7) When a defendant who was at least 17 years of age
16 at the time of the commission of the offense is convicted
17 of a felony and has been previously adjudicated a
18 delinquent minor under the Juvenile Court Act of 1987 for
19 an act that if committed by an adult would be a Class X or
20 Class 1 felony when the conviction has occurred within 10
21 years after the previous adjudication, excluding time
22 spent in custody; or

23 (8) When a defendant commits any felony and the
24 defendant used, possessed, exercised control over, or
25 otherwise directed an animal to assault a law enforcement
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an
2 organized gang in which the defendant is engaged; or

3 (9) When a defendant commits any felony and the
4 defendant knowingly video or audio records the offense
5 with the intent to disseminate the recording.

6 (c) The following factors may be considered by the court
7 as reasons to impose an extended term sentence under Section
8 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
9 offenses:

10 (1) When a defendant is convicted of first degree
11 murder, after having been previously convicted in Illinois
12 of any offense listed under paragraph (c)(2) of Section
13 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
14 occurred within 10 years after the previous conviction,
15 excluding time spent in custody, and the charges are
16 separately brought and tried and arise out of different
17 series of acts.

18 (1.5) When a defendant is convicted of first degree
19 murder, after having been previously convicted of domestic
20 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
21 (720 ILCS 5/12-3.3) committed on the same victim or after
22 having been previously convicted of violation of an order
23 of protection (720 ILCS 5/12-30) in which the same victim
24 was the protected person.

25 (2) When a defendant is convicted of voluntary
26 manslaughter, second degree murder, involuntary

1 manslaughter, or reckless homicide in which the defendant
2 has been convicted of causing the death of more than one
3 individual.

4 (3) When a defendant is convicted of aggravated
5 criminal sexual assault or criminal sexual assault, when
6 there is a finding that aggravated criminal sexual assault
7 or criminal sexual assault was also committed on the same
8 victim by one or more other individuals, and the defendant
9 voluntarily participated in the crime with the knowledge
10 of the participation of the others in the crime, and the
11 commission of the crime was part of a single course of
12 conduct during which there was no substantial change in
13 the nature of the criminal objective.

14 (4) If the victim was under 18 years of age at the time
15 of the commission of the offense, when a defendant is
16 convicted of aggravated criminal sexual assault or
17 predatory criminal sexual assault of a child under
18 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
19 of Section 12-14.1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

21 (5) When a defendant is convicted of a felony
22 violation of Section 24-1 of the Criminal Code of 1961 or
23 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
24 finding that the defendant is a member of an organized
25 gang.

26 (6) When a defendant was convicted of unlawful use of

1 weapons under Section 24-1 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
3 a weapon that is not readily distinguishable as one of the
4 weapons enumerated in Section 24-1 of the Criminal Code of
5 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

6 (7) When a defendant is convicted of an offense
7 involving the illegal manufacture of a controlled
8 substance under Section 401 of the Illinois Controlled
9 Substances Act (720 ILCS 570/401), the illegal manufacture
10 of methamphetamine under Section 25 of the Methamphetamine
11 Control and Community Protection Act (720 ILCS 646/25), or
12 the illegal possession of explosives and an emergency
13 response officer in the performance of his or her duties
14 is killed or injured at the scene of the offense while
15 responding to the emergency caused by the commission of
16 the offense. In this paragraph, "emergency" means a
17 situation in which a person's life, health, or safety is
18 in jeopardy; and "emergency response officer" means a
19 peace officer, community policing volunteer, fireman,
20 emergency medical technician-ambulance, emergency medical
21 technician-intermediate, emergency medical
22 technician-paramedic, ambulance driver, other medical
23 assistance or first aid personnel, or hospital emergency
24 room personnel.

25 (8) When the defendant is convicted of attempted mob
26 action, solicitation to commit mob action, or conspiracy

1 to commit mob action under Section 8-1, 8-2, or 8-4 of the
2 Criminal Code of 2012, where the criminal object is a
3 violation of Section 25-1 of the Criminal Code of 2012,
4 and an electronic communication is used in the commission
5 of the offense. For the purposes of this paragraph (8),
6 "electronic communication" shall have the meaning provided
7 in Section 26.5-0.1 of the Criminal Code of 2012.

8 (d) For the purposes of this Section, "organized gang" has
9 the meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (e) The court may impose an extended term sentence under
12 Article 4.5 of Chapter V upon an offender who has been
13 convicted of a felony violation of Section 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
15 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
16 when the victim of the offense is under 18 years of age at the
17 time of the commission of the offense and, during the
18 commission of the offense, the victim was under the influence
19 of alcohol, regardless of whether or not the alcohol was
20 supplied by the offender; and the offender, at the time of the
21 commission of the offense, knew or should have known that the
22 victim had consumed alcohol.

23 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
24 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
25 8-20-21; 102-982, eff. 7-1-23.)

1 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

2 Sec. 5-6-4. Violation, Modification or Revocation of
3 Probation, of Conditional Discharge or Supervision or of a
4 sentence of county impact incarceration - Hearing.

5 (a) Except in cases where conditional discharge or
6 supervision was imposed for a petty offense as defined in
7 Section 5-1-17, when a petition is filed charging a violation
8 of a condition, the court may:

9 (1) in the case of probation violations, order the
10 issuance of a notice to the offender to be present by the
11 County Probation Department or such other agency
12 designated by the court to handle probation matters; and
13 in the case of conditional discharge or supervision
14 violations, such notice to the offender shall be issued by
15 the Circuit Court Clerk; and in the case of a violation of
16 a sentence of county impact incarceration, such notice
17 shall be issued by the Sheriff;

18 (2) order a summons to the offender to be present for
19 hearing; or

20 (3) order a warrant for the offender's arrest where
21 there is danger of his fleeing the jurisdiction or causing
22 serious harm to others or when the offender fails to
23 answer a summons or notice from the clerk of the court or
24 Sheriff.

25 Personal service of the petition for violation of
26 probation or the issuance of such warrant, summons or notice

1 shall toll the period of probation, conditional discharge,
2 supervision, or sentence of county impact incarceration until
3 the final determination of the charge, and the term of
4 probation, conditional discharge, supervision, or sentence of
5 county impact incarceration shall not run until the hearing
6 and disposition of the petition for violation.

7 (b) The court shall conduct a hearing of the alleged
8 violation. The court shall admit the offender to ~~pretrial~~
9 ~~release~~ bail pending the hearing unless the alleged violation
10 is itself a criminal offense in which case the offender shall
11 be admitted to ~~pretrial-release~~ bail on such terms as are
12 provided in the Code of Criminal Procedure of 1963, as
13 amended. In any case where an offender remains incarcerated
14 only as a result of his alleged violation of the court's
15 earlier order of probation, supervision, conditional
16 discharge, or county impact incarceration such hearing shall
17 be held within 14 days of the onset of said incarceration,
18 unless the alleged violation is the commission of another
19 offense by the offender during the period of probation,
20 supervision or conditional discharge in which case such
21 hearing shall be held within the time limits described in
22 Section 103-5 of the Code of Criminal Procedure of 1963, as
23 amended.

24 (c) The State has the burden of going forward with the
25 evidence and proving the violation by the preponderance of the
26 evidence. The evidence shall be presented in open court with

1 the right of confrontation, cross-examination, and
2 representation by counsel.

3 (d) Probation, conditional discharge, periodic
4 imprisonment and supervision shall not be revoked for failure
5 to comply with conditions of a sentence or supervision, which
6 imposes financial obligations upon the offender unless such
7 failure is due to his willful refusal to pay.

8 (e) If the court finds that the offender has violated a
9 condition at any time prior to the expiration or termination
10 of the period, it may continue him on the existing sentence,
11 with or without modifying or enlarging the conditions, or may
12 impose any other sentence that was available under Article 4.5
13 of Chapter V of this Code or Section 11-501 of the Illinois
14 Vehicle Code at the time of initial sentencing. If the court
15 finds that the person has failed to successfully complete his
16 or her sentence to a county impact incarceration program, the
17 court may impose any other sentence that was available under
18 Article 4.5 of Chapter V of this Code or Section 11-501 of the
19 Illinois Vehicle Code at the time of initial sentencing,
20 except for a sentence of probation or conditional discharge.
21 If the court finds that the offender has violated paragraph
22 (8.6) of subsection (a) of Section 5-6-3, the court shall
23 revoke the probation of the offender. If the court finds that
24 the offender has violated subsection (o) of Section 5-6-3.1,
25 the court shall revoke the supervision of the offender.

26 (f) The conditions of probation, of conditional discharge,

1 of supervision, or of a sentence of county impact
2 incarceration may be modified by the court on motion of the
3 supervising agency or on its own motion or at the request of
4 the offender after notice and a hearing.

5 (g) A judgment revoking supervision, probation,
6 conditional discharge, or a sentence of county impact
7 incarceration is a final appealable order.

8 (h) Resentencing after revocation of probation,
9 conditional discharge, supervision, or a sentence of county
10 impact incarceration shall be under Article 4. The term on
11 probation, conditional discharge or supervision shall not be
12 credited by the court against a sentence of imprisonment or
13 periodic imprisonment unless the court orders otherwise. The
14 amount of credit to be applied against a sentence of
15 imprisonment or periodic imprisonment when the defendant
16 served a term or partial term of periodic imprisonment shall
17 be calculated upon the basis of the actual days spent in
18 confinement rather than the duration of the term.

19 (i) Instead of filing a violation of probation,
20 conditional discharge, supervision, or a sentence of county
21 impact incarceration, an agent or employee of the supervising
22 agency with the concurrence of his or her supervisor may serve
23 on the defendant a Notice of Intermediate Sanctions. The
24 Notice shall contain the technical violation or violations
25 involved, the date or dates of the violation or violations,
26 and the intermediate sanctions to be imposed. Upon receipt of

1 the Notice, the defendant shall immediately accept or reject
2 the intermediate sanctions. If the sanctions are accepted,
3 they shall be imposed immediately. If the intermediate
4 sanctions are rejected or the defendant does not respond to
5 the Notice, a violation of probation, conditional discharge,
6 supervision, or a sentence of county impact incarceration
7 shall be immediately filed with the court. The State's
8 Attorney and the sentencing court shall be notified of the
9 Notice of Sanctions. Upon successful completion of the
10 intermediate sanctions, a court may not revoke probation,
11 conditional discharge, supervision, or a sentence of county
12 impact incarceration or impose additional sanctions for the
13 same violation. A notice of intermediate sanctions may not be
14 issued for any violation of probation, conditional discharge,
15 supervision, or a sentence of county impact incarceration
16 which could warrant an additional, separate felony charge. The
17 intermediate sanctions shall include a term of home detention
18 as provided in Article 8A of Chapter V of this Code for
19 multiple or repeat violations of the terms and conditions of a
20 sentence of probation, conditional discharge, or supervision.

21 (j) When an offender is re-sentenced after revocation of
22 probation that was imposed in combination with a sentence of
23 imprisonment for the same offense, the aggregate of the
24 sentences may not exceed the maximum term authorized under
25 Article 4.5 of Chapter V.

26 (k) (1) On and after the effective date of this amendatory

1 Act of the 101st General Assembly, this subsection (k) shall
2 apply to arrest warrants in Cook County only. An arrest
3 warrant issued under paragraph (3) of subsection (a) when the
4 underlying conviction is for the offense of theft, retail
5 theft, or possession of a controlled substance shall remain
6 active for a period not to exceed 10 years from the date the
7 warrant was issued unless a motion to extend the warrant is
8 filed by the office of the State's Attorney or by, or on behalf
9 of, the agency supervising the wanted person. A motion to
10 extend the warrant shall be filed within one year before the
11 warrant expiration date and notice shall be provided to the
12 office of the sheriff.

13 (2) If a motion to extend a warrant issued under paragraph
14 (3) of subsection (a) is not filed, the warrant shall be
15 quashed and recalled as a matter of law under paragraph (1) of
16 this subsection (k) and the wanted person's period of
17 probation, conditional discharge, or supervision shall
18 terminate unsatisfactorily as a matter of law.

19 (Source: P.A. 101-406, eff. 1-1-20; 101-652.)

20 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

21 Sec. 5-6-4.1. Violation, Modification or Revocation of
22 Conditional Discharge or Supervision - Hearing.)

23 (a) In cases where a defendant was placed upon supervision
24 or conditional discharge for the commission of a petty
25 offense, upon the oral or written motion of the State, or on

1 the court's own motion, which charges that a violation of a
2 condition of that conditional discharge or supervision has
3 occurred, the court may:

4 (1) Conduct a hearing instanter if the offender is
5 present in court;

6 (2) Order the issuance by the court clerk of a notice
7 to the offender to be present for a hearing for violation;

8 (3) Order summons to the offender to be present; or

9 (4) Order a warrant for the offender's arrest.

10 The oral motion, if the defendant is present, or the
11 issuance of such warrant, summons or notice shall toll the
12 period of conditional discharge or supervision until the final
13 determination of the charge, and the term of conditional
14 discharge or supervision shall not run until the hearing and
15 disposition of the petition for violation.

16 (b) The Court shall admit the offender to ~~pretrial release~~
17 bail pending the hearing.

18 (c) The State has the burden of going forward with the
19 evidence and proving the violation by the preponderance of the
20 evidence. The evidence shall be presented in open court with
21 the right of confrontation, cross-examination, and
22 representation by counsel.

23 (d) Conditional discharge or supervision shall not be
24 revoked for failure to comply with the conditions of the
25 discharge or supervision which imposed financial obligations
26 upon the offender unless such failure is due to his wilful

1 refusal to pay.

2 (e) If the court finds that the offender has violated a
3 condition at any time prior to the expiration or termination
4 of the period, it may continue him on the existing sentence or
5 supervision with or without modifying or enlarging the
6 conditions, or may impose any other sentence that was
7 available under Article 4.5 of Chapter V of this Code or
8 Section 11-501 of the Illinois Vehicle Code at the time of
9 initial sentencing.

10 (f) The conditions of conditional discharge and of
11 supervision may be modified by the court on motion of the
12 probation officer or on its own motion or at the request of the
13 offender after notice to the defendant and a hearing.

14 (g) A judgment revoking supervision is a final appealable
15 order.

16 (h) Resentencing after revocation of conditional discharge
17 or of supervision shall be under Article 4. Time served on
18 conditional discharge or supervision shall be credited by the
19 court against a sentence of imprisonment or periodic
20 imprisonment unless the court orders otherwise.

21 (Source: P.A. 95-1052, eff. 7-1-09; 101-652.)

22 (730 ILCS 5/5-8A-7)

23 Sec. 5-8A-7. Domestic violence surveillance program. If
24 the Prisoner Review Board, Department of Corrections,
25 Department of Juvenile Justice, or court (the supervising

1 authority) orders electronic surveillance as a condition of
2 parole, aftercare release, mandatory supervised release, early
3 release, probation, or conditional discharge for a violation
4 of an order of protection or as a condition of ~~pretrial release~~
5 bail for a person charged with a violation of an order of
6 protection, the supervising authority shall use the best
7 available global positioning technology to track domestic
8 violence offenders. Best available technology must have
9 real-time and interactive capabilities that facilitate the
10 following objectives: (1) immediate notification to the
11 supervising authority of a breach of a court ordered exclusion
12 zone; (2) notification of the breach to the offender; and (3)
13 communication between the supervising authority, law
14 enforcement, and the victim, regarding the breach. The
15 supervising authority may also require that the electronic
16 surveillance ordered under this Section monitor the
17 consumption of alcohol or drugs.

18 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;
19 100-201, eff. 8-18-17; 101-652.)

20 (730 ILCS 5/8-2-1) (from Ch. 38, par. 1008-2-1)

21 Sec. 8-2-1. Saving Clause.

22 The repeal of Acts or parts of Acts enumerated in Section
23 8-5-1 does not: (1) affect any offense committed, act done,
24 prosecution pending, penalty, punishment or forfeiture
25 incurred, or rights, powers or remedies accrued under any law

1 in effect immediately prior to the effective date of this
2 Code; (2) impair, avoid, or affect any grant or conveyance
3 made or right acquired or cause of action then existing under
4 any such repealed Act or amendment thereto; (3) affect or
5 impair the validity of any ~~pretrial release~~ bail or other bond
6 or other obligation issued or sold and constituting a valid
7 obligation of the issuing authority immediately prior to the
8 effective date of this Code; (4) the validity of any contract;
9 or (5) the validity of any tax levied under any law in effect
10 prior to the effective date of this Code. The repeal of any
11 validating Act or part thereof shall not avoid the effect of
12 the validation. No Act repealed by Section 8-5-1 shall repeal
13 any Act or part thereof which embraces the same or a similar
14 subject matter as the Act repealed.

15 (Source: P.A. 78-255; 101-652.)

16 Section 1-260. The Unified Code of Corrections is amended
17 by changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-4.5-100, 5-8-1,
18 5-8-4, 5-8-6, 5-8A-2, 5-8A-4, and 5-8A-4.1 as follows:

19 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

20 Sec. 3-6-3. Rules and regulations for sentence credit.

21 (a) (1) The Department of Corrections shall prescribe rules
22 and regulations for awarding and revoking sentence credit for
23 persons committed to the Department of Corrections and the
24 Department of Juvenile Justice shall prescribe rules and

1 regulations for awarding and revoking sentence credit for
2 persons committed to the Department of Juvenile Justice under
3 Section 5-8-6 of the Unified Code of Corrections, which shall
4 be subject to review by the Prisoner Review Board.

5 (1.5) As otherwise provided by law, sentence credit may be
6 awarded for the following:

7 (A) successful completion of programming while in
8 custody of the Department of Corrections or the Department
9 of Juvenile Justice or while in custody prior to
10 sentencing;

11 (B) compliance with the rules and regulations of the
12 Department; or

13 (C) service to the institution, service to a
14 community, or service to the State.

15 (2) Except as provided in paragraph (4.7) of this
16 subsection (a), the rules and regulations on sentence credit
17 shall provide, with respect to offenses listed in clause (i),
18 (ii), or (iii) of this paragraph (2) committed on or after June
19 19, 1998 or with respect to the offense listed in clause (iv)
20 of this paragraph (2) committed on or after June 23, 2005 (the
21 effective date of Public Act 94-71) or with respect to offense
22 listed in clause (vi) committed on or after June 1, 2008 (the
23 effective date of Public Act 95-625) or with respect to the
24 offense of being an armed habitual criminal committed on or
25 after August 2, 2005 (the effective date of Public Act 94-398)
26 or with respect to the offenses listed in clause (v) of this

1 paragraph (2) committed on or after August 13, 2007 (the
2 effective date of Public Act 95-134) or with respect to the
3 offense of aggravated domestic battery committed on or after
4 July 23, 2010 (the effective date of Public Act 96-1224) or
5 with respect to the offense of attempt to commit terrorism
6 committed on or after January 1, 2013 (the effective date of
7 Public Act 97-990), the following:

8 (i) that a prisoner who is serving a term of
9 imprisonment for first degree murder or for the offense of
10 terrorism shall receive no sentence credit and shall serve
11 the entire sentence imposed by the court;

12 (ii) that a prisoner serving a sentence for attempt to
13 commit terrorism, attempt to commit first degree murder,
14 solicitation of murder, solicitation of murder for hire,
15 intentional homicide of an unborn child, predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, criminal sexual assault, aggravated
18 kidnapping, aggravated battery with a firearm as described
19 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
20 or (e)(4) of Section 12-3.05, heinous battery as described
21 in Section 12-4.1 or subdivision (a)(2) of Section
22 12-3.05, being an armed habitual criminal, aggravated
23 battery of a senior citizen as described in Section 12-4.6
24 or subdivision (a)(4) of Section 12-3.05, or aggravated
25 battery of a child as described in Section 12-4.3 or
26 subdivision (b)(1) of Section 12-3.05 shall receive no

1 more than 4.5 days of sentence credit for each month of his
2 or her sentence of imprisonment;

3 (iii) that a prisoner serving a sentence for home
4 invasion, armed robbery, aggravated vehicular hijacking,
5 aggravated discharge of a firearm, or armed violence with
6 a category I weapon or category II weapon, when the court
7 has made and entered a finding, pursuant to subsection
8 (c-1) of Section 5-4-1 of this Code, that the conduct
9 leading to conviction for the enumerated offense resulted
10 in great bodily harm to a victim, shall receive no more
11 than 4.5 days of sentence credit for each month of his or
12 her sentence of imprisonment;

13 (iv) that a prisoner serving a sentence for aggravated
14 discharge of a firearm, whether or not the conduct leading
15 to conviction for the offense resulted in great bodily
16 harm to the victim, shall receive no more than 4.5 days of
17 sentence credit for each month of his or her sentence of
18 imprisonment;

19 (v) that a person serving a sentence for gunrunning,
20 narcotics racketeering, controlled substance trafficking,
21 methamphetamine trafficking, drug-induced homicide,
22 aggravated methamphetamine-related child endangerment,
23 money laundering pursuant to clause (c) (4) or (5) of
24 Section 29B-1 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, or a Class X felony conviction for delivery
26 of a controlled substance, possession of a controlled

1 substance with intent to manufacture or deliver,
2 calculated criminal drug conspiracy, criminal drug
3 conspiracy, street gang criminal drug conspiracy,
4 participation in methamphetamine manufacturing,
5 aggravated participation in methamphetamine
6 manufacturing, delivery of methamphetamine, possession
7 with intent to deliver methamphetamine, aggravated
8 delivery of methamphetamine, aggravated possession with
9 intent to deliver methamphetamine, methamphetamine
10 conspiracy when the substance containing the controlled
11 substance or methamphetamine is 100 grams or more shall
12 receive no more than 7.5 days sentence credit for each
13 month of his or her sentence of imprisonment;

14 (vi) that a prisoner serving a sentence for a second
15 or subsequent offense of luring a minor shall receive no
16 more than 4.5 days of sentence credit for each month of his
17 or her sentence of imprisonment; and

18 (vii) that a prisoner serving a sentence for
19 aggravated domestic battery shall receive no more than 4.5
20 days of sentence credit for each month of his or her
21 sentence of imprisonment.

22 (2.1) For all offenses, other than those enumerated in
23 subdivision (a)(2)(i), (ii), or (iii) committed on or after
24 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
25 June 23, 2005 (the effective date of Public Act 94-71) or
26 subdivision (a)(2)(v) committed on or after August 13, 2007

1 (the effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) committed on or after June 1, 2008 (the effective
3 date of Public Act 95-625) or subdivision (a)(2)(vii)
4 committed on or after July 23, 2010 (the effective date of
5 Public Act 96-1224), and other than the offense of aggravated
6 driving under the influence of alcohol, other drug or drugs,
7 or intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (F) of paragraph (1) of
9 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
10 and other than the offense of aggravated driving under the
11 influence of alcohol, other drug or drugs, or intoxicating
12 compound or compounds, or any combination thereof as defined
13 in subparagraph (C) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code committed on or
15 after January 1, 2011 (the effective date of Public Act
16 96-1230), the rules and regulations shall provide that a
17 prisoner who is serving a term of imprisonment shall receive
18 one day of sentence credit for each day of his or her sentence
19 of imprisonment or recommitment under Section 3-3-9. Each day
20 of sentence credit shall reduce by one day the prisoner's
21 period of imprisonment or recommitment under Section 3-3-9.

22 (2.2) A prisoner serving a term of natural life
23 imprisonment or a prisoner who has been sentenced to death
24 shall receive no sentence credit.

25 (2.3) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations on sentence credit

1 shall provide that a prisoner who is serving a sentence for
2 aggravated driving under the influence of alcohol, other drug
3 or drugs, or intoxicating compound or compounds, or any
4 combination thereof as defined in subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code, shall receive no more than 4.5 days of
7 sentence credit for each month of his or her sentence of
8 imprisonment.

9 (2.4) Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations on sentence credit
11 shall provide with respect to the offenses of aggravated
12 battery with a machine gun or a firearm equipped with any
13 device or attachment designed or used for silencing the report
14 of a firearm or aggravated discharge of a machine gun or a
15 firearm equipped with any device or attachment designed or
16 used for silencing the report of a firearm, committed on or
17 after July 15, 1999 (the effective date of Public Act 91-121),
18 that a prisoner serving a sentence for any of these offenses
19 shall receive no more than 4.5 days of sentence credit for each
20 month of his or her sentence of imprisonment.

21 (2.5) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide that a prisoner who is serving a sentence for
24 aggravated arson committed on or after July 27, 2001 (the
25 effective date of Public Act 92-176) shall receive no more
26 than 4.5 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.6) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations on sentence credit
4 shall provide that a prisoner who is serving a sentence for
5 aggravated driving under the influence of alcohol, other drug
6 or drugs, or intoxicating compound or compounds or any
7 combination thereof as defined in subparagraph (C) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code committed on or after January 1, 2011
10 (the effective date of Public Act 96-1230) shall receive no
11 more than 4.5 days of sentence credit for each month of his or
12 her sentence of imprisonment.

13 (3) In addition to the sentence credits earned under
14 paragraphs (2.1), (4), (4.1), ~~(4.2)~~, and (4.7) of this
15 subsection (a), the rules and regulations shall also provide
16 that the Director ~~of Corrections or the Director of Juvenile~~
17 ~~Justice~~ may award up to 180 days of earned sentence credit ~~for~~
18 ~~prisoners serving a sentence of incarceration of less than 5~~
19 ~~years, and up to 365 days of earned sentence credit for~~
20 ~~prisoners serving a sentence of 5 years or longer. The~~
21 ~~Director may grant this credit~~ for good conduct in specific
22 instances as the ~~either~~ Director deems proper ~~for eligible~~
23 ~~persons in the custody of each Director's respective~~
24 ~~Department~~. The good conduct may include, but is not limited
25 to, compliance with the rules and regulations of the
26 Department, service to the Department, service to a community,

1 or service to the State.

2 Eligible inmates for an award of earned sentence credit
3 under this paragraph (3) may be selected to receive the credit
4 at the ~~either~~ Director's or his or her designee's sole
5 discretion. Eligibility for the additional earned sentence
6 credit under this paragraph (3) ~~may~~ shall be based on, but is
7 not limited to, ~~participation in programming offered by the~~
8 ~~Department as appropriate for the prisoner based on the~~
9 results of any available risk/needs assessment or other
10 relevant assessments or evaluations administered by the
11 Department using a validated instrument, the circumstances of
12 the crime, ~~demonstrated commitment to rehabilitation by a~~ any
13 prisoner with a history of conviction for a forcible felony
14 enumerated in Section 2-8 of the Criminal Code of 2012, the
15 inmate's behavior and ~~improvements in~~ disciplinary history
16 while incarcerated, and the inmate's commitment to
17 rehabilitation, including participation in programming offered
18 by the Department.

19 The Director of Corrections or the Director of Juvenile
20 Justice shall not award sentence credit under this paragraph
21 (3) to an inmate unless the inmate has served a minimum of 60
22 days of the sentence; except nothing in this paragraph shall
23 be construed to permit either Director to extend an inmate's
24 sentence beyond that which was imposed by the court. Prior to
25 awarding credit under this paragraph (3), each Director shall
26 make a written determination that the inmate:

1 (A) is eligible for the earned sentence credit;

2 (B) has served a minimum of 60 days, or as close to 60
3 days as the sentence will allow;

4 (B-1) has received a risk/needs assessment or other
5 relevant evaluation or assessment administered by the
6 Department using a validated instrument; and

7 (C) has met the eligibility criteria established by
8 rule for earned sentence credit.

9 The Director of Corrections or the Director of Juvenile
10 Justice shall determine the form and content of the written
11 determination required in this subsection.

12 (3.5) The Department shall provide annual written reports
13 to the Governor and the General Assembly on the award of earned
14 sentence credit no later than February 1 of each year. The
15 Department must publish both reports on its website within 48
16 hours of transmitting the reports to the Governor and the
17 General Assembly. The reports must include:

18 (A) the number of inmates awarded earned sentence
19 credit;

20 (B) the average amount of earned sentence credit
21 awarded;

22 (C) the holding offenses of inmates awarded earned
23 sentence credit; and

24 (D) the number of earned sentence credit revocations.

25 (4) (A) Except as provided in paragraph (4.7) of this
26 subsection (a), the rules and regulations shall also provide

1 that ~~any prisoner who~~ the sentence credit accumulated and
2 retained under paragraph (2.1) of subsection (a) of this
3 Section by any inmate during specific periods of time in which
4 such inmate is engaged full-time in substance abuse programs,
5 correctional industry assignments, educational programs,
6 ~~work release programs or activities in accordance with Article~~
7 ~~13 of Chapter III of this Code,~~ behavior modification
8 programs, life skills courses, or re-entry planning provided
9 by the Department under this paragraph (4) and satisfactorily
10 completes the assigned program as determined by the standards
11 of the Department, shall receive ~~one day of sentence credit~~
12 ~~for each day in which that prisoner is engaged in the~~
13 ~~activities described in this paragraph~~ be multiplied by a
14 factor of 1.25 for program participation before August 11,
15 1993 and 1.50 for program participation on or after that date.
16 The rules and regulations shall also provide that sentence
17 credit, subject to the same offense limits and multiplier
18 provided in this paragraph, may be provided to an inmate who
19 was held in pre-trial detention prior to his or her current
20 commitment to the Department of Corrections and successfully
21 completed a full-time, 60-day or longer substance abuse
22 program, educational program, behavior modification program,
23 life skills course, or re-entry planning provided by the
24 county department of corrections or county jail. Calculation
25 of this county program credit shall be done at sentencing as
26 provided in Section 5-4.5-100 of this Code and shall be

1 included in the sentencing order. ~~The rules and regulations~~
2 ~~shall also provide that sentence credit may be provided to an~~
3 ~~inmate who is in compliance with programming requirements in~~
4 ~~an adult transition center.~~ However, no inmate shall be
5 eligible for the additional sentence credit under this
6 paragraph (4) or (4.1) of this subsection (a) while assigned
7 to a boot camp or electronic detention.

8 (B) The Department shall award sentence credit under this
9 paragraph (4) accumulated prior to January 1, 2020 (the
10 effective date of Public Act 101-440) in an amount specified
11 in subparagraph (C) of this paragraph (4) to an inmate serving
12 a sentence for an offense committed prior to June 19, 1998, if
13 the Department determines that the inmate is entitled to this
14 sentence credit, based upon:

15 (i) documentation provided by the Department that the
16 inmate engaged in any full-time substance abuse programs,
17 correctional industry assignments, educational programs,
18 behavior modification programs, life skills courses, or
19 re-entry planning provided by the Department under this
20 paragraph (4) and satisfactorily completed the assigned
21 program as determined by the standards of the Department
22 during the inmate's current term of incarceration; or

23 (ii) the inmate's own testimony in the form of an
24 affidavit or documentation, or a third party's
25 documentation or testimony in the form of an affidavit
26 that the inmate likely engaged in any full-time substance

1 abuse programs, correctional industry assignments,
2 educational programs, behavior modification programs, life
3 skills courses, or re-entry planning provided by the
4 Department under paragraph (4) and satisfactorily
5 completed the assigned program as determined by the
6 standards of the Department during the inmate's current
7 term of incarceration.

8 (C) If the inmate can provide documentation that he or she
9 is entitled to sentence credit under subparagraph (B) in
10 excess of 45 days of participation in those programs, the
11 inmate shall receive 90 days of sentence credit. If the inmate
12 cannot provide documentation of more than 45 days of
13 participation in those programs, the inmate shall receive 45
14 days of sentence credit. In the event of a disagreement
15 between the Department and the inmate as to the amount of
16 credit accumulated under subparagraph (B), if the Department
17 provides documented proof of a lesser amount of days of
18 participation in those programs, that proof shall control. If
19 the Department provides no documentary proof, the inmate's
20 proof as set forth in clause (ii) of subparagraph (B) shall
21 control as to the amount of sentence credit provided.

22 (D) If the inmate has been convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act,
24 sentencing credits under subparagraph (B) of this paragraph
25 (4) shall be awarded by the Department only if the conditions
26 set forth in paragraph (4.6) of subsection (a) are satisfied.

1 No inmate serving a term of natural life imprisonment shall
2 receive sentence credit under subparagraph (B) of this
3 paragraph (4).

4 Educational, vocational, substance abuse, behavior
5 modification programs, life skills courses, re-entry planning,
6 and correctional industry programs under which sentence credit
7 may be earned under this paragraph (4) and paragraph (4.1) of
8 this subsection (a) shall be evaluated by the Department on
9 the basis of documented standards. The Department shall report
10 the results of these evaluations to the Governor and the
11 General Assembly by September 30th of each year. The reports
12 shall include data relating to the recidivism rate among
13 program participants.

14 Availability of these programs shall be subject to the
15 limits of fiscal resources appropriated by the General
16 Assembly for these purposes. Eligible inmates who are denied
17 immediate admission shall be placed on a waiting list under
18 criteria established by the Department. ~~The rules and
19 regulations shall provide that a prisoner who has been placed
20 on a waiting list but is transferred for non-disciplinary
21 reasons before beginning a program shall receive priority
22 placement on the waitlist for appropriate programs at the new
23 facility.~~ The inability of any inmate to become engaged in any
24 such programs by reason of insufficient program resources or
25 for any other reason established under the rules and
26 regulations of the Department shall not be deemed a cause of

1 action under which the Department or any employee or agent of
2 the Department shall be liable for damages to the inmate. ~~The~~
3 ~~rules and regulations shall provide that a prisoner who begins~~
4 ~~an educational, vocational, substance abuse, work release~~
5 ~~programs or activities in accordance with Article 13 of~~
6 ~~Chapter III of this Code, behavior modification program, life~~
7 ~~skills course, re entry planning, or correctional industry~~
8 ~~programs but is unable to complete the program due to illness,~~
9 ~~disability, transfer, lockdown, or another reason outside of~~
10 ~~the prisoner's control shall receive prorated sentence credits~~
11 ~~for the days in which the prisoner did participate.~~

12 (4.1) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that an additional 90 days of sentence credit shall be awarded
15 to any prisoner who passes high school equivalency testing
16 while the prisoner is committed to the Department of
17 Corrections. The sentence credit awarded under this paragraph
18 (4.1) shall be in addition to, and shall not affect, the award
19 of sentence credit under any other paragraph of this Section,
20 but shall also be pursuant to the guidelines and restrictions
21 set forth in paragraph (4) of subsection (a) of this Section.
22 The sentence credit provided for in this paragraph shall be
23 available only to those prisoners who have not previously
24 earned a high school diploma or a State of Illinois High School
25 Diploma. If, after an award of the high school equivalency
26 testing sentence credit has been made, the Department

1 determines that the prisoner was not eligible, then the award
2 shall be revoked. The Department may also award 90 days of
3 sentence credit to any committed person who passed high school
4 equivalency testing while he or she was held in pre-trial
5 detention prior to the current commitment to the Department of
6 Corrections. ~~Except as provided in paragraph (4.7) of this~~
7 ~~subsection (a), the rules and regulations shall provide that~~
8 ~~an additional 120 days of sentence credit shall be awarded to~~
9 ~~any prisoner who obtains an associate degree while the~~
10 ~~prisoner is committed to the Department of Corrections,~~
11 ~~regardless of the date that the associate degree was obtained,~~
12 ~~including if prior to July 1, 2021 (the effective date of~~
13 ~~Public Act 101-652). The sentence credit awarded under this~~
14 ~~paragraph (4.1) shall be in addition to, and shall not affect,~~
15 ~~the award of sentence credit under any other paragraph of this~~
16 ~~Section, but shall also be under the guidelines and~~
17 ~~restrictions set forth in paragraph (4) of subsection (a) of~~
18 ~~this Section. The sentence credit provided for in this~~
19 ~~paragraph (4.1) shall be available only to those prisoners who~~
20 ~~have not previously earned an associate degree prior to the~~
21 ~~current commitment to the Department of Corrections. If, after~~
22 ~~an award of the associate degree sentence credit has been made~~
23 ~~and the Department determines that the prisoner was not~~
24 ~~eligible, then the award shall be revoked. The Department may~~
25 ~~also award 120 days of sentence credit to any committed person~~
26 ~~who earned an associate degree while he or she was held in~~

1 ~~pre-trial detention prior to the current commitment to the~~
2 ~~Department of Corrections.~~

3 Except as provided in paragraph (4.7) of this subsection
4 (a), the rules and regulations shall provide that an
5 additional 180 days of sentence credit shall be awarded to any
6 prisoner who obtains a bachelor's degree while the prisoner is
7 committed to the Department of Corrections. The sentence
8 credit awarded under this paragraph (4.1) shall be in addition
9 to, and shall not affect, the award of sentence credit under
10 any other paragraph of this Section, but shall also be under
11 the guidelines and restrictions set forth in paragraph (4) of
12 this subsection (a). The sentence credit provided for in this
13 paragraph shall be available only to those prisoners who have
14 not earned a bachelor's degree prior to the current commitment
15 to the Department of Corrections. If, after an award of the
16 bachelor's degree sentence credit has been made, the
17 Department determines that the prisoner was not eligible, then
18 the award shall be revoked. The Department may also award 180
19 days of sentence credit to any committed person who earned a
20 bachelor's degree while he or she was held in pre-trial
21 detention prior to the current commitment to the Department of
22 Corrections.

23 Except as provided in paragraph (4.7) of this subsection
24 (a), the rules and regulations shall provide that an
25 additional 180 days of sentence credit shall be awarded to any
26 prisoner who obtains a master's or professional degree while

1 the prisoner is committed to the Department of Corrections.
2 The sentence credit awarded under this paragraph (4.1) shall
3 be in addition to, and shall not affect, the award of sentence
4 credit under any other paragraph of this Section, but shall
5 also be under the guidelines and restrictions set forth in
6 paragraph (4) of this subsection (a). The sentence credit
7 provided for in this paragraph shall be available only to
8 those prisoners who have not previously earned a master's or
9 professional degree prior to the current commitment to the
10 Department of Corrections. If, after an award of the master's
11 or professional degree sentence credit has been made, the
12 Department determines that the prisoner was not eligible, then
13 the award shall be revoked. The Department may also award 180
14 days of sentence credit to any committed person who earned a
15 master's or professional degree while he or she was held in
16 pre-trial detention prior to the current commitment to the
17 Department of Corrections.

18 ~~(4.2) The rules and regulations shall also provide that~~
19 ~~any prisoner engaged in self improvement programs, volunteer~~
20 ~~work, or work assignments that are not otherwise eligible~~
21 ~~activities under paragraph (4), shall receive up to 0.5 days~~
22 ~~of sentence credit for each day in which the prisoner is~~
23 ~~engaged in activities described in this paragraph.~~

24 (4.5) The rules and regulations on sentence credit shall
25 also provide that when the court's sentencing order recommends
26 a prisoner for substance abuse treatment and the crime was

1 committed on or after September 1, 2003 (the effective date of
2 Public Act 93-354), the prisoner shall receive no sentence
3 credit awarded under clause (3) of this subsection (a) unless
4 he or she participates in and completes a substance abuse
5 treatment program. The Director of Corrections may waive the
6 requirement to participate in or complete a substance abuse
7 treatment program in specific instances if the prisoner is not
8 a good candidate for a substance abuse treatment program for
9 medical, programming, or operational reasons. Availability of
10 substance abuse treatment shall be subject to the limits of
11 fiscal resources appropriated by the General Assembly for
12 these purposes. If treatment is not available and the
13 requirement to participate and complete the treatment has not
14 been waived by the Director, the prisoner shall be placed on a
15 waiting list under criteria established by the Department. The
16 Director may allow a prisoner placed on a waiting list to
17 participate in and complete a substance abuse education class
18 or attend substance abuse self-help meetings in lieu of a
19 substance abuse treatment program. A prisoner on a waiting
20 list who is not placed in a substance abuse program prior to
21 release may be eligible for a waiver and receive sentence
22 credit under clause (3) of this subsection (a) at the
23 discretion of the Director.

24 (4.6) The rules and regulations on sentence credit shall
25 also provide that a prisoner who has been convicted of a sex
26 offense as defined in Section 2 of the Sex Offender

1 Registration Act shall receive no sentence credit unless he or
2 she either has successfully completed or is participating in
3 sex offender treatment as defined by the Sex Offender
4 Management Board. However, prisoners who are waiting to
5 receive treatment, but who are unable to do so due solely to
6 the lack of resources on the part of the Department, may, at
7 either Director's sole discretion, be awarded sentence credit
8 at a rate as the Director shall determine.

9 (4.7) On or after January 1, 2018 (the effective date of
10 Public Act 100-3), sentence credit under paragraph (3), (4),
11 or (4.1) of this subsection (a) may be awarded to a prisoner
12 who is serving a sentence for an offense described in
13 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
14 on or after January 1, 2018 (the effective date of Public Act
15 100-3); provided, the award of the credits under this
16 paragraph (4.7) shall not reduce the sentence of the prisoner
17 to less than the following amounts:

18 (i) 85% of his or her sentence if the prisoner is
19 required to serve 85% of his or her sentence; or

20 (ii) 60% of his or her sentence if the prisoner is
21 required to serve 75% of his or her sentence, except if the
22 prisoner is serving a sentence for gunrunning his or her
23 sentence shall not be reduced to less than 75%.

24 (iii) 100% of his or her sentence if the prisoner is
25 required to serve 100% of his or her sentence.

26 (5) Whenever the Department is to release any inmate

1 earlier than it otherwise would because of a grant of earned
2 sentence credit under paragraph (3) of subsection (a) of this
3 Section given at any time during the term, the Department
4 shall give reasonable notice of the impending release not less
5 than 14 days prior to the date of the release to the State's
6 Attorney of the county where the prosecution of the inmate
7 took place, and if applicable, the State's Attorney of the
8 county into which the inmate will be released. The Department
9 must also make identification information and a recent photo
10 of the inmate being released accessible on the Internet by
11 means of a hyperlink labeled "Community Notification of Inmate
12 Early Release" on the Department's World Wide Web homepage.
13 The identification information shall include the inmate's:
14 name, any known alias, date of birth, physical
15 characteristics, commitment offense, and county where
16 conviction was imposed. The identification information shall
17 be placed on the website within 3 days of the inmate's release
18 and the information may not be removed until either:
19 completion of the first year of mandatory supervised release
20 or return of the inmate to custody of the Department.

21 (b) Whenever a person is or has been committed under
22 several convictions, with separate sentences, the sentences
23 shall be construed under Section 5-8-4 in granting and
24 forfeiting of sentence credit.

25 (c) ~~(1)~~ The Department shall prescribe rules and
26 regulations for revoking sentence credit, including revoking

1 sentence credit awarded under paragraph (3) of subsection (a)
2 of this Section. ~~The Department shall prescribe rules and~~
3 ~~regulations establishing and requiring the use of a sanctions~~
4 ~~matrix for revoking sentence credit.~~ The Department shall
5 prescribe rules and regulations for suspending or reducing the
6 rate of accumulation of sentence credit for specific rule
7 violations, during imprisonment. These rules and regulations
8 shall provide that no inmate may be penalized more than one
9 year of sentence credit for any one infraction.

10 ~~(2)~~ When the Department seeks to revoke, suspend, or
11 reduce the rate of accumulation of any sentence credits for an
12 alleged infraction of its rules, it shall bring charges
13 therefor against the prisoner sought to be so deprived of
14 sentence credits before the Prisoner Review Board as provided
15 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
16 amount of credit at issue exceeds 30 days, ~~whether from one~~
17 ~~infraction or cumulatively from multiple infractions arising~~
18 ~~out of a single event,~~ or when, during any 12-month period, the
19 cumulative amount of credit revoked exceeds 30 days except
20 where the infraction is committed or discovered within 60 days
21 of scheduled release. In those cases, the Department of
22 Corrections may revoke up to 30 days of sentence credit. The
23 Board may subsequently approve the revocation of additional
24 sentence credit, if the Department seeks to revoke sentence
25 credit in excess of 30 days. However, the Board shall not be
26 empowered to review the Department's decision with respect to

1 the loss of 30 days of sentence credit within any calendar year
2 for any prisoner or to increase any penalty beyond the length
3 requested by the Department.

4 ~~(3) The Director of the Department of Corrections or the~~
5 ~~Director of Juvenile Justice, in appropriate cases, may~~
6 restore up to 30 days of sentence credits which have been
7 revoked, suspended, or reduced. ~~The Department shall prescribe~~
8 ~~rules and regulations governing the restoration of sentence~~
9 ~~credits. These rules and regulations shall provide for the~~
10 ~~automatic restoration of sentence credits following a period~~
11 ~~in which the prisoner maintains a record without a~~
12 ~~disciplinary violation. Any restoration of sentence credits in~~
13 ~~excess of 30 days shall be subject to review by the Prisoner~~
14 ~~Review Board. However, the Board may not restore sentence~~
15 ~~credit in excess of the amount requested by the Director.~~

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of sentence credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of
23 Corrections, or the Prisoner Review Board, or against any of
24 their officers or employees, and the court makes a specific
25 finding that a pleading, motion, or other paper filed by the
26 prisoner is frivolous, the Department of Corrections shall

1 conduct a hearing to revoke up to 180 days of sentence credit
2 by bringing charges against the prisoner sought to be deprived
3 of the sentence credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of sentence
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all sentence credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or
11 other filing which purports to be a legal document filed
12 by a prisoner in his or her lawsuit meets any or all of the
13 following criteria:

14 (A) it lacks an arguable basis either in law or in
15 fact;

16 (B) it is being presented for any improper
17 purpose, such as to harass or to cause unnecessary
18 delay or needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal
20 contentions therein are not warranted by existing law
21 or by a nonfrivolous argument for the extension,
22 modification, or reversal of existing law or the
23 establishment of new law;

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

3 (E) the denials of factual contentions are not
4 warranted on the evidence, or if specifically so
5 identified, are not reasonably based on a lack of
6 information or belief.

7 (2) "Lawsuit" means a motion pursuant to Section 116-3
8 of the Code of Criminal Procedure of 1963, a habeas corpus
9 action under Article X of the Code of Civil Procedure or
10 under federal law (28 U.S.C. 2254), a petition for claim
11 under the Court of Claims Act, an action under the federal
12 Civil Rights Act (42 U.S.C. 1983), or a second or
13 subsequent petition for post-conviction relief under
14 Article 122 of the Code of Criminal Procedure of 1963
15 whether filed with or without leave of court or a second or
16 subsequent petition for relief from judgment under Section
17 2-1401 of the Code of Civil Procedure.

18 (e) Nothing in Public Act 90-592 or 90-593 affects the
19 validity of Public Act 89-404.

20 (f) Whenever the Department is to release any inmate who
21 has been convicted of a violation of an order of protection
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, earlier than it otherwise would
24 because of a grant of sentence credit, the Department, as a
25 condition of release, shall require that the person, upon
26 release, be placed under electronic surveillance as provided

1 in Section 5-8A-7 of this Code.

2 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
3 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
4 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

5 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

6 Sec. 5-4-1. Sentencing hearing.

7 (a) Except when the death penalty is sought under hearing
8 procedures otherwise specified, after a determination of
9 guilt, a hearing shall be held to impose the sentence.
10 However, prior to the imposition of sentence on an individual
11 being sentenced for an offense based upon a charge for a
12 violation of Section 11-501 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, the individual must
14 undergo a professional evaluation to determine if an alcohol
15 or other drug abuse problem exists and the extent of such a
16 problem. Programs conducting these evaluations shall be
17 licensed by the Department of Human Services. However, if the
18 individual is not a resident of Illinois, the court may, in its
19 discretion, accept an evaluation from a program in the state
20 of such individual's residence. The court shall make a
21 specific finding about whether the defendant is eligible for
22 participation in a Department impact incarceration program as
23 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
24 explanation as to why a sentence to impact incarceration is
25 not an appropriate sentence. The court may in its sentencing

1 order recommend a defendant for placement in a Department of
2 Corrections substance abuse treatment program as provided in
3 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
4 upon the defendant being accepted in a program by the
5 Department of Corrections. At the hearing the court shall:

6 (1) consider the evidence, if any, received upon the
7 trial;

8 (2) consider any presentence reports;

9 (3) consider the financial impact of incarceration
10 based on the financial impact statement filed with the
11 clerk of the court by the Department of Corrections;

12 (4) consider evidence and information offered by the
13 parties in aggravation and mitigation;

14 (4.5) consider substance abuse treatment, eligibility
15 screening, and an assessment, if any, of the defendant by
16 an agent designated by the State of Illinois to provide
17 assessment services for the Illinois courts;

18 (5) hear arguments as to sentencing alternatives;

19 (6) afford the defendant the opportunity to make a
20 statement in his own behalf;

21 (7) afford the victim of a violent crime or a
22 violation of Section 11-501 of the Illinois Vehicle Code,
23 or a similar provision of a local ordinance, the
24 opportunity to present an oral or written statement, as
25 guaranteed by Article I, Section 8.1 of the Illinois
26 Constitution and provided in Section 6 of the Rights of

1 Crime Victims and Witnesses Act. The court shall allow a
2 victim to make an oral statement if the victim is present
3 in the courtroom and requests to make an oral or written
4 statement. An oral or written statement includes the
5 victim or a representative of the victim reading the
6 written statement. The court may allow persons impacted by
7 the crime who are not victims under subsection (a) of
8 Section 3 of the Rights of Crime Victims and Witnesses Act
9 to present an oral or written statement. A victim and any
10 person making an oral statement shall not be put under
11 oath or subject to cross-examination. All statements
12 offered under this paragraph (7) shall become part of the
13 record of the court. In this paragraph (7), "victim of a
14 violent crime" means a person who is a victim of a violent
15 crime for which the defendant has been convicted after a
16 bench or jury trial or a person who is the victim of a
17 violent crime with which the defendant was charged and the
18 defendant has been convicted under a plea agreement of a
19 crime that is not a violent crime as defined in subsection
20 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

21 (7.5) afford a qualified person affected by: (i) a
22 violation of Section 405, 405.1, 405.2, or 407 of the
23 Illinois Controlled Substances Act or a violation of
24 Section 55 or Section 65 of the Methamphetamine Control
25 and Community Protection Act; or (ii) a Class 4 felony
26 violation of Section 11-14, 11-14.3 except as described in

1 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
2 11-18.1, or 11-19 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, committed by the defendant the
4 opportunity to make a statement concerning the impact on
5 the qualified person and to offer evidence in aggravation
6 or mitigation; provided that the statement and evidence
7 offered in aggravation or mitigation shall first be
8 prepared in writing in conjunction with the State's
9 Attorney before it may be presented orally at the hearing.
10 Sworn testimony offered by the qualified person is subject
11 to the defendant's right to cross-examine. All statements
12 and evidence offered under this paragraph (7.5) shall
13 become part of the record of the court. In this paragraph
14 (7.5), "qualified person" means any person who: (i) lived
15 or worked within the territorial jurisdiction where the
16 offense took place when the offense took place; or (ii) is
17 familiar with various public places within the territorial
18 jurisdiction where the offense took place when the offense
19 took place. "Qualified person" includes any peace officer
20 or any member of any duly organized State, county, or
21 municipal peace officer unit assigned to the territorial
22 jurisdiction where the offense took place when the offense
23 took place;

24 (8) in cases of reckless homicide afford the victim's
25 spouse, guardians, parents or other immediate family
26 members an opportunity to make oral statements;

1 (9) in cases involving a felony sex offense as defined
2 under the Sex Offender Management Board Act, consider the
3 results of the sex offender evaluation conducted pursuant
4 to Section 5-3-2 of this Act; and

5 (10) make a finding of whether a motor vehicle was
6 used in the commission of the offense for which the
7 defendant is being sentenced.

8 (b) All sentences shall be imposed by the judge based upon
9 his independent assessment of the elements specified above and
10 any agreement as to sentence reached by the parties. The judge
11 who presided at the trial or the judge who accepted the plea of
12 guilty shall impose the sentence unless he is no longer
13 sitting as a judge in that court. Where the judge does not
14 impose sentence at the same time on all defendants who are
15 convicted as a result of being involved in the same offense,
16 the defendant or the State's Attorney may advise the
17 sentencing court of the disposition of any other defendants
18 who have been sentenced.

19 (b-1) In imposing a sentence of imprisonment or periodic
20 imprisonment for a Class 3 or Class 4 felony for which a
21 sentence of probation or conditional discharge is an available
22 sentence, if the defendant has no prior sentence of probation
23 or conditional discharge and no prior conviction for a violent
24 crime, the defendant shall not be sentenced to imprisonment
25 before review and consideration of a presentence report and
26 determination and explanation of why the particular evidence,

1 information, factor in aggravation, factual finding, or other
2 reasons support a sentencing determination that one or more of
3 the factors under subsection (a) of Section 5-6-1 of this Code
4 apply and that probation or conditional discharge is not an
5 appropriate sentence.

6 (c) In imposing a sentence for a violent crime or for an
7 offense of operating or being in physical control of a vehicle
8 while under the influence of alcohol, any other drug or any
9 combination thereof, or a similar provision of a local
10 ordinance, when such offense resulted in the personal injury
11 to someone other than the defendant, the trial judge shall
12 specify on the record the particular evidence, information,
13 factors in mitigation and aggravation or other reasons that
14 led to his sentencing determination. The full verbatim record
15 of the sentencing hearing shall be filed with the clerk of the
16 court and shall be a public record.

17 (c-1) In imposing a sentence for the offense of aggravated
18 kidnapping for ransom, home invasion, armed robbery,
19 aggravated vehicular hijacking, aggravated discharge of a
20 firearm, or armed violence with a category I weapon or
21 category II weapon, the trial judge shall make a finding as to
22 whether the conduct leading to conviction for the offense
23 resulted in great bodily harm to a victim, and shall enter that
24 finding and the basis for that finding in the record.

25 (c-2) If the defendant is sentenced to prison, other than
26 when a sentence of natural life imprisonment or a sentence of

1 death is imposed, at the time the sentence is imposed the judge
2 shall state on the record in open court the approximate period
3 of time the defendant will serve in custody according to the
4 then current statutory rules and regulations for sentence
5 credit found in Section 3-6-3 and other related provisions of
6 this Code. This statement is intended solely to inform the
7 public, has no legal effect on the defendant's actual release,
8 and may not be relied on by the defendant on appeal.

9 The judge's statement, to be given after pronouncing the
10 sentence, other than when the sentence is imposed for one of
11 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,
12 shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, assuming the defendant receives all of his or her
20 sentence credit, the period of estimated actual custody is ...
21 years and ... months, less up to 180 days additional earned
22 sentence credit. If the defendant, because of his or her own
23 misconduct or failure to comply with the institutional
24 regulations, does not receive those credits, the actual time
25 served in prison will be longer. The defendant may also
26 receive an additional one-half day sentence credit for each

1 day of participation in vocational, industry, substance abuse,
2 and educational programs as provided for by Illinois statute."

3 When the sentence is imposed for one of the offenses
4 enumerated in paragraph (a)(2) of Section 3-6-3, other than
5 first degree murder, and the offense was committed on or after
6 June 19, 1998, and when the sentence is imposed for reckless
7 homicide as defined in subsection (e) of Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 if the
9 offense was committed on or after January 1, 1999, and when the
10 sentence is imposed for aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code, and when the sentence is
15 imposed for aggravated arson if the offense was committed on
16 or after July 27, 2001 (the effective date of Public Act
17 92-176), and when the sentence is imposed for aggravated
18 driving under the influence of alcohol, other drug or drugs,
19 or intoxicating compound or compounds, or any combination
20 thereof as defined in subparagraph (C) of paragraph (1) of
21 subsection (d) of Section 11-501 of the Illinois Vehicle Code
22 committed on or after January 1, 2011 (the effective date of
23 Public Act 96-1230), the judge's statement, to be given after
24 pronouncing the sentence, shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois
3 as applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is entitled to no more than 4 1/2 days of
6 sentence credit for each month of his or her sentence of
7 imprisonment. Therefore, this defendant will serve at least
8 85% of his or her sentence. Assuming the defendant receives 4
9 1/2 days credit for each month of his or her sentence, the
10 period of estimated actual custody is ... years and ...
11 months. If the defendant, because of his or her own misconduct
12 or failure to comply with the institutional regulations
13 receives lesser credit, the actual time served in prison will
14 be longer."

15 When a sentence of imprisonment is imposed for first
16 degree murder and the offense was committed on or after June
17 19, 1998, the judge's statement, to be given after pronouncing
18 the sentence, shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois
23 as applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is not entitled to sentence credit.
26 Therefore, this defendant will serve 100% of his or her

1 sentence."

2 When the sentencing order recommends placement in a
3 substance abuse program for any offense that results in
4 incarceration in a Department of Corrections facility and the
5 crime was committed on or after September 1, 2003 (the
6 effective date of Public Act 93-354), the judge's statement,
7 in addition to any other judge's statement required under this
8 Section, to be given after pronouncing the sentence, shall
9 include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois
14 as applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, the defendant shall receive no earned sentence credit
17 under clause (3) of subsection (a) of Section 3-6-3 until he or
18 she participates in and completes a substance abuse treatment
19 program or receives a waiver from the Director of Corrections
20 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

21 (c-4) Before the sentencing hearing and as part of the
22 presentence investigation under Section 5-3-1, the court shall
23 inquire of the defendant whether the defendant is currently
24 serving in or is a veteran of the Armed Forces of the United
25 States. If the defendant is currently serving in the Armed
26 Forces of the United States or is a veteran of the Armed Forces

1 of the United States and has been diagnosed as having a mental
2 illness by a qualified psychiatrist or clinical psychologist
3 or physician, the court may:

4 (1) order that the officer preparing the presentence
5 report consult with the United States Department of
6 Veterans Affairs, Illinois Department of Veterans'
7 Affairs, or another agency or person with suitable
8 knowledge or experience for the purpose of providing the
9 court with information regarding treatment options
10 available to the defendant, including federal, State, and
11 local programming; and

12 (2) consider the treatment recommendations of any
13 diagnosing or treating mental health professionals
14 together with the treatment options available to the
15 defendant in imposing sentence.

16 For the purposes of this subsection (c-4), "qualified
17 psychiatrist" means a reputable physician licensed in Illinois
18 to practice medicine in all its branches, who has specialized
19 in the diagnosis and treatment of mental and nervous disorders
20 for a period of not less than 5 years.

21 (c-6) In imposing a sentence, the trial judge shall
22 specify, on the record, the particular evidence and other
23 reasons which led to his or her determination that a motor
24 vehicle was used in the commission of the offense.

25 ~~(c-7) In imposing a sentence for a Class 3 or 4 felony,~~
26 ~~other than a violent crime as defined in Section 3 of the~~

1 ~~Rights of Crime Victims and Witnesses Act, the court shall~~
2 ~~determine and indicate in the sentencing order whether the~~
3 ~~defendant has 4 or more or fewer than 4 months remaining on his~~
4 ~~or her sentence accounting for time served.~~

5 (d) When the defendant is committed to the Department of
6 Corrections, the State's Attorney shall and counsel for the
7 defendant may file a statement with the clerk of the court to
8 be transmitted to the department, agency or institution to
9 which the defendant is committed to furnish such department,
10 agency or institution with the facts and circumstances of the
11 offense for which the person was committed together with all
12 other factual information accessible to them in regard to the
13 person prior to his commitment relative to his habits,
14 associates, disposition and reputation and any other facts and
15 circumstances which may aid such department, agency or
16 institution during its custody of such person. The clerk shall
17 within 10 days after receiving any such statements transmit a
18 copy to such department, agency or institution and a copy to
19 the other party, provided, however, that this shall not be
20 cause for delay in conveying the person to the department,
21 agency or institution to which he has been committed.

22 (e) The clerk of the court shall transmit to the
23 department, agency or institution, if any, to which the
24 defendant is committed, the following:

25 (1) the sentence imposed;

26 (2) any statement by the court of the basis for

1 imposing the sentence;

2 (3) any presentence reports;

3 (3.5) any sex offender evaluations;

4 (3.6) any substance abuse treatment eligibility
5 screening and assessment of the defendant by an agent
6 designated by the State of Illinois to provide assessment
7 services for the Illinois courts;

8 (4) the number of days, if any, which the defendant
9 has been in custody and for which he is entitled to credit
10 against the sentence, which information shall be provided
11 to the clerk by the sheriff;

12 (4.1) any finding of great bodily harm made by the
13 court with respect to an offense enumerated in subsection
14 (c-1);

15 (5) all statements filed under subsection (d) of this
16 Section;

17 (6) any medical or mental health records or summaries
18 of the defendant;

19 (7) the municipality where the arrest of the offender
20 or the commission of the offense has occurred, where such
21 municipality has a population of more than 25,000 persons;

22 (8) all statements made and evidence offered under
23 paragraph (7) of subsection (a) of this Section; and

24 (9) all additional matters which the court directs the
25 clerk to transmit.

26 (f) In cases in which the court finds that a motor vehicle

1 was used in the commission of the offense for which the
2 defendant is being sentenced, the clerk of the court shall,
3 within 5 days thereafter, forward a report of such conviction
4 to the Secretary of State.

5 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
6 101-105, eff. 1-1-20; 101-652.)

7 (730 ILCS 5/5-4.5-95)

8 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

9 (a) HABITUAL CRIMINALS.

10 (1) Every person who has been twice convicted in any
11 state or federal court of an offense that contains the
12 same elements as an offense now (the date of the offense
13 committed after the 2 prior convictions) classified in
14 Illinois as a Class X felony, criminal sexual assault,
15 aggravated kidnapping, or first degree murder, and who is
16 thereafter convicted of a Class X felony, criminal sexual
17 assault, or first degree murder, committed after the 2
18 prior convictions, shall be adjudged an habitual criminal.

19 (2) The 2 prior convictions need not have been for the
20 same offense.

21 (3) Any convictions that result from or are connected
22 with the same transaction, or result from offenses
23 committed at the same time, shall be counted for the
24 purposes of this Section as one conviction.

25 (4) This Section does not apply unless each of the

1 following requirements are satisfied:

2 (A) The third offense was committed after July 3,
3 1980.

4 (B) The third offense was committed within 20
5 years of the date that judgment was entered on the
6 first conviction; provided, however, that time spent
7 in custody shall not be counted.

8 (C) The third offense was committed after
9 conviction on the second offense.

10 (D) The second offense was committed after
11 conviction on the first offense.

12 ~~(E) The first offense was committed when the~~
13 ~~person was 21 years of age or older.~~

14 (5) Anyone who, having attained the age of 18 at the
15 time of the third offense, is adjudged an habitual
16 criminal shall be sentenced to a term of natural life
17 imprisonment.

18 (6) A prior conviction shall not be alleged in the
19 indictment, and no evidence or other disclosure of that
20 conviction shall be presented to the court or the jury
21 during the trial of an offense set forth in this Section
22 unless otherwise permitted by the issues properly raised
23 in that trial. After a plea or verdict or finding of guilty
24 and before sentence is imposed, the prosecutor may file
25 with the court a verified written statement signed by the
26 State's Attorney concerning any former conviction of an

1 offense set forth in this Section rendered against the
2 defendant. The court shall then cause the defendant to be
3 brought before it; shall inform the defendant of the
4 allegations of the statement so filed, and of his or her
5 right to a hearing before the court on the issue of that
6 former conviction and of his or her right to counsel at
7 that hearing; and unless the defendant admits such
8 conviction, shall hear and determine the issue, and shall
9 make a written finding thereon. If a sentence has
10 previously been imposed, the court may vacate that
11 sentence and impose a new sentence in accordance with this
12 Section.

13 (7) A duly authenticated copy of the record of any
14 alleged former conviction of an offense set forth in this
15 Section shall be prima facie evidence of that former
16 conviction; and a duly authenticated copy of the record of
17 the defendant's final release or discharge from probation
18 granted, or from sentence and parole supervision (if any)
19 imposed pursuant to that former conviction, shall be prima
20 facie evidence of that release or discharge.

21 (8) Any claim that a previous conviction offered by
22 the prosecution is not a former conviction of an offense
23 set forth in this Section because of the existence of any
24 exceptions described in this Section, is waived unless
25 duly raised at the hearing on that conviction, or unless
26 the prosecution's proof shows the existence of the

1 exceptions described in this Section.

2 (9) If the person so convicted shows to the
3 satisfaction of the court before whom that conviction was
4 had that he or she was released from imprisonment, upon
5 either of the sentences upon a pardon granted for the
6 reason that he or she was innocent, that conviction and
7 sentence shall not be considered under this Section.

8 (b) When a defendant, over the age of 21 years, is
9 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
10 an offense listed in subsection (c) of this Section, after
11 having twice been convicted in any state or federal court of an
12 offense that contains the same elements as an offense now (the
13 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
14 classified in Illinois as a Class 2 or greater Class ~~forcible~~
15 felony, except for an offense listed in subsection (c) of this
16 Section, and those charges are separately brought and tried
17 and arise out of different series of acts, that defendant
18 shall be sentenced as a Class X offender. This subsection does
19 not apply unless:

20 (1) the first ~~forcible~~ felony was committed after
21 February 1, 1978 (the effective date of Public Act
22 80-1099);

23 (2) the second ~~forcible~~ felony was committed after
24 conviction on the first; and

25 (3) the third ~~forcible~~ felony was committed after
26 conviction on the second; ~~and~~

1 ~~(4) the first offense was committed when the person~~
2 ~~was 21 years of age or older.~~

3 (c) ~~(Blank)~~. Subsection (b) of this Section does not apply
4 to Class 1 or Class 2 felony convictions for a violation of
5 Section 16-1 of the Criminal Code of 2012.

6 A person sentenced as a Class X offender under this
7 subsection (b) is not eligible to apply for treatment as a
8 condition of probation as provided by Section 40-10 of the
9 Substance Use Disorder Act (20 ILCS 301/40-10).

10 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
11 eff. 1-1-19; 101-652.)

12 (730 ILCS 5/5-4.5-100)

13 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

14 (a) COMMENCEMENT. A sentence of imprisonment shall
15 commence on the date on which the offender is received by the
16 Department or the institution at which the sentence is to be
17 served.

18 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set
19 forth in subsection (e), the offender shall be given credit on
20 the determinate sentence or maximum term and the minimum
21 period of imprisonment for the number of days spent in custody
22 as a result of the offense for which the sentence was imposed.
23 The Department shall calculate the credit at the rate
24 specified in Section 3-6-3 (730 ILCS 5/3-6-3). ~~The~~ Except when
25 prohibited by subsection (d), the trial court shall give

1 credit to the defendant for time spent in home detention on the
2 same sentencing terms as incarceration as provided in Section
3 5-8A-3 (730 ILCS 5/5-8A-3). ~~Home detention for purposes of~~
4 ~~credit includes restrictions on liberty such as curfews~~
5 ~~restricting movement for 12 hours or more per day and~~
6 ~~electronic monitoring that restricts travel or movement.~~
7 ~~Electronic monitoring is not required for home detention to be~~
8 ~~considered custodial for purposes of sentencing credit.~~ The
9 trial court may give credit to the defendant for the number of
10 days spent confined for psychiatric or substance abuse
11 treatment prior to judgment, if the court finds that the
12 detention or confinement was custodial.

13 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
14 arrested on one charge and prosecuted on another charge for
15 conduct that occurred prior to his or her arrest shall be given
16 credit on the determinate sentence or maximum term and the
17 minimum term of imprisonment for time spent in custody under
18 the former charge not credited against another sentence.

19 (c-5) CREDIT; PROGRAMMING. The trial court shall give the
20 defendant credit for successfully completing county
21 programming while in custody prior to imposition of sentence
22 at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). For
23 the purposes of this subsection, "custody" includes time spent
24 in home detention.

25 (d) ~~(Blank)~~. NO CREDIT; SOME HOME DETENTION. An offender
26 sentenced to a term of imprisonment for an offense listed in

1 paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS
2 5/5-5-3) or in paragraph (3) of subsection (c-1) of Section
3 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall
4 not receive credit for time spent in home detention prior to
5 judgment.

6 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED
7 RELEASE, OR PROBATION. An offender charged with the commission
8 of an offense committed while on parole, mandatory supervised
9 release, or probation shall not be given credit for time spent
10 in custody under subsection (b) for that offense for any time
11 spent in custody as a result of a revocation of parole,
12 mandatory supervised release, or probation where such
13 revocation is based on a sentence imposed for a previous
14 conviction, regardless of the facts upon which the revocation
15 of parole, mandatory supervised release, or probation is
16 based, unless both the State and the defendant agree that the
17 time served for a violation of mandatory supervised release,
18 parole, or probation shall be credited towards the sentence
19 for the current offense.

20 (Source: P.A. 96-1000, eff. 7-2-10; 97-697, eff. 6-22-12;
21 101-652.)

22 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

23 Sec. 5-8-1. Natural life imprisonment; enhancements for
24 use of a firearm; mandatory supervised release terms.

25 (a) Except as otherwise provided in the statute defining

1 the offense or in Article 4.5 of Chapter V, a sentence of
2 imprisonment for a felony shall be a determinate sentence set
3 by the court under this Section, subject to Section 5-4.5-115
4 of this Code, according to the following limitations:

5 (1) for first degree murder,

6 (a) (blank),

7 (b) if a trier of fact finds beyond a reasonable
8 doubt that the murder was accompanied by exceptionally
9 brutal or heinous behavior indicative of wanton
10 cruelty or, except as set forth in subsection
11 (a) (1) (c) of this Section, that any of the aggravating
12 factors listed in subsection (b) or (b-5) of Section
13 9-1 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 are present, the court may sentence the
15 defendant, subject to Section 5-4.5-105, to a term of
16 natural life imprisonment, or

17 (c) the court shall sentence the defendant to a
18 term of natural life imprisonment if the defendant, at
19 the time of the commission of the murder, had attained
20 the age of 18, and:

21 (i) has previously been convicted of first
22 degree murder under any state or federal law, or

23 (ii) is found guilty of murdering more than
24 one victim, or

25 (iii) is found guilty of murdering a peace
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency
2 management worker was killed in the course of
3 performing his official duties, or to prevent the
4 peace officer or fireman from performing his
5 official duties, or in retaliation for the peace
6 officer, fireman, or emergency management worker
7 from performing his official duties, and the
8 defendant knew or should have known that the
9 murdered individual was a peace officer, fireman,
10 or emergency management worker, or

11 (iv) is found guilty of murdering an employee
12 of an institution or facility of the Department of
13 Corrections, or any similar local correctional
14 agency, when the employee was killed in the course
15 of performing his official duties, or to prevent
16 the employee from performing his official duties,
17 or in retaliation for the employee performing his
18 official duties, or

19 (v) is found guilty of murdering an emergency
20 medical technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver or other
23 medical assistance or first aid person while
24 employed by a municipality or other governmental
25 unit when the person was killed in the course of
26 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

9 (vi) (blank), or

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging
14 in activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 2012.

18 For purposes of clause (v), "emergency medical
19 technician - ambulance", "emergency medical technician
20 - intermediate", "emergency medical technician -
21 paramedic", have the meanings ascribed to them in the
22 Emergency Medical Services (EMS) Systems Act.

23 (d) (i) if the person committed the offense while
24 armed with a firearm, 15 years shall be added to
25 the term of imprisonment imposed by the court;

26 (ii) if, during the commission of the offense, the

1 person personally discharged a firearm, 20 years shall
2 be added to the term of imprisonment imposed by the
3 court;

4 (iii) if, during the commission of the offense,
5 the person personally discharged a firearm that
6 proximately caused great bodily harm, permanent
7 disability, permanent disfigurement, or death to
8 another person, 25 years or up to a term of natural
9 life shall be added to the term of imprisonment
10 imposed by the court.

11 (2) (blank);

12 (2.5) for a person who has attained the age of 18 years
13 at the time of the commission of the offense and who is
14 convicted under the circumstances described in subdivision
15 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
16 subsection (b) of Section 12-13, subdivision (d)(2) of
17 Section 11-1.30 or paragraph (2) of subsection (d) of
18 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
19 paragraph (1.2) of subsection (b) of Section 12-14.1,
20 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
21 subsection (b) of Section 12-14.1 of the Criminal Code of
22 1961 or the Criminal Code of 2012, the sentence shall be a
23 term of natural life imprisonment.

24 (b) (Blank).

25 (c) (Blank).

26 (d) Subject to earlier termination under Section 3-3-8,

1 the parole or mandatory supervised release term shall be
2 written as part of the sentencing order and shall be as
3 follows:

4 (1) for first degree murder or a Class X felony except
5 for the offenses of predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, and criminal
7 sexual assault and except for the offense of aggravated
8 child pornography under Section 11-20.1B, 11-20.3, or
9 11-20.1 with sentencing under subsection (c-5) of Section
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, if committed on or after January 1, 2009, 3 years;

12 (2) for a Class 1 felony or a Class 2 felony except for
13 the offense of criminal sexual assault and except for the
14 offenses of manufacture and dissemination of child
15 pornography under clauses (a)(1) and (a)(2) of Section
16 11-20.1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, if committed on or after January 1, 2009, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after
22 December 13, 2005 (the effective date of Public Act
23 94-715), or who commit the offense of aggravated child
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
25 with sentencing under subsection (c-5) of Section 11-20.1
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of
2 child pornography after January 1, 2009, the term of
3 mandatory supervised release shall range from a minimum of
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a
6 second or subsequent offense of aggravated criminal sexual
7 abuse or felony criminal sexual abuse, 4 years, at least
8 the first 2 years of which the defendant shall serve in an
9 electronic monitoring or home detention program under
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic
12 battery, stalking, aggravated stalking, and a felony
13 violation of an order of protection, 4 years.

14 ~~(d) Subject to earlier termination under Section 3-3-8,~~
15 ~~the parole or mandatory supervised release term shall be~~
16 ~~written as part of the sentencing order and shall be as~~
17 ~~follows:~~

18 ~~(1) for first degree murder or for the offenses of~~
19 ~~predatory criminal sexual assault of a child, aggravated~~
20 ~~criminal sexual assault, and criminal sexual assault if~~
21 ~~committed on or before December 12, 2005, 3 years;~~

22 ~~(1.5) except as provided in paragraph (7) of this~~
23 ~~subsection (d), for a Class X felony except for the~~
24 ~~offenses of predatory criminal sexual assault of a child,~~
25 ~~aggravated criminal sexual assault, and criminal sexual~~
26 ~~assault if committed on or after December 13, 2005 (the~~

1 ~~effective date of Public Act 94-715) and except for the~~
2 ~~offense of aggravated child pornography under Section~~
3 ~~11-20.1B, 11-20.3, or 11-20.1 with sentencing under~~
4 ~~subsection (c-5) of Section 11-20.1 of the Criminal Code~~
5 ~~of 1961 or the Criminal Code of 2012, if committed on or~~
6 ~~after January 1, 2009, 18 months;~~

7 ~~(2) except as provided in paragraph (7) of this~~
8 ~~subsection (d), for a Class 1 felony or a Class 2 felony~~
9 ~~except for the offense of criminal sexual assault if~~
10 ~~committed on or after December 13, 2005 (the effective~~
11 ~~date of Public Act 94-715) and except for the offenses of~~
12 ~~manufacture and dissemination of child pornography under~~
13 ~~clauses (a)(1) and (a)(2) of Section 11-20.1 of the~~
14 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
15 ~~committed on or after January 1, 2009, 12 months;~~

16 ~~(3) except as provided in paragraph (4), (6), or (7)~~
17 ~~of this subsection (d), for a Class 3 felony or a Class 4~~
18 ~~felony, 6 months; no later than 45 days after the onset of~~
19 ~~the term of mandatory supervised release, the Prisoner~~
20 ~~Review Board shall conduct a discretionary discharge~~
21 ~~review pursuant to the provisions of Section 3-3-8, which~~
22 ~~shall include the results of a standardized risk and needs~~
23 ~~assessment tool administered by the Department of~~
24 ~~Corrections; the changes to this paragraph (3) made by~~
25 ~~this amendatory Act of the 102nd General Assembly apply to~~
26 ~~all individuals released on mandatory supervised release~~

1 ~~on or after the effective date of this amendatory Act of~~
2 ~~the 102nd General Assembly, including those individuals~~
3 ~~whose sentences were imposed prior to the effective date~~
4 ~~of this amendatory Act of the 102nd General Assembly;~~

5 ~~(4) for defendants who commit the offense of predatory~~
6 ~~criminal sexual assault of a child, aggravated criminal~~
7 ~~sexual assault, or criminal sexual assault, on or after~~
8 ~~December 13, 2005 (the effective date of Public Act~~
9 ~~94-715), or who commit the offense of aggravated child~~
10 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
11 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
12 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
13 ~~manufacture of child pornography, or dissemination of~~
14 ~~child pornography after January 1, 2009, the term of~~
15 ~~mandatory supervised release shall range from a minimum of~~
16 ~~3 years to a maximum of the natural life of the defendant;~~

17 ~~(5) if the victim is under 18 years of age, for a~~
18 ~~second or subsequent offense of aggravated criminal sexual~~
19 ~~abuse or felony criminal sexual abuse, 4 years, at least~~
20 ~~the first 2 years of which the defendant shall serve in an~~
21 ~~electronic monitoring or home detention program under~~
22 ~~Article 8A of Chapter V of this Code;~~

23 ~~(6) for a felony domestic battery, aggravated domestic~~
24 ~~battery, stalking, aggravated stalking, and a felony~~
25 ~~violation of an order of protection, 4 years;~~

26 ~~(7) for any felony described in paragraph (a)(2)(ii),~~

1 ~~(a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),~~
2 ~~(a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section~~
3 ~~3-6-3 of the Unified Code of Corrections requiring an~~
4 ~~inmate to serve a minimum of 85% of their court imposed~~
5 ~~sentence, except for the offenses of predatory criminal~~
6 ~~sexual assault of a child, aggravated criminal sexual~~
7 ~~assault, and criminal sexual assault if committed on or~~
8 ~~after December 13, 2005 (the effective date of Public Act~~
9 ~~94-715) and except for the offense of aggravated child~~
10 ~~pornography under Section 11-20.1B, 11-20.3, or 11-20.1~~
11 ~~with sentencing under subsection (c-5) of Section 11-20.1~~
12 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~
13 ~~if committed on or after January 1, 2009 and except as~~
14 ~~provided in paragraph (4) or paragraph (6) of this~~
15 ~~subsection (d), the term of mandatory supervised release~~
16 ~~shall be as follows:~~

17 ~~(A) Class X felony, 3 years;~~

18 ~~(B) Class 1 or Class 2 felonies, 2 years;~~

19 ~~(C) Class 3 or Class 4 felonies, 1 year.~~

20 (e) (Blank).

21 (f) (Blank).

22 (g) Notwithstanding any other provisions of this Act and
23 of Public Act 101-652: (i) the provisions of paragraph (3) of
24 subsection (d) are effective on July 1, 2022 and shall apply to
25 all individuals convicted on or after the effective date of
26 paragraph (3) of subsection (d); and (ii) the provisions of

1 paragraphs (1.5) and (2) of subsection (d) are effective on
2 July 1, 2021 and shall apply to all individuals convicted on or
3 after the effective date of paragraphs (1.5) and (2) of
4 subsection (d).

5 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
6 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
7 1-7-22; 102-1104, eff. 12-6-22.)

8 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

9 (Text of Section before amendment by P.A. 102-982)

10 Sec. 5-8-4. Concurrent and consecutive terms of
11 imprisonment.

12 (a) Concurrent terms; multiple or additional sentences.
13 When an Illinois court (i) imposes multiple sentences of
14 imprisonment on a defendant at the same time or (ii) imposes a
15 sentence of imprisonment on a defendant who is already subject
16 to a sentence of imprisonment imposed by an Illinois court, a
17 court of another state, or a federal court, then the sentences
18 shall run concurrently unless otherwise determined by the
19 Illinois court under this Section.

20 (b) Concurrent terms; misdemeanor and felony. A defendant
21 serving a sentence for a misdemeanor who is convicted of a
22 felony and sentenced to imprisonment shall be transferred to
23 the Department of Corrections, and the misdemeanor sentence
24 shall be merged in and run concurrently with the felony
25 sentence.

1 (c) Consecutive terms; permissive. The court may impose
2 consecutive sentences in any of the following circumstances:

3 (1) If, having regard to the nature and circumstances
4 of the offense and the history and character of the
5 defendant, it is the opinion of the court that consecutive
6 sentences are required to protect the public from further
7 criminal conduct by the defendant, the basis for which the
8 court shall set forth in the record.

9 (2) If one of the offenses for which a defendant was
10 convicted was a violation of Section 32-5.2 (aggravated
11 false personation of a peace officer) of the Criminal Code
12 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
13 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
15 offense was committed in attempting or committing a
16 forcible felony.

17 ~~(3) If a person charged with a felony commits a~~
18 ~~separate felony while on pretrial release or in pretrial~~
19 ~~detention in a county jail facility or county detention~~
20 ~~facility, then the sentences imposed upon conviction of~~
21 ~~these felonies may be served consecutively regardless of~~
22 ~~the order in which the judgments of conviction are~~
23 ~~entered.~~

24 ~~(4) If a person commits a battery against a county~~
25 ~~correctional officer or sheriff's employee while serving a~~
26 ~~sentence or in pretrial detention in a county jail~~

1 ~~facility, then the sentence imposed upon conviction of the~~
2 ~~battery may be served consecutively with the sentence~~
3 ~~imposed upon conviction of the earlier misdemeanor or~~
4 ~~felony, regardless of the order in which the judgments of~~
5 ~~conviction are entered.~~

6 ~~(5) If a person admitted to pretrial release following~~
7 ~~conviction of a felony commits a separate felony while~~
8 ~~released pretrial or if a person detained in a county jail~~
9 ~~facility or county detention facility following conviction~~
10 ~~of a felony commits a separate felony while in detention,~~
11 ~~then any sentence following conviction of the separate~~
12 ~~felony may be consecutive to that of the original sentence~~
13 ~~for which the defendant was released pretrial or detained.~~

14 ~~(6) If a person is found to be in possession of an item~~
15 ~~of contraband, as defined in Section 31A-0.1 of the~~
16 ~~Criminal Code of 2012, while serving a sentence in a~~
17 ~~county jail or while in pretrial detention in a county~~
18 ~~jail, the sentence imposed upon conviction for the offense~~
19 ~~of possessing contraband in a penal institution may be~~
20 ~~served consecutively to the sentence imposed for the~~
21 ~~offense for which the person is serving a sentence in the~~
22 ~~county jail or while in pretrial detention, regardless of~~
23 ~~the order in which the judgments of conviction are~~
24 ~~entered.~~

25 ~~(7) If a person is sentenced for a violation of a~~
26 ~~condition of pretrial release under Section 32-10 of the~~

~~Criminal Code of 1961 or the Criminal Code of 2012, any sentence imposed for that violation may be served consecutive to the sentence imposed for the charge for which pretrial release had been granted and with respect to which the defendant has been convicted.~~

(d) Consecutive terms; mandatory. The court shall impose consecutive sentences in each of the following circumstances:

(1) One of the offenses for which the defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury.

(2) The defendant was convicted of a violation of Section 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or 12-14 (aggravated criminal sexual assault), or 11-1.40 or 12-14.1 (predatory criminal sexual assault of a child) of the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

(2.5) The defendant was convicted of a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 (child pornography) or of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1B or 11-20.3 (aggravated child pornography) of the Criminal Code of 1961 or the Criminal Code of 2012; or the defendant was convicted of a violation of paragraph (6) of subsection (a) of Section 11-20.1 (child

1 pornography) or of paragraph (6) of subsection (a) of
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 when the child depicted is under the age of 13.

5 (3) The defendant was convicted of armed violence
6 based upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery as described in Section 12-4.1 or
9 subdivision (a)(2) of Section 12-3.05, aggravated battery
10 of a senior citizen as described in Section 12-4.6 or
11 subdivision (a)(4) of Section 12-3.05, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of the
13 Cannabis Control Act (720 ILCS 550/5), cannabis
14 trafficking, a violation of subsection (a) of Section 401
15 of the Illinois Controlled Substances Act (720 ILCS
16 570/401), controlled substance trafficking involving a
17 Class X felony amount of controlled substance under
18 Section 401 of the Illinois Controlled Substances Act (720
19 ILCS 570/401), a violation of the Methamphetamine Control
20 and Community Protection Act (720 ILCS 646/), calculated
21 criminal drug conspiracy, or streetgang criminal drug
22 conspiracy.

23 (4) The defendant was convicted of the offense of
24 leaving the scene of a motor vehicle accident involving
25 death or personal injuries under Section 11-401 of the
26 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof under Section 11-501 of the
4 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
5 homicide under Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
7 offense described in item (A) and an offense described in
8 item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
11 death) or Section 12-20.5 (dismembering a human body) of
12 the Criminal Code of 1961 or the Criminal Code of 2012 (720
13 ILCS 5/9-3.1 or 5/12-20.5).

14 (5.5) The defendant was convicted of a violation of
15 Section 24-3.7 (use of a stolen firearm in the commission
16 of an offense) of the Criminal Code of 1961 or the Criminal
17 Code of 2012.

18 (6) If the defendant was in the custody of the
19 Department of Corrections at the time of the commission of
20 the offense, the sentence shall be served consecutive to
21 the sentence under which the defendant is held by the
22 Department of Corrections. If, however, the defendant is
23 sentenced to punishment by death, the sentence shall be
24 executed at such time as the court may fix without regard
25 to the sentence under which the defendant may be held by
26 the Department.

1 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
2 for escape or attempted escape shall be served consecutive
3 to the terms under which the offender is held by the
4 Department of Corrections.

5 (8) ~~(Blank)~~. If a person charged with a felony commits
6 a separate felony while on pretrial release or in pretrial
7 detention in a county jail facility or county detention
8 facility, then the sentences imposed upon conviction of
9 these felonies shall be served consecutively regardless of
10 the order in which the judgments of conviction are
11 entered.

12 (8.5) ~~(Blank)~~. If a person commits a battery against a
13 county correctional officer or sheriff's employee while
14 -serving a sentence or in pretrial detention in a county
15 jail facility, then the sentence imposed upon conviction
16 of the battery shall be served consecutively with the
17 sentence imposed upon conviction of the earlier
18 misdemeanor or felony, regardless of the order in which
19 the judgments of conviction are entered.

20 (9) ~~(Blank)~~. If a person admitted to bail following
21 conviction of a felony commits a separate felony while
22 free on bond or if a person detained in a county jail
23 facility or county detention facility following conviction
24 of a felony commits a separate felony while in detention,
25 then any sentence following conviction of the separate
26 felony shall be consecutive to that of the original

1 sentence for which the defendant was on bond or detained.

2 (10) ~~(Blank)~~. If a person is found to be in possession
3 of an item of contraband, as defined in Section 31A-0.1 of
4 the Criminal Code of 2012, while serving a sentence in a
5 county jail or while in pre-trial detention in a county
6 jail, the sentence imposed upon conviction for the offense
7 of possessing contraband in a penal institution shall be
8 served consecutively to the sentence imposed for the
9 offense in which the person is serving sentence in the
10 county jail or serving pretrial detention, regardless of
11 the order in which the judgments of conviction are
12 entered.

13 (11) ~~(Blank)~~. If a person is sentenced for a violation
14 of bail bond under Section 32-10 of the Criminal Code of
15 1961 or the Criminal Code of 2012, any sentence imposed
16 for that violation shall be served consecutive to the
17 sentence imposed for the charge for which bail had been
18 granted and with respect to which the defendant has been
19 convicted.

20 (e) Consecutive terms; subsequent non-Illinois term. If an
21 Illinois court has imposed a sentence of imprisonment on a
22 defendant and the defendant is subsequently sentenced to a
23 term of imprisonment by a court of another state or a federal
24 court, then the Illinois sentence shall run consecutively to
25 the sentence imposed by the court of the other state or the
26 federal court. That same Illinois court, however, may order

1 that the Illinois sentence run concurrently with the sentence
2 imposed by the court of the other state or the federal court,
3 but only if the defendant applies to that same Illinois court
4 within 30 days after the sentence imposed by the court of the
5 other state or the federal court is finalized.

6 (f) Consecutive terms; aggregate maximums and minimums.
7 The aggregate maximum and aggregate minimum of consecutive
8 sentences shall be determined as follows:

9 (1) For sentences imposed under law in effect prior to
10 February 1, 1978, the aggregate maximum of consecutive
11 sentences shall not exceed the maximum term authorized
12 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
13 Chapter V for the 2 most serious felonies involved. The
14 aggregate minimum period of consecutive sentences shall
15 not exceed the highest minimum term authorized under
16 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
17 V for the 2 most serious felonies involved. When sentenced
18 only for misdemeanors, a defendant shall not be
19 consecutively sentenced to more than the maximum for one
20 Class A misdemeanor.

21 (2) For sentences imposed under the law in effect on
22 or after February 1, 1978, the aggregate of consecutive
23 sentences for offenses that were committed as part of a
24 single course of conduct during which there was no
25 substantial change in the nature of the criminal objective
26 shall not exceed the sum of the maximum terms authorized

1 under Article 4.5 of Chapter V for the 2 most serious
2 felonies involved, but no such limitation shall apply for
3 offenses that were not committed as part of a single
4 course of conduct during which there was no substantial
5 change in the nature of the criminal objective. When
6 sentenced only for misdemeanors, a defendant shall not be
7 consecutively sentenced to more than the maximum for one
8 Class A misdemeanor.

9 (g) Consecutive terms; manner served. In determining the
10 manner in which consecutive sentences of imprisonment, one or
11 more of which is for a felony, will be served, the Department
12 of Corrections shall treat the defendant as though he or she
13 had been committed for a single term subject to each of the
14 following:

15 (1) The maximum period of a term of imprisonment shall
16 consist of the aggregate of the maximums of the imposed
17 indeterminate terms, if any, plus the aggregate of the
18 imposed determinate sentences for felonies, plus the
19 aggregate of the imposed determinate sentences for
20 misdemeanors, subject to subsection (f) of this Section.

21 (2) The parole or mandatory supervised release term
22 shall be as provided in paragraph (e) of Section 5-4.5-50
23 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
24 involved.

25 (3) The minimum period of imprisonment shall be the
26 aggregate of the minimum and determinate periods of

1 imprisonment imposed by the court, subject to subsection
2 (f) of this Section.

3 (4) The defendant shall be awarded credit against the
4 aggregate maximum term and the aggregate minimum term of
5 imprisonment for all time served in an institution since
6 the commission of the offense or offenses and as a
7 consequence thereof at the rate specified in Section 3-6-3
8 (730 ILCS 5/3-6-3).

9 (h) Notwithstanding any other provisions of this Section,
10 all sentences imposed by an Illinois court under this Code
11 shall run concurrent to any and all sentences imposed under
12 the Juvenile Court Act of 1987.

13 (Source: P.A. 102-350, eff. 8-13-21.)

14 (Text of Section after amendment by P.A. 102-982)

15 Sec. 5-8-4. Concurrent and consecutive terms of
16 imprisonment.

17 (a) Concurrent terms; multiple or additional sentences.
18 When an Illinois court (i) imposes multiple sentences of
19 imprisonment on a defendant at the same time or (ii) imposes a
20 sentence of imprisonment on a defendant who is already subject
21 to a sentence of imprisonment imposed by an Illinois court, a
22 court of another state, or a federal court, then the sentences
23 shall run concurrently unless otherwise determined by the
24 Illinois court under this Section.

25 (b) Concurrent terms; misdemeanor and felony. A defendant

1 serving a sentence for a misdemeanor who is convicted of a
2 felony and sentenced to imprisonment shall be transferred to
3 the Department of Corrections, and the misdemeanor sentence
4 shall be merged in and run concurrently with the felony
5 sentence.

6 (c) Consecutive terms; permissive. The court may impose
7 consecutive sentences in any of the following circumstances:

8 (1) If, having regard to the nature and circumstances
9 of the offense and the history and character of the
10 defendant, it is the opinion of the court that consecutive
11 sentences are required to protect the public from further
12 criminal conduct by the defendant, the basis for which the
13 court shall set forth in the record.

14 (2) If one of the offenses for which a defendant was
15 convicted was a violation of Section 32-5.2 (aggravated
16 false personation of a peace officer) of the Criminal Code
17 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
18 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
19 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
20 offense was committed in attempting or committing a
21 forcible felony.

22 ~~(3) If a person charged with a felony commits a~~
23 ~~separate felony while on pretrial release or in pretrial~~
24 ~~detention in a county jail facility or county detention~~
25 ~~facility, then the sentences imposed upon conviction of~~
26 ~~these felonies may be served consecutively regardless of~~

1 ~~the order in which the judgments of conviction are~~
2 ~~entered.~~

3 ~~(4) If a person commits a battery against a county~~
4 ~~correctional officer or sheriff's employee while serving a~~
5 ~~sentence or in pretrial detention in a county jail~~
6 ~~facility, then the sentence imposed upon conviction of the~~
7 ~~battery may be served consecutively with the sentence~~
8 ~~imposed upon conviction of the earlier misdemeanor or~~
9 ~~felony, regardless of the order in which the judgments of~~
10 ~~conviction are entered.~~

11 ~~(5) If a person admitted to pretrial release following~~
12 ~~conviction of a felony commits a separate felony while~~
13 ~~released pretrial or if a person detained in a county jail~~
14 ~~facility or county detention facility following conviction~~
15 ~~of a felony commits a separate felony while in detention,~~
16 ~~then any sentence following conviction of the separate~~
17 ~~felony may be consecutive to that of the original sentence~~
18 ~~for which the defendant was released pretrial or detained.~~

19 ~~(6) If a person is found to be in possession of an item~~
20 ~~of contraband, as defined in Section 31A-0.1 of the~~
21 ~~Criminal Code of 2012, while serving a sentence in a~~
22 ~~county jail or while in pretrial detention in a county~~
23 ~~jail, the sentence imposed upon conviction for the offense~~
24 ~~of possessing contraband in a penal institution may be~~
25 ~~served consecutively to the sentence imposed for the~~
26 ~~offense for which the person is serving a sentence in the~~

1 ~~county jail or while in pretrial detention, regardless of~~
2 ~~the order in which the judgments of conviction are~~
3 ~~entered.~~

4 ~~(7) If a person is sentenced for a violation of a~~
5 ~~condition of pretrial release under Section 32-10 of the~~
6 ~~Criminal Code of 1961 or the Criminal Code of 2012, any~~
7 ~~sentence imposed for that violation may be served~~
8 ~~consecutive to the sentence imposed for the charge for~~
9 ~~which pretrial release had been granted and with respect~~
10 ~~to which the defendant has been convicted.~~

11 (d) Consecutive terms; mandatory. The court shall impose
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was
14 convicted was first degree murder or a Class X or Class 1
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of
17 Section 11-1.20 or 12-13 (criminal sexual assault),
18 11-1.30 or 12-14 (aggravated criminal sexual assault), or
19 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
20 child) of the Criminal Code of 1961 or the Criminal Code of
21 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
22 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
23 5/12-14.1).

24 (2.5) The defendant was convicted of a violation of
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection
26 (a) of Section 11-20.1 (child pornography) or of paragraph

1 (1), (2), (3), (4), (5), or (7) of subsection (a) of
2 Section 11-20.1B or 11-20.3 (aggravated child pornography)
3 of the Criminal Code of 1961 or the Criminal Code of 2012;
4 or the defendant was convicted of a violation of paragraph
5 (6) of subsection (a) of Section 11-20.1 (child
6 pornography) or of paragraph (6) of subsection (a) of
7 Section 11-20.1B or 11-20.3 (aggravated child pornography)
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 when the child depicted is under the age of 13.

10 (3) The defendant was convicted of armed violence
11 based upon the predicate offense of any of the following:
12 solicitation of murder, solicitation of murder for hire,
13 heinous battery as described in Section 12-4.1 or
14 subdivision (a)(2) of Section 12-3.05, aggravated battery
15 of a senior citizen as described in Section 12-4.6 or
16 subdivision (a)(4) of Section 12-3.05, criminal sexual
17 assault, a violation of subsection (g) of Section 5 of the
18 Cannabis Control Act (720 ILCS 550/5), cannabis
19 trafficking, a violation of subsection (a) of Section 401
20 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), controlled substance trafficking involving a
22 Class X felony amount of controlled substance under
23 Section 401 of the Illinois Controlled Substances Act (720
24 ILCS 570/401), a violation of the Methamphetamine Control
25 and Community Protection Act (720 ILCS 646/), calculated
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of
3 leaving the scene of a motor vehicle crash involving death
4 or personal injuries under Section 11-401 of the Illinois
5 Vehicle Code (625 ILCS 5/11-401) and either: (A)
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof under Section 11-501 of the
9 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
10 homicide under Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
12 offense described in item (A) and an offense described in
13 item (B).

14 (5) The defendant was convicted of a violation of
15 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
16 death) or Section 12-20.5 (dismembering a human body) of
17 the Criminal Code of 1961 or the Criminal Code of 2012 (720
18 ILCS 5/9-3.1 or 5/12-20.5).

19 (5.5) The defendant was convicted of a violation of
20 Section 24-3.7 (use of a stolen firearm in the commission
21 of an offense) of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 (6) If the defendant was in the custody of the
24 Department of Corrections at the time of the commission of
25 the offense, the sentence shall be served consecutive to
26 the sentence under which the defendant is held by the

1 Department of Corrections. If, however, the defendant is
2 sentenced to punishment by death, the sentence shall be
3 executed at such time as the court may fix without regard
4 to the sentence under which the defendant may be held by
5 the Department.

6 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
7 for escape or attempted escape shall be served consecutive
8 to the terms under which the offender is held by the
9 Department of Corrections.

10 (8) ~~(Blank)~~. If a person charged with a felony commits
11 a separate felony while on pretrial release or in pretrial
12 detention in a county jail facility or county detention
13 facility, then the sentences imposed upon conviction of
14 these felonies shall be served consecutively regardless of
15 the order in which the judgments of conviction are
16 entered.

17 (8.5) ~~(Blank)~~. If a person commits a battery against a
18 county correctional officer or sheriff's employee while
19 -serving a sentence or in pretrial detention in a county
20 jail facility, then the sentence imposed upon conviction
21 of the battery shall be served consecutively with the
22 sentence imposed upon conviction of the earlier
23 misdemeanor or felony, regardless of the order in which
24 the judgments of conviction are entered.

25 (9) ~~(Blank)~~. If a person admitted to bail following
26 conviction of a felony commits a separate felony while

1 free on bond or if a person detained in a county jail
2 facility or county detention facility following conviction
3 of a felony commits a separate felony while in detention,
4 then any sentence following conviction of the separate
5 felony shall be consecutive to that of the original
6 sentence for which the defendant was on bond or detained.

7 (10) ~~(Blank)~~. If a person is found to be in possession
8 of an item of contraband, as defined in Section 31A-0.1 of
9 the Criminal Code of 2012, while serving a sentence in a
10 county jail or while in pre-trial detention in a county
11 jail, the sentence imposed upon conviction for the offense
12 of possessing contraband in a penal institution shall be
13 served consecutively to the sentence imposed for the
14 offense in which the person is serving sentence in the
15 county jail or serving pretrial detention, regardless of
16 the order in which the judgments of conviction are
17 entered.

18 (11) ~~(Blank)~~. If a person is sentenced for a violation
19 of bail bond under Section 32-10 of the Criminal Code of
20 1961 or the Criminal Code of 2012, any sentence imposed
21 for that violation shall be served consecutive to the
22 sentence imposed for the charge for which bail had been
23 granted and with respect to which the defendant has been
24 convicted.

25 (e) Consecutive terms; subsequent non-Illinois term. If an
26 Illinois court has imposed a sentence of imprisonment on a

1 defendant and the defendant is subsequently sentenced to a
2 term of imprisonment by a court of another state or a federal
3 court, then the Illinois sentence shall run consecutively to
4 the sentence imposed by the court of the other state or the
5 federal court. That same Illinois court, however, may order
6 that the Illinois sentence run concurrently with the sentence
7 imposed by the court of the other state or the federal court,
8 but only if the defendant applies to that same Illinois court
9 within 30 days after the sentence imposed by the court of the
10 other state or the federal court is finalized.

11 (f) Consecutive terms; aggregate maximums and minimums.
12 The aggregate maximum and aggregate minimum of consecutive
13 sentences shall be determined as follows:

14 (1) For sentences imposed under law in effect prior to
15 February 1, 1978, the aggregate maximum of consecutive
16 sentences shall not exceed the maximum term authorized
17 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
18 Chapter V for the 2 most serious felonies involved. The
19 aggregate minimum period of consecutive sentences shall
20 not exceed the highest minimum term authorized under
21 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
22 V for the 2 most serious felonies involved. When sentenced
23 only for misdemeanors, a defendant shall not be
24 consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (2) For sentences imposed under the law in effect on

1 or after February 1, 1978, the aggregate of consecutive
2 sentences for offenses that were committed as part of a
3 single course of conduct during which there was no
4 substantial change in the nature of the criminal objective
5 shall not exceed the sum of the maximum terms authorized
6 under Article 4.5 of Chapter V for the 2 most serious
7 felonies involved, but no such limitation shall apply for
8 offenses that were not committed as part of a single
9 course of conduct during which there was no substantial
10 change in the nature of the criminal objective. When
11 sentenced only for misdemeanors, a defendant shall not be
12 consecutively sentenced to more than the maximum for one
13 Class A misdemeanor.

14 (g) Consecutive terms; manner served. In determining the
15 manner in which consecutive sentences of imprisonment, one or
16 more of which is for a felony, will be served, the Department
17 of Corrections shall treat the defendant as though he or she
18 had been committed for a single term subject to each of the
19 following:

20 (1) The maximum period of a term of imprisonment shall
21 consist of the aggregate of the maximums of the imposed
22 indeterminate terms, if any, plus the aggregate of the
23 imposed determinate sentences for felonies, plus the
24 aggregate of the imposed determinate sentences for
25 misdemeanors, subject to subsection (f) of this Section.

26 (2) The parole or mandatory supervised release term

1 shall be as provided in paragraph (e) of Section 5-4.5-50
2 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
3 involved.

4 (3) The minimum period of imprisonment shall be the
5 aggregate of the minimum and determinate periods of
6 imprisonment imposed by the court, subject to subsection
7 (f) of this Section.

8 (4) The defendant shall be awarded credit against the
9 aggregate maximum term and the aggregate minimum term of
10 imprisonment for all time served in an institution since
11 the commission of the offense or offenses and as a
12 consequence thereof at the rate specified in Section 3-6-3
13 (730 ILCS 5/3-6-3).

14 (h) Notwithstanding any other provisions of this Section,
15 all sentences imposed by an Illinois court under this Code
16 shall run concurrent to any and all sentences imposed under
17 the Juvenile Court Act of 1987.

18 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
19 102-1104, eff. 12-6-22.)

20 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

21 Sec. 5-8-6. Place of confinement.

22 (a) ~~Except as otherwise provided in this subsection (a),~~
23 ~~offenders~~ Offenders sentenced to a term of imprisonment for a
24 felony shall be committed to the penitentiary system of the
25 Department of Corrections. However, such sentence shall not

1 limit the powers of the Department of Children and Family
2 Services in relation to any child under the age of one year in
3 the sole custody of a person so sentenced, nor in relation to
4 any child delivered by a female so sentenced while she is so
5 confined as a consequence of such sentence. ~~Except as~~
6 ~~otherwise provided in this subsection (a),~~ a A person
7 sentenced for a felony may be assigned by the Department of
8 Corrections to any of its institutions, facilities or
9 programs. ~~An offender sentenced to a term of imprisonment for~~
10 ~~a Class 3 or 4 felony, other than a violent crime as defined in~~
11 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, in~~
12 ~~which the sentencing order indicates that the offender has~~
13 ~~less than 4 months remaining on his or her sentence accounting~~
14 ~~for time served may not be confined in the penitentiary system~~
15 ~~of the Department of Corrections but may be assigned to~~
16 ~~electronic home detention under Article 8A of this Chapter V,~~
17 ~~an adult transition center, or another facility or program~~
18 ~~within the Department of Corrections.~~

19 (b) Offenders sentenced to a term of imprisonment for less
20 than one year shall be committed to the custody of the sheriff.
21 A person committed to the Department of Corrections, prior to
22 July 14, 1983, for less than one year may be assigned by the
23 Department to any of its institutions, facilities or programs.

24 (c) All offenders under 18 years of age when sentenced to
25 imprisonment shall be committed to the Department of Juvenile
26 Justice and the court in its order of commitment shall set a

1 definite term. The provisions of Section 3-3-3 shall be a part
2 of such commitment as fully as though written in the order of
3 commitment. The place of confinement for sentences imposed
4 before the effective date of this amendatory Act of the 99th
5 General Assembly are not affected or abated by this amendatory
6 Act of the 99th General Assembly.

7 (d) No defendant shall be committed to the Department of
8 Corrections for the recovery of a fine or costs.

9 (e) When a court sentences a defendant to a term of
10 imprisonment concurrent with a previous and unexpired sentence
11 of imprisonment imposed by any district court of the United
12 States, it may commit the offender to the custody of the
13 Attorney General of the United States. The Attorney General of
14 the United States, or the authorized representative of the
15 Attorney General of the United States, shall be furnished with
16 the warrant of commitment from the court imposing sentence,
17 which warrant of commitment shall provide that, when the
18 offender is released from federal confinement, whether by
19 parole or by termination of sentence, the offender shall be
20 transferred by the Sheriff of the committing county to the
21 Department of Corrections. The court shall cause the
22 Department to be notified of such sentence at the time of
23 commitment and to be provided with copies of all records
24 regarding the sentence.

25 (Source: P.A. 99-628, eff. 1-1-17; 101-652.)

1 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

2 Sec. 5-8A-2. Definitions. As used in this Article:

3 (A) "Approved electronic monitoring device" means a device
4 approved by the supervising authority which is primarily
5 intended to record or transmit information as to the
6 defendant's presence or nonpresence in the home, consumption
7 of alcohol, consumption of drugs, location as determined
8 through GPS, cellular triangulation, Wi-Fi, or other
9 electronic means.

10 An approved electronic monitoring device may record or
11 transmit: oral or wire communications or an auditory sound;
12 visual images; or information regarding the offender's
13 activities while inside the offender's home. These devices are
14 subject to the required consent as set forth in Section 5-8A-5
15 of this Article.

16 An approved electronic monitoring device may be used to
17 record a conversation between the participant and the
18 monitoring device, or the participant and the person
19 supervising the participant solely for the purpose of
20 identification and not for the purpose of eavesdropping or
21 conducting any other illegally intrusive monitoring.

22 (A-10) "Department" means the Department of Corrections or
23 the Department of Juvenile Justice.

24 (A-20) "Electronic monitoring" means the monitoring of an
25 inmate, person, or offender with an electronic device both
26 within and outside of their home under the terms and

1 conditions established by the supervising authority.

2 (B) "Excluded offenses" means first degree murder, escape,
3 predatory criminal sexual assault of a child, aggravated
4 criminal sexual assault, criminal sexual assault, aggravated
5 battery with a firearm as described in Section 12-4.2 or
6 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
7 12-3.05, bringing or possessing a firearm, ammunition or
8 explosive in a penal institution, any "Super-X" drug offense
9 or calculated criminal drug conspiracy or streetgang criminal
10 drug conspiracy, or any predecessor or successor offenses with
11 the same or substantially the same elements, or any inchoate
12 offenses relating to the foregoing offenses.

13 (B-10) "GPS" means a device or system which utilizes the
14 Global Positioning Satellite system for determining the
15 location of a person, inmate or offender.

16 (C) "Home detention" means the confinement of a person
17 convicted or charged with an offense to his or her place of
18 residence under the terms and conditions established by the
19 supervising authority. ~~Confinement need not be 24 hours per~~
20 ~~day to qualify as home detention, and significant restrictions~~
21 ~~on liberty such as 7pm to 7am curfews shall qualify. Home~~
22 ~~confinement may or may not be accompanied by electronic~~
23 ~~monitoring, and electronic monitoring is not required for~~
24 ~~purposes of sentencing credit.~~

25 (D) "Participant" means an inmate or offender placed into
26 an electronic monitoring program.

1 (E) "Supervising authority" means the Department of
2 Corrections, the Department of Juvenile Justice, probation
3 department, ~~a Chief Judge's office, pretrial services division~~
4 ~~or department,~~ sheriff, superintendent of municipal house of
5 corrections or any other officer or agency charged with
6 authorizing and supervising electronic monitoring and home
7 detention.

8 (F) "Super-X drug offense" means a violation of Section
9 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
10 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
11 (C), or (D) of the Illinois Controlled Substances Act.

12 (G) "Wi-Fi" or "WiFi" means a device or system which
13 utilizes a wireless local area network for determining the
14 location of a person, inmate or offender.

15 (Source: P.A. 99-797, eff. 8-12-16; 101-652.)

16 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

17 Sec. 5-8A-4. Program description. The supervising
18 authority may promulgate rules that prescribe reasonable
19 guidelines under which an electronic monitoring and home
20 detention program shall operate. When using electronic
21 monitoring for home detention these rules shall ~~may~~ include,
22 but not be limited to, the following:

23 (A) The participant ~~may be instructed to~~ shall remain
24 within the interior premises or within the property
25 boundaries of his or her residence at all times during the

1 hours designated by the supervising authority. Such
2 instances of approved absences from the home ~~shall~~ may
3 include, but are not limited to, the following:

4 (1) working or employment approved by the court or
5 traveling to or from approved employment;

6 (2) unemployed and seeking employment approved for
7 the participant by the court;

8 (3) undergoing medical, psychiatric, mental health
9 treatment, counseling, or other treatment programs
10 approved for the participant by the court;

11 (4) attending an educational institution or a
12 program approved for the participant by the court;

13 (5) attending a regularly scheduled religious
14 service at a place of worship;

15 (6) participating in community work release or
16 community service programs approved for the
17 participant by the supervising authority; ~~or~~

18 (7) for another compelling reason consistent with
19 the public interest, as approved by the supervising
20 authority; or.

21 ~~(8) purchasing groceries, food, or other basic~~
22 ~~necessities.~~

23 ~~(A-1) At a minimum, any person ordered to pretrial~~
24 ~~home confinement with or without electronic monitoring~~
25 ~~must be provided with movement spread out over no fewer~~
26 ~~than two days per week, to participate in basic activities~~

1 ~~such as those listed in paragraph (A). In this subdivision~~
2 ~~(A-1), "days" means a reasonable time period during a~~
3 ~~calendar day, as outlined by the court in the order~~
4 ~~placing the person on home confinement.~~

5 (B) The participant shall admit any person or agent
6 designated by the supervising authority into his or her
7 residence at any time for purposes of verifying the
8 participant's compliance with the conditions of his or her
9 detention.

10 (C) The participant shall make the necessary
11 arrangements to allow for any person or agent designated
12 by the supervising authority to visit the participant's
13 place of education or employment at any time, based upon
14 the approval of the educational institution employer or
15 both, for the purpose of verifying the participant's
16 compliance with the conditions of his or her detention.

17 (D) The participant shall acknowledge and participate
18 with the approved electronic monitoring device as
19 designated by the supervising authority at any time for
20 the purpose of verifying the participant's compliance with
21 the conditions of his or her detention.

22 (E) The participant shall maintain the following:

23 (1) ~~access to~~ a working telephone in the
24 participant's home;

25 (2) a monitoring device in the participant's home,
26 or on the participant's person, or both; and

1 (3) a monitoring device in the participant's home
2 and on the participant's person in the absence of a
3 telephone.

4 (F) The participant shall obtain approval from the
5 supervising authority before the participant changes
6 residence or the schedule described in subsection (A) of
7 this Section. ~~Such approval shall not be unreasonably~~
8 ~~withheld.~~

9 (G) The participant shall not commit another crime
10 during the period of home detention ordered by the Court.

11 (H) Notice to the participant that violation of the
12 order for home detention may subject the participant to
13 prosecution for the crime of escape as described in
14 Section 5-8A-4.1.

15 (I) The participant shall abide by other conditions as
16 set by the supervising authority.

17 (J) This Section takes effect January 1, 2022.

18 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
19 102-687, eff. 12-17-21; 102-1104, eff. 12-6-22.)

20 (730 ILCS 5/5-8A-4.1)

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

23 (a) A person charged with or convicted of a felony, or
24 charged with or adjudicated delinquent for an act which, if
25 committed by an adult, would constitute a felony,

1 conditionally released from the supervising authority through
2 an electronic monitoring or home detention program, who
3 knowingly ~~escapes or leaves from the geographic boundaries of~~
4 ~~an electronic monitoring or home detention program with the~~
5 ~~intent to evade prosecution~~ violates a condition of the
6 electronic monitoring or home detention program is guilty of a
7 Class 3 felony.

8 (b) A person charged with or convicted of a misdemeanor,
9 or charged with or adjudicated delinquent for an act which, if
10 committed by an adult, would constitute a misdemeanor,
11 conditionally released from the supervising authority through
12 an electronic monitoring or home detention program, who
13 knowingly ~~escapes or leaves from the geographic boundaries of~~
14 ~~an electronic monitoring or home detention program with the~~
15 ~~intent to evade prosecution~~ violates a condition of the
16 electronic monitoring or home detention program is guilty of a
17 Class B misdemeanor.

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

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

21 (730 ILCS 5/5-6-3.8 rep.)

22 (730 ILCS 5/5-8A-4.15 rep.)

23 Section 1-265. The Unified Code of Corrections is amended
24 by repealing Sections 5-6-3.8 and 5-8A-4.15.

1 Section 1-270. The Probation and Probation Officers Act is
2 amended by changing Section 18 as follows:

3 (730 ILCS 110/18)

4 Sec. 18. Probation and court services departments
5 considered pretrial services agencies. For the purposes of
6 administering the provisions of Public Act 95-773, known as
7 the Cindy Bischof Law, all probation and court services
8 departments are to be considered pretrial services agencies
9 under the Pretrial Services Act and under the ~~pretrial release~~
10 bail bond provisions of the Code of Criminal Procedure of
11 1963.

12 (Source: P.A. 96-341, eff. 8-11-09; 101-652.)

13 Section 1-275. The County Jail Act is amended by changing
14 Section 5 as follows:

15 (730 ILCS 125/5) (from Ch. 75, par. 105)

16 Sec. 5. Costs of maintaining prisoners.

17 (a) Except as provided in subsections (b) and (c), all
18 costs of maintaining persons committed for violations of
19 Illinois law, shall be the responsibility of the county.
20 Except as provided in subsection (b), all costs of maintaining
21 persons committed under any ordinance or resolution of a unit
22 of local government, including medical costs, is the
23 responsibility of the unit of local government enacting the

1 ordinance or resolution, and arresting the person.

2 (b) If a person who is serving a term of mandatory
3 supervised release for a felony is incarcerated in a county
4 jail, the Illinois Department of Corrections shall pay the
5 county in which that jail is located one-half of the cost of
6 incarceration, as calculated by the Governor's Office of
7 Management and Budget and the county's chief financial
8 officer, for each day that the person remains in the county
9 jail after notice of the incarceration is given to the
10 Illinois Department of Corrections by the county, provided
11 that (i) the Illinois Department of Corrections has issued a
12 warrant for an alleged violation of mandatory supervised
13 release by the person; (ii) if the person is incarcerated on a
14 new charge, unrelated to the offense for which he or she is on
15 mandatory supervised release, there has been a court hearing
16 at which ~~the conditions of pretrial release have~~ bail has been
17 set on the new charge; (iii) the county has notified the
18 Illinois Department of Corrections that the person is
19 incarcerated in the county jail, which notice shall not be
20 given until the bail hearing has concluded, if the person is
21 incarcerated on a new charge; and (iv) the person remains
22 incarcerated in the county jail for more than 48 hours after
23 the notice has been given to the Department of Corrections by
24 the county. Calculation of the per diem cost shall be agreed
25 upon prior to the passage of the annual State budget.

26 (c) If a person who is serving a term of mandatory

1 supervised release is incarcerated in a county jail, following
2 an arrest on a warrant issued by the Illinois Department of
3 Corrections, solely for violation of a condition of mandatory
4 supervised release and not on any new charges for a new
5 offense, then the Illinois Department of Corrections shall pay
6 the medical costs incurred by the county in securing treatment
7 for that person, for any injury or condition other than one
8 arising out of or in conjunction with the arrest of the person
9 or resulting from the conduct of county personnel, while he or
10 she remains in the county jail on the warrant issued by the
11 Illinois Department of Corrections.

12 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07;
13 101-652.)

14 Section 1-280. The County Jail Good Behavior Allowance Act
15 is amended by changing Section 3 as follows:

16 (730 ILCS 130/3) (from Ch. 75, par. 32)

17 Sec. 3. The good behavior of any person who commences a
18 sentence of confinement in a county jail for a fixed term of
19 imprisonment after January 1, 1987 shall entitle such person
20 to a good behavior allowance, except that: (1) a person who
21 inflicted physical harm upon another person in committing the
22 offense for which he is confined shall receive no good
23 behavior allowance; and (2) a person sentenced for an offense
24 for which the law provides a mandatory minimum sentence shall

1 not receive any portion of a good behavior allowance that
2 would reduce the sentence below the mandatory minimum; and (3)
3 a person sentenced to a county impact incarceration program;
4 and (4) a person who is convicted of criminal sexual assault
5 under subdivision (a)(3) of Section 11-1.20 or paragraph
6 (a)(3) of Section 12-13 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, criminal sexual abuse, or aggravated
8 criminal sexual abuse shall receive no good behavior
9 allowance. The good behavior allowance provided for in this
10 Section shall not apply to individuals sentenced for a felony
11 to probation or conditional discharge where a condition of
12 such probation or conditional discharge is that the individual
13 serve a sentence of periodic imprisonment or to individuals
14 sentenced under an order of court for civil contempt.

15 Such good behavior allowance shall be cumulative and
16 awarded as provided in this Section.

17 The good behavior allowance rate shall be cumulative and
18 awarded on the following basis:

19 The prisoner shall receive one day of good behavior
20 allowance for each day of service of sentence in the county
21 jail, and one day of good behavior allowance for each day of
22 incarceration in the county jail before sentencing for the
23 offense that he or she is currently serving sentence but was
24 unable to ~~comply with the conditions of pretrial release~~ post
25 bail before sentencing, except that a prisoner serving a
26 sentence of periodic imprisonment under Section 5-7-1 of the

1 Unified Code of Corrections shall only be eligible to receive
2 good behavior allowance if authorized by the sentencing judge.
3 Each day of good behavior allowance shall reduce by one day the
4 prisoner's period of incarceration set by the court. For the
5 purpose of calculating a prisoner's good behavior allowance, a
6 fractional part of a day shall not be calculated as a day of
7 service of sentence in the county jail unless the fractional
8 part of the day is over 12 hours in which case a whole day
9 shall be credited on the good behavior allowance.

10 If consecutive sentences are served and the time served
11 amounts to a total of one year or more, the good behavior
12 allowance shall be calculated on a continuous basis throughout
13 the entire time served beginning on the first date of sentence
14 or incarceration, as the case may be.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
16 101-652.)

17 Section 1-285. The Veterans and Servicemembers Court
18 Treatment Act is amended by changing Section 20 as follows:

19 (730 ILCS 167/20)

20 Sec. 20. Eligibility. Veterans and servicemembers are
21 eligible for veterans and servicemembers courts, provided the
22 following:

23 (a) A defendant may be admitted into a veterans and
24 servicemembers court program only upon the consent of the

1 defendant and with the approval of the court. A defendant
2 agrees to be admitted when a written consent to
3 participate is provided to the court in open court and the
4 defendant acknowledges understanding of its contents.

5 (a-5) Each veterans and servicemembers court shall
6 have a target population defined in its written policies
7 and procedures. The policies and procedures shall define
8 that court's eligibility and exclusionary criteria.

9 (b) A defendant shall be excluded from a veterans
10 ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~
11 program if any of one of the following applies:

12 (1) The crime is a crime of violence as set forth
13 in paragraph (3) of this subsection (b).

14 (2) The defendant does not demonstrate a
15 willingness to participate in a treatment program.

16 (3) The defendant has been convicted of a crime of
17 violence within the past 5 years excluding
18 incarceration time, parole, and periods of mandatory
19 supervised release. As used in this paragraph, "crime
20 of violence" means: first degree murder, second degree
21 murder, predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, criminal sexual
23 assault, armed robbery, aggravated arson, arson,
24 aggravated kidnapping and kidnapping, aggravated
25 battery resulting in great bodily harm or permanent
26 disability, aggravated domestic battery resulting in

1 great bodily harm or permanent disability, aggravated
2 criminal sexual abuse by a person in a position of
3 trust or authority over a child, stalking, aggravated
4 stalking, home invasion, aggravated vehicular
5 hijacking, or any offense involving the discharge of a
6 firearm.

7 (4) The defendant is charged with a violation of
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of the Illinois Vehicle Code in which
10 an individual is charged with aggravated driving under
11 the influence that resulted in the death of another
12 person or when the violation was a proximate cause of
13 the death, unless, pursuant to subparagraph (G) of
14 paragraph (1) of subsection (d) of Section 11-501 of
15 the Illinois Vehicle Code, the court determines that
16 extraordinary circumstances exist and require
17 probation.

18 (5) The crime for which the defendant has been
19 convicted is non-probationable. ~~(Blank)~~

20 (6) (Blank).

21 (c) Notwithstanding subsection (a), the defendant may
22 be admitted into a veterans and servicemembers court
23 program only upon the agreement of the prosecutor if the
24 defendant is charged with a Class 2 or greater felony
25 violation of:

26 (1) Section 401, 401.1, 405, or 405.2 of the

1 Illinois Controlled Substances Act;

2 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
3 Act; or

4 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,
5 or 65 of the Methamphetamine Control and Community
6 Protection Act.

7 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22;
8 revised 8-19-22.)

9 Section 1-290. The Mental Health Court Treatment Act is
10 amended by changing Section 20 as follows:

11 (730 ILCS 168/20)

12 Sec. 20. Eligibility.

13 (a) A defendant may be admitted into a mental health court
14 program only upon the consent of the defendant and with the
15 approval of the court. A defendant agrees to be admitted when a
16 written consent to participate is provided to the court in
17 open court and the defendant acknowledges understanding its
18 contents.

19 (a-5) Each mental health court shall have a target
20 population defined in its written policies and procedures. The
21 policies and procedures shall define that court's eligibility
22 and exclusionary criteria.

23 (b) A defendant shall be excluded from a mental health
24 court program if any one of the following applies:

1 (1) The crime is a crime of violence as set forth in
2 paragraph (3) of this subsection (b).

3 (2) The defendant does not demonstrate a willingness
4 to participate in a treatment program.

5 (3) The defendant has been convicted of a crime of
6 violence within the past 5 years excluding incarceration
7 time, parole, and periods of mandatory supervised release.
8 As used in this paragraph (3), "crime of violence" means:
9 first degree murder, second degree murder, predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, criminal sexual assault, armed robbery,
12 aggravated arson, arson, aggravated kidnapping,
13 kidnapping, aggravated battery resulting in great bodily
14 harm or permanent disability, aggravated domestic battery
15 resulting in great bodily harm or permanent disability,
16 aggravated criminal sexual abuse by a person in a position
17 of trust or authority over a child, stalking, aggravated
18 stalking, home invasion, aggravated vehicular hijacking,
19 or any offense involving the discharge of a firearm.

20 (4) The defendant is charged with a violation of
21 subparagraph (F) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code in which an
23 individual is charged with aggravated driving under the
24 influence that resulted in the death of another person or
25 when the violation was a proximate cause of the death,
26 unless, pursuant to subparagraph (G) of paragraph (1) of

1 subsection (d) of Section 11-501 of the Illinois Vehicle
2 Code, the court determines that extraordinary
3 circumstances exist and require probation.

4 (5) The crime for which the defendant has been
5 convicted is non-probationable. ~~(Blank).~~

6 (6) (Blank).

7 (c) Notwithstanding subsection (a), the defendant may be
8 admitted into a mental health court program only upon the
9 agreement of the prosecutor if the defendant is charged with a
10 Class 2 or greater felony violation of:

11 (1) Section 401, 401.1, 405, or 405.2 of the Illinois
12 Controlled Substances Act;

13 (2) Section 5, 5.1, or 5.2 of the Cannabis Control
14 Act; or

15 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56, or
16 65 of the Methamphetamine Control and Community Protection
17 Act.

18 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22.)

19 Section 1-295. The Code of Civil Procedure is amended by
20 changing Sections 10-106, 10-125, 10-127, 10-135, 10-136, and
21 21-103 as follows:

22 (735 ILCS 5/10-106) (from Ch. 110, par. 10-106)

23 Sec. 10-106. Grant of relief - Penalty. Unless it shall
24 appear from the complaint itself, or from the documents

1 thereto annexed, that the party can neither be discharged,
2 admitted to ~~pretrial release~~ bail nor otherwise relieved, the
3 court shall forthwith award relief by habeas corpus. Any judge
4 empowered to grant relief by habeas corpus who shall corruptly
5 refuse to grant the relief when legally applied for in a case
6 where it may lawfully be granted, or who shall for the purpose
7 of oppression unreasonably delay the granting of such relief
8 shall, for every such offense, forfeit to the prisoner or
9 party affected a sum not exceeding \$1,000.

10 (Source: P.A. 83-707; 101-652.)

11 (735 ILCS 5/10-125) (from Ch. 110, par. 10-125)

12 Sec. 10-125. New commitment. In all cases where the
13 imprisonment is for a criminal, or supposed criminal matter,
14 if it appears to the court that there is sufficient legal cause
15 for the commitment of the prisoner, although such commitment
16 may have been informally made, or without due authority, or
17 the process may have been executed by a person not duly
18 authorized, the court shall make a new commitment in proper
19 form, and direct it to the proper officer, or admit the party
20 to ~~pretrial release~~ bail if the case is ~~eligible for pretrial~~
21 ~~release~~ bailable. The court shall also, when necessary, take
22 the recognizance of all material witnesses against the
23 prisoner, as in other cases. The recognizances shall be in the
24 form provided by law, and returned as other recognizances. If
25 any judge shall neglect or refuse to bind any such prisoner or

1 witness by recognizance, or to return a recognizance when
2 taken as hereinabove stated, he or she shall be guilty of a
3 Class A misdemeanor in office, and be proceeded against
4 accordingly.

5 (Source: P.A. 82-280; 101-652.)

6 (735 ILCS 5/10-127) (from Ch. 110, par. 10-127)

7 Sec. 10-127. Grant of habeas corpus. It is not lawful for
8 any court, on a second order of habeas corpus obtained by such
9 prisoner, to discharge the prisoner, if he or she is clearly
10 and specifically charged in the warrant of commitment with a
11 criminal offense; but the court shall, on the return of such
12 second order, have power only to admit such prisoner to
13 ~~pretrial release~~ bail where the offense is ~~eligible for~~
14 ~~pretrial release~~ bailable by law, or remand him or her to
15 prison where the offense is not ~~eligible for pretrial release~~
16 bailable, or being ~~eligible for pretrial release~~ bailable,
17 where such prisoner fails to ~~comply with the terms of pretrial~~
18 ~~release~~ give the bail required.

19 (Source: P.A. 82-280; 101-652.)

20 (735 ILCS 5/10-135) (from Ch. 110, par. 10-135)

21 Sec. 10-135. Habeas corpus to testify. The several courts
22 having authority to grant relief by habeas corpus, may enter
23 orders, when necessary, to bring before them any prisoner to
24 testify, or to be surrendered in discharge of ~~pretrial release~~

1 bail, or for trial upon any criminal charge lawfully pending
2 in the same court or to testify in a criminal proceeding in
3 another state as provided for by Section 2 of the "Uniform Act
4 to secure the attendance of witnesses from within or without a
5 state in criminal proceedings", approved July 23, 1959, as
6 heretofore or hereafter amended; and the order may be directed
7 to any county in the State, and there be served and returned by
8 any officer to whom it is directed.

9 (Source: P.A. 82-280; 101-652.)

10 (735 ILCS 5/10-136) (from Ch. 110, par. 10-136)

11 Sec. 10-136. Prisoner remanded or punished. After a
12 prisoner has given his or her testimony, or been surrendered,
13 or his or her ~~pretrial release~~ bail discharged, or he or she
14 has been tried for the crime with which he or she is charged,
15 he or she shall be returned to the jail or other place of
16 confinement from which he or she was taken for that purpose. If
17 such prisoner is convicted of a crime punishable with death or
18 imprisonment in the penitentiary, he or she may be punished
19 accordingly; but in any case where the prisoner has been taken
20 from the penitentiary, and his or her punishment is by
21 imprisonment, the time of such imprisonment shall not commence
22 to run until the expiration of the time of service under any
23 former sentence.

24 (Source: P.A. 82-280; 101-652.)

1 (735 ILCS 5/21-103)

2 Sec. 21-103. Notice by publication.

3 (a) Previous notice shall be given of the intended
4 application by publishing a notice thereof in some newspaper
5 published in the municipality in which the person resides if
6 the municipality is in a county with a population under
7 2,000,000, or if the person does not reside in a municipality
8 in a county with a population under 2,000,000, or if no
9 newspaper is published in the municipality or if the person
10 resides in a county with a population of 2,000,000 or more,
11 then in some newspaper published in the county where the
12 person resides, or if no newspaper is published in that
13 county, then in some convenient newspaper published in this
14 State. The notice shall be inserted for 3 consecutive weeks
15 after filing, the first insertion to be at least 6 weeks before
16 the return day upon which the petition is to be heard, and
17 shall be signed by the petitioner or, in case of a minor, the
18 minor's parent or guardian, and shall set forth the return day
19 of court on which the petition is to be heard and the name
20 sought to be assumed.

21 (b) The publication requirement of subsection (a) shall
22 not be required in any application for a change of name
23 involving a minor if, before making judgment under this
24 Article, reasonable notice and opportunity to be heard is
25 given to any parent whose parental rights have not been
26 previously terminated and to any person who has physical

1 custody of the child. If any of these persons are outside this
2 State, notice and opportunity to be heard shall be given under
3 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
8 wishes to change his or her name to resume the use of his or
9 her former 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 the Illinois State Police or his or her
20 designee may apply to the circuit court for an order directing
21 that the notice and publication requirements of this Section
22 be waived if the Director or his or her designee certifies that
23 the name change being sought is intended to protect a witness
24 during and 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
9 condition of bail ~~pretrial release~~ under subsections (b)
10 through (d) of Section 110-10 of the Code of Criminal
11 Procedure of 1963, or a similar provision of a law in
12 another state or 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
17 petitioner or any member of the petitioner's family or
18 household at risk or reveal the confidential address of a
19 shelter for domestic violence victims, that address may be
20 omitted from all documents filed with the court, and the
21 petitioner may 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. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
10 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.
11 5-13-22.)

12 Section 1-300. The Civil No Contact Order Act is amended
13 by changing Section 220 as follows:

14 (740 ILCS 22/220)

15 Sec. 220. Enforcement of a civil no contact order.

16 (a) Nothing in this Act shall preclude any Illinois court
17 from enforcing a valid protective order issued in another
18 state.

19 (b) Illinois courts may enforce civil no contact orders
20 through both criminal proceedings and civil contempt
21 proceedings, unless the action which is second in time is
22 barred by collateral estoppel or the constitutional
23 prohibition against double jeopardy.

24 (b-1) The court shall not hold a school district or

1 private or non-public school or any of its employees in civil
2 or criminal contempt unless the school district or private or
3 non-public school has been allowed to intervene.

4 (b-2) The court may hold the parents, guardian, or legal
5 custodian of a minor respondent in civil or criminal contempt
6 for a violation of any provision of any order entered under
7 this Act for conduct of the minor respondent in violation of
8 this Act if the parents, guardian, or legal custodian
9 directed, encouraged, or assisted the respondent minor in such
10 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
15 contact order pursuant to Section 219 by having knowingly
16 violated:

17 (1) remedies described in Section 213 and included in
18 a civil no contact order; or

19 (2) a provision of an order, which is substantially
20 similar to provisions of Section 213, in a valid civil no
21 contact order which is authorized under the laws of
22 another state, tribe, or United States territory.

23 Prosecution for a violation of a civil no contact order
24 shall not bar a concurrent prosecution for any other crime,
25 including any crime that may have been committed at the time of
26 the violation of the civil no contact order.

1 (d) Contempt of court. A violation of any valid Illinois
2 civil no contact order, whether issued in a civil or criminal
3 proceeding, may be enforced through civil or criminal contempt
4 procedures, as appropriate, by any court with jurisdiction,
5 regardless of where the act or acts which violated the civil no
6 contact order were committed, to the extent consistent with
7 the venue provisions of this Act.

8 (1) In a contempt proceeding where the petition for a
9 rule to show cause or petition for adjudication of
10 criminal contempt sets forth facts evidencing an immediate
11 danger that the respondent will flee the jurisdiction or
12 inflict physical abuse on the petitioner or minor children
13 or on dependent adults in the petitioner's care, the court
14 may order the attachment of the respondent without prior
15 service of the petition for a rule to show cause, the rule
16 to show cause, the petition for adjudication of criminal
17 contempt or the adjudication of criminal contempt.
18 ~~Conditions of release~~ Bond shall be set unless
19 specifically denied in writing.

20 (2) A petition for a rule to show cause or a petition
21 for adjudication of criminal contempt for violation of a
22 civil no contact order shall be treated as an expedited
23 proceeding.

24 (e) Actual knowledge. A civil no contact order may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

2 (1) by service, delivery, or notice under Section 208;

3 (2) by notice under Section 218;

4 (3) by service of a civil no contact order under
5 Section 218; or

6 (4) by other means demonstrating actual knowledge of
7 the contents of the order.

8 (f) The enforcement of a civil no contact order in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) the existence of a separate, correlative order,
12 entered under Section 202; or

13 (2) any finding or order entered in a conjoined
14 criminal proceeding.

15 (g) Circumstances. The court, when determining whether or
16 not a violation of a civil no contact order has occurred, shall
17 not require physical manifestations of abuse on the person of
18 the victim.

19 (h) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection, where the court finds the commission of a
22 crime or contempt of court under subsection (a) or (b) of
23 this Section, the penalty shall be the penalty that
24 generally applies in such criminal or contempt
25 proceedings, and may include one or more of the following:
26 incarceration, payment of restitution, a fine, payment of

1 attorneys' fees and costs, or community service.

2 (2) The court shall hear and take into account
3 evidence of any factors in aggravation or mitigation
4 before deciding an appropriate penalty under paragraph (1)
5 of this subsection.

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any civil no contact order over any penalty
10 previously imposed by any court for respondent's
11 violation of any civil no contact order or penal
12 statute involving petitioner as victim and respondent
13 as defendant;

14 (ii) impose a minimum penalty of 24 hours
15 imprisonment for respondent's first violation of any
16 civil no contact order; and

17 (iii) impose a minimum penalty of 48 hours
18 imprisonment for respondent's second or subsequent
19 violation of a civil no contact order unless the court
20 explicitly finds that an increased penalty or that
21 period of imprisonment would be manifestly unjust.

22 (4) In addition to any other penalties imposed for a
23 violation of a civil no contact order, a criminal court
24 may consider evidence of any previous violations of a
25 civil no contact order:

26 (i) to increase, revoke or modify the ~~conditions~~

1 ~~of pretrial release~~ bail bond on an underlying
2 criminal charge pursuant to Section 110-6 of the Code
3 of Criminal Procedure of 1963;

4 (ii) to revoke or modify an order of probation,
5 conditional discharge or supervision, pursuant to
6 Section 5-6-4 of the Unified Code of Corrections; or

7 (iii) to revoke or modify a sentence of periodic
8 imprisonment, pursuant to Section 5-7-2 of the Unified
9 Code of Corrections.

10 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12;
11 101-652.)

12 Section 1-305. The Illinois Domestic Violence Act of 1986
13 is amended by changing Sections 223 and 301 as follows:

14 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

15 Sec. 223. Enforcement of orders of protection.

16 (a) When violation is crime. A violation of any order of
17 protection, whether issued in a civil or criminal proceeding
18 or by a military tribunal, shall be enforced by a criminal
19 court when:

20 (1) The respondent commits the crime of violation of
21 an order of protection pursuant to Section 12-3.4 or 12-30
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 by having knowingly violated:

24 (i) remedies described in paragraphs (1), (2),

1 (3), (14), or (14.5) of subsection (b) of Section 214
2 of this Act; or

3 (ii) a remedy, which is substantially similar to
4 the remedies authorized under paragraphs (1), (2),
5 (3), (14), and (14.5) of subsection (b) of Section 214
6 of this Act, in a valid order of protection which is
7 authorized under the laws of another state, tribe, or
8 United States territory; or

9 (iii) any other remedy when the act constitutes a
10 crime against the protected parties as defined by the
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 Prosecution for a violation of an order of protection
13 shall not bar concurrent prosecution for any other crime,
14 including any crime that may have been committed at the
15 time of the violation of the order of protection; or

16 (2) The respondent commits the crime of child
17 abduction pursuant to Section 10-5 of the Criminal Code of
18 1961 or the Criminal Code of 2012, by having knowingly
19 violated:

20 (i) remedies described in paragraphs (5), (6) or
21 (8) of subsection (b) of Section 214 of this Act; or

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (5), (6), or
24 (8) of subsection (b) of Section 214 of this Act, in a
25 valid order of protection which is authorized under
26 the laws of another state, tribe, or United States

1 territory.

2 (b) When violation is contempt of court. A violation of
3 any valid Illinois order of protection, whether issued in a
4 civil or criminal proceeding or by a military tribunal, may be
5 enforced through civil or criminal contempt procedures, as
6 appropriate, by any court with jurisdiction, regardless where
7 the act or acts which violated the order of protection were
8 committed, to the extent consistent with the venue provisions
9 of this Act. Nothing in this Act shall preclude any Illinois
10 court from enforcing any valid order of protection issued in
11 another state. Illinois courts may enforce orders of
12 protection through both criminal prosecution and contempt
13 proceedings, unless the action which is second in time is
14 barred by collateral estoppel or the constitutional
15 prohibition against double jeopardy.

16 (1) In a contempt proceeding where the petition for a
17 rule to show cause sets forth facts evidencing an
18 immediate danger that the respondent will flee the
19 jurisdiction, conceal a child, or inflict physical abuse
20 on the petitioner or minor children or on dependent adults
21 in petitioner's care, the court may order the attachment
22 of the respondent without prior service of the rule to
23 show cause or the petition for a rule to show cause. Bond
24 ~~Conditions of release~~ shall be set unless specifically
25 denied in writing.

26 (2) A petition for a rule to show cause for violation

1 of an order of protection shall be treated as an expedited
2 proceeding.

3 (b-1) The court shall not hold a school district or
4 private or non-public school or any of its employees in civil
5 or criminal contempt unless the school district or private or
6 non-public school has been allowed to intervene.

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian
12 directed, encouraged, or assisted the respondent minor in such
13 conduct.

14 (c) Violation of custody or support orders or temporary or
15 final judgments allocating parental responsibilities. A
16 violation of remedies described in paragraphs (5), (6), (8),
17 or (9) of subsection (b) of Section 214 of this Act may be
18 enforced by any remedy provided by Section 607.5 of the
19 Illinois Marriage and Dissolution of Marriage Act. The court
20 may enforce any order for support issued under paragraph (12)
21 of subsection (b) of Section 214 in the manner provided for
22 under Parts V and VII of the Illinois Marriage and Dissolution
23 of Marriage Act.

24 (d) Actual knowledge. An order of protection may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

2 (1) By service, delivery, or notice under Section 210.

3 (2) By notice under Section 210.1 or 211.

4 (3) By service of an order of protection under Section
5 222.

6 (4) By other means demonstrating actual knowledge of
7 the contents of the order.

8 (e) The enforcement of an order of protection in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) The existence of a separate, correlative order,
12 entered under Section 215.

13 (2) Any finding or order entered in a conjoined
14 criminal proceeding.

15 (f) Circumstances. The court, when determining whether or
16 not a violation of an order of protection has occurred, shall
17 not require physical manifestations of abuse on the person of
18 the victim.

19 (g) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection, where the court finds the commission of a
22 crime or contempt of court under subsections (a) or (b) of
23 this Section, the penalty shall be the penalty that
24 generally applies in such criminal or contempt
25 proceedings, and may include one or more of the following:
26 incarceration, payment of restitution, a fine, payment of

1 attorneys' fees and costs, or community service.

2 (2) The court shall hear and take into account
3 evidence of any factors in aggravation or mitigation
4 before deciding an appropriate penalty under paragraph (1)
5 of this subsection.

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any order of protection over any penalty previously
10 imposed by any court for respondent's violation of any
11 order of protection or penal statute involving
12 petitioner as victim and respondent as defendant;

13 (ii) impose a minimum penalty of 24 hours
14 imprisonment for respondent's first violation of any
15 order of protection; and

16 (iii) impose a minimum penalty of 48 hours
17 imprisonment for respondent's second or subsequent
18 violation of an order of protection

19 unless the court explicitly finds that an increased
20 penalty or that period of imprisonment would be manifestly
21 unjust.

22 (4) In addition to any other penalties imposed for a
23 violation of an order of protection, a criminal court may
24 consider evidence of any violations of an order of
25 protection:

26 (i) to increase, revoke or modify the ~~conditions~~

1 ~~of pretrial release~~ bail bond on an underlying
2 criminal charge pursuant to Section 110-6 of the Code
3 of Criminal Procedure of 1963;

4 (ii) to revoke or modify an order of probation,
5 conditional discharge or supervision, pursuant to
6 Section 5-6-4 of the Unified Code of Corrections;

7 (iii) to revoke or modify a sentence of periodic
8 imprisonment, pursuant to Section 5-7-2 of the Unified
9 Code of Corrections.

10 (5) In addition to any other penalties, the court
11 shall impose an additional fine of \$20 as authorized by
12 Section 5-9-1.11 of the Unified Code of Corrections upon
13 any person convicted of or placed on supervision for a
14 violation of an order of protection. The additional fine
15 shall be imposed for each violation of this Section.

16 (Source: P.A. 101-652, eff. 1-1-23; 102-890, eff. 5-19-22.)

17 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

18 Sec. 301. Arrest without warrant.

19 (a) Any law enforcement officer may make an arrest without
20 warrant if the officer has probable cause to believe that the
21 person has committed or is committing any crime, including but
22 not limited to violation of an order of protection, under
23 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, even if the crime was not committed in
25 the presence of the officer.

1 (b) The law enforcement officer may verify the existence
2 of an order of protection by telephone or radio communication
3 with his or her law enforcement agency or by referring to the
4 copy of the order, or order of protection described on a Hope
5 Card under Section 219.5, provided by the petitioner or
6 respondent.

7 (c) Any law enforcement officer may make an arrest without
8 warrant if the officer has reasonable grounds to believe a
9 defendant at liberty under the provisions of subdivision
10 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal
11 Procedure of 1963 has violated a condition of his or her bail
12 bond ~~pretrial release~~ or recognizance.

13 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
14 102-813, eff. 5-13-22.)

15 Section 1-310. The Industrial and Linen Supplies Marking
16 Law is amended by changing Section 11 as follows:

17 (765 ILCS 1045/11) (from Ch. 140, par. 111)

18 Sec. 11. Search warrant.

19 Whenever the registrant, or officer, or authorized agent
20 of any firm, partnership or corporation which is a registrant
21 under this Act, takes an oath before any circuit court, that he
22 has reason to believe that any supplies are being unlawfully
23 used, sold, or secreted in any place, the court shall issue a
24 search warrant to any police officer authorizing such officer

1 to search the premises wherein it is alleged such articles may
2 be found and take into custody any person in whose possession
3 the articles are found. Any person so seized shall be taken
4 without unnecessary delay before the court issuing the search
5 warrant. The court is empowered to impose ~~conditions of~~
6 ~~pretrial release~~ bail on any such person to compel his
7 attendance at any continued hearing.

8 (Source: P.A. 77-1273; 101-652.)

9 Section 1-315. The Illinois Torture Inquiry and Relief
10 Commission Act is amended by changing Section 50 as follows:

11 (775 ILCS 40/50)

12 Sec. 50. Post-commission judicial review.

13 (a) If the Commission concludes there is sufficient
14 evidence of torture to merit judicial review, the Chair of the
15 Commission shall request the Chief Judge of the Circuit Court
16 of Cook County for assignment to a trial judge for
17 consideration. The court may receive proof by affidavits,
18 depositions, oral testimony, or other evidence. In its
19 discretion the court may order the petitioner brought before
20 the court for the hearing. Notwithstanding the status of any
21 other postconviction proceedings relating to the petitioner,
22 if the court finds in favor of the petitioner, it shall enter
23 an appropriate order with respect to the judgment or sentence
24 in the former proceedings and such supplementary orders as to

1 rearraignment, retrial, custody, ~~pretrial-release~~ bail or
2 discharge, or for such relief as may be granted under a
3 petition for a certificate of innocence, as may be necessary
4 and proper.

5 (b) The State's Attorney, or the State's Attorney's
6 designee, shall represent the State at the hearing before the
7 assigned judge.

8 (Source: P.A. 96-223, eff. 8-10-09; 101-652.)

9 Section 1-320. The Unemployment Insurance Act is amended
10 by changing Section 602 as follows:

11 (820 ILCS 405/602) (from Ch. 48, par. 432)

12 Sec. 602. Discharge for misconduct - Felony.

13 A. An individual shall be ineligible for benefits for the
14 week in which he has been discharged for misconduct connected
15 with his work and, thereafter, until he has become reemployed
16 and has had earnings equal to or in excess of his current
17 weekly benefit amount in each of four calendar weeks which are
18 either for services in employment, or have been or will be
19 reported pursuant to the provisions of the Federal Insurance
20 Contributions Act by each employing unit for which such
21 services are performed and which submits a statement
22 certifying to that fact. The requalification requirements of
23 the preceding sentence shall be deemed to have been satisfied,
24 as of the date of reinstatement, if, subsequent to his

1 discharge by an employing unit for misconduct connected with
2 his work, such individual is reinstated by such employing
3 unit. For purposes of this subsection, the term "misconduct"
4 means the deliberate and willful violation of a reasonable
5 rule or policy of the employing unit, governing the
6 individual's behavior in performance of his work, provided
7 such violation has harmed the employing unit or other
8 employees or has been repeated by the individual despite a
9 warning or other explicit instruction from the employing unit.
10 The previous definition notwithstanding, "misconduct" shall
11 include any of the following work-related circumstances:

12 1. Falsification of an employment application, or any
13 other documentation provided to the employer, to obtain
14 employment through subterfuge.

15 2. Failure to maintain licenses, registrations, and
16 certifications reasonably required by the employer, or
17 those that the individual is required to possess by law,
18 to perform his or her regular job duties, unless the
19 failure is not within the control of the individual.

20 3. Knowing, repeated violation of the attendance
21 policies of the employer that are in compliance with State
22 and federal law following a written warning for an
23 attendance violation, unless the individual can
24 demonstrate that he or she has made a reasonable effort to
25 remedy the reason or reasons for the violations or that
26 the reason or reasons for the violations were out of the

1 individual's control. Attendance policies of the employer
2 shall be reasonable and provided to the individual in
3 writing, electronically, or via posting in the workplace.

4 4. Damaging the employer's property through conduct
5 that is grossly negligent.

6 5. Refusal to obey an employer's reasonable and lawful
7 instruction, unless the refusal is due to the lack of
8 ability, skills, or training for the individual required
9 to obey the instruction or the instruction would result in
10 an unsafe act.

11 6. Consuming alcohol or illegal or non-prescribed
12 prescription drugs, or using an impairing substance in an
13 off-label manner, on the employer's premises during
14 working hours in violation of the employer's policies.

15 7. Reporting to work under the influence of alcohol,
16 illegal or non-prescribed prescription drugs, or an
17 impairing substance used in an off-label manner in
18 violation of the employer's policies, unless the
19 individual is compelled to report to work by the employer
20 outside of scheduled and on-call working hours and informs
21 the employer that he or she is under the influence of
22 alcohol, illegal or non-prescribed prescription drugs, or
23 an impairing substance used in an off-label manner in
24 violation of the employer's policies.

25 8. Grossly negligent conduct endangering the safety of
26 the individual or co-workers.

1 For purposes of paragraphs 4 and 8, conduct is "grossly
2 negligent" when the individual is, or reasonably should be,
3 aware of a substantial risk that the conduct will result in the
4 harm sought to be prevented and the conduct constitutes a
5 substantial deviation from the standard of care a reasonable
6 person would exercise in the situation.

7 Nothing in paragraph 6 or 7 prohibits the lawful use of
8 over-the-counter drug products as defined in Section 206 of
9 the Illinois Controlled Substances Act, provided that the
10 medication does not affect the safe performance of the
11 employee's work duties.

12 B. Notwithstanding any other provision of this Act, no
13 benefit rights shall accrue to any individual based upon wages
14 from any employer for service rendered prior to the day upon
15 which such individual was discharged because of the commission
16 of a felony in connection with his work, or because of theft in
17 connection with his work, for which the employer was in no way
18 responsible; provided, that the employer notified the Director
19 of such possible ineligibility within the time limits
20 specified by regulations of the Director, and that the
21 individual has admitted his commission of the felony or theft
22 to a representative of the Director, or has signed a written
23 admission of such act and such written admission has been
24 presented to a representative of the Director, or such act has
25 resulted in a conviction or order of supervision by a court of
26 competent jurisdiction; and provided further, that if by

1 reason of such act, he is in legal custody, held on ~~pretrial~~
2 ~~release~~ bail or is a fugitive from justice, the determination
3 of his benefit rights shall be held in abeyance pending the
4 result of any legal proceedings arising therefrom.

5 (Source: P.A. 99-488, eff. 1-3-16; 101-652.)

6 (730 ILCS 5/3-6-7.1 rep.)

7 (730 ILCS 5/3-6-7.2 rep.)

8 (730 ILCS 5/3-6-7.3 rep.)

9 (730 ILCS 5/3-6-7.4 rep.)

10 Section 1-325. The Unified Code of Corrections is amended
11 by repealing Sections 3-6-7.1, 3-6-7.2, 3-6-7.3, and 3-6-7.4.

12 (730 ILCS 125/17.6 rep.)

13 (730 ILCS 125/17.7 rep.)

14 (730 ILCS 125/17.8 rep.)

15 (730 ILCS 125/17.9 rep.)

16 Section 1-330. The County Jail Act is amended by repealing
17 Sections 17.6, 17.7, 17.8, and 17.9.

18 Section 1-335. The Unified Code of Corrections is amended
19 by changing Section 5-4-1 as follows:

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

1 procedures otherwise specified, after a determination of
2 guilt, a hearing shall be held to impose the sentence.
3 However, prior to the imposition of sentence on an individual
4 being sentenced for an offense based upon a charge for a
5 violation of Section 11-501 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance, the individual must
7 undergo a professional evaluation to determine if an alcohol
8 or other drug abuse problem exists and the extent of such a
9 problem. Programs conducting these evaluations shall be
10 licensed by the Department of Human Services. However, if the
11 individual is not a resident of Illinois, the court may, in its
12 discretion, accept an evaluation from a program in the state
13 of such individual's residence. The court may in its
14 sentencing order approve an eligible defendant for placement
15 in a Department of Corrections impact incarceration program as
16 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its
17 sentencing order recommend a defendant for placement in a
18 Department of Corrections substance abuse treatment program as
19 provided in paragraph (a) of subsection (1) of Section 3-2-2
20 conditioned upon the defendant being accepted in a program by
21 the Department of Corrections. At the hearing the court shall:

22 (1) consider the evidence, if any, received upon the
23 trial;

24 (2) consider any presentence reports;

25 (3) consider the financial impact of incarceration
26 based on the financial impact statement filed with the

1 clerk of the court by the Department of Corrections;

2 (4) consider evidence and information offered by the
3 parties in aggravation and mitigation;

4 (4.5) consider substance abuse treatment, eligibility
5 screening, and an assessment, if any, of the defendant by
6 an agent designated by the State of Illinois to provide
7 assessment services for the Illinois courts;

8 (5) hear arguments as to sentencing alternatives;

9 (6) afford the defendant the opportunity to make a
10 statement in his own behalf;

11 (7) afford the victim of a violent crime or a
12 violation of Section 11-501 of the Illinois Vehicle Code,
13 or a similar provision of a local ordinance, the
14 opportunity to present an oral or written statement, as
15 guaranteed by Article I, Section 8.1 of the Illinois
16 Constitution and provided in Section 6 of the Rights of
17 Crime Victims and Witnesses Act. The court shall allow a
18 victim to make an oral statement if the victim is present
19 in the courtroom and requests to make an oral or written
20 statement. An oral or written statement includes the
21 victim or a representative of the victim reading the
22 written statement. The court may allow persons impacted by
23 the crime who are not victims under subsection (a) of
24 Section 3 of the Rights of Crime Victims and Witnesses Act
25 to present an oral or written statement. A victim and any
26 person making an oral statement shall not be put under

1 oath or subject to cross-examination. All statements
2 offered under this paragraph (7) shall become part of the
3 record of the court. In this paragraph (7), "victim of a
4 violent crime" means a person who is a victim of a violent
5 crime for which the defendant has been convicted after a
6 bench or jury trial or a person who is the victim of a
7 violent crime with which the defendant was charged and the
8 defendant has been convicted under a plea agreement of a
9 crime that is not a violent crime as defined in subsection
10 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

11 (7.5) afford a qualified person affected by: (i) a
12 violation of Section 405, 405.1, 405.2, or 407 of the
13 Illinois Controlled Substances Act or a violation of
14 Section 55 or Section 65 of the Methamphetamine Control
15 and Community Protection Act; or (ii) a Class 4 felony
16 violation of Section 11-14, 11-14.3 except as described in
17 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
18 11-18.1, or 11-19 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, committed by the defendant the
20 opportunity to make a statement concerning the impact on
21 the qualified person and to offer evidence in aggravation
22 or mitigation; provided that the statement and evidence
23 offered in aggravation or mitigation shall first be
24 prepared in writing in conjunction with the State's
25 Attorney before it may be presented orally at the hearing.
26 Sworn testimony offered by the qualified person is subject

1 to the defendant's right to cross-examine. All statements
2 and evidence offered under this paragraph (7.5) shall
3 become part of the record of the court. In this paragraph
4 (7.5), "qualified person" means any person who: (i) lived
5 or worked within the territorial jurisdiction where the
6 offense took place when the offense took place; or (ii) is
7 familiar with various public places within the territorial
8 jurisdiction where the offense took place when the offense
9 took place. "Qualified person" includes any peace officer
10 or any member of any duly organized State, county, or
11 municipal peace officer unit assigned to the territorial
12 jurisdiction where the offense took place when the offense
13 took place;

14 (8) in cases of reckless homicide afford the victim's
15 spouse, guardians, parents or other immediate family
16 members an opportunity to make oral statements;

17 (9) in cases involving a felony sex offense as defined
18 under the Sex Offender Management Board Act, consider the
19 results of the sex offender evaluation conducted pursuant
20 to Section 5-3-2 of this Act; and

21 (10) make a finding of whether a motor vehicle was
22 used in the commission of the offense for which the
23 defendant is being sentenced.

24 (b) All sentences shall be imposed by the judge based upon
25 his independent assessment of the elements specified above and
26 any agreement as to sentence reached by the parties. The judge

1 who presided at the trial or the judge who accepted the plea of
2 guilty shall impose the sentence unless he is no longer
3 sitting as a judge in that court. Where the judge does not
4 impose sentence at the same time on all defendants who are
5 convicted as a result of being involved in the same offense,
6 the defendant or the State's Attorney may advise the
7 sentencing court of the disposition of any other defendants
8 who have been sentenced.

9 (b-1) In imposing a sentence of imprisonment or periodic
10 imprisonment for a Class 3 or Class 4 felony for which a
11 sentence of probation or conditional discharge is an available
12 sentence, if the defendant has no prior sentence of probation
13 or conditional discharge and no prior conviction for a violent
14 crime, the defendant shall not be sentenced to imprisonment
15 before review and consideration of a presentence report and
16 determination and explanation of why the particular evidence,
17 information, factor in aggravation, factual finding, or other
18 reasons support a sentencing determination that one or more of
19 the factors under subsection (a) of Section 5-6-1 of this Code
20 apply and that probation or conditional discharge is not an
21 appropriate sentence.

22 (c) In imposing a sentence for a violent crime or for an
23 offense of operating or being in physical control of a vehicle
24 while under the influence of alcohol, any other drug or any
25 combination thereof, or a similar provision of a local
26 ordinance, when such offense resulted in the personal injury

1 to someone other than the defendant, the trial judge shall
2 specify on the record the particular evidence, information,
3 factors in mitigation and aggravation or other reasons that
4 led to his sentencing determination. The full verbatim record
5 of the sentencing hearing shall be filed with the clerk of the
6 court and shall be a public record.

7 (c-1) In imposing a sentence for the offense of aggravated
8 kidnapping for ransom, home invasion, armed robbery,
9 aggravated vehicular hijacking, aggravated discharge of a
10 firearm, or armed violence with a category I weapon or
11 category II weapon, the trial judge shall make a finding as to
12 whether the conduct leading to conviction for the offense
13 resulted in great bodily harm to a victim, and shall enter that
14 finding and the basis for that finding in the record.

15 ~~(c-1.5) Notwithstanding any other provision of law to the~~
16 ~~contrary, in imposing a sentence for an offense that requires~~
17 ~~a mandatory minimum sentence of imprisonment, the court may~~
18 ~~instead sentence the offender to probation, conditional~~
19 ~~discharge, or a lesser term of imprisonment it deems~~
20 ~~appropriate if: (1) the offense involves the use or possession~~
21 ~~of drugs, retail theft, or driving on a revoked license due to~~
22 ~~unpaid financial obligations; (2) the court finds that the~~
23 ~~defendant does not pose a risk to public safety; and (3) the~~
24 ~~interest of justice requires imposing a term of probation,~~
25 ~~conditional discharge, or a lesser term of imprisonment. The~~
26 ~~court must state on the record its reasons for imposing~~

1 ~~probation, conditional discharge, or a lesser term of~~
2 ~~imprisonment.~~

3 (c-2) If the defendant is sentenced to prison, other than
4 when a sentence of natural life imprisonment or a sentence of
5 death is imposed, at the time the sentence is imposed the judge
6 shall state on the record in open court the approximate period
7 of time the defendant will serve in custody according to the
8 then current statutory rules and regulations for sentence
9 credit found in Section 3-6-3 and other related provisions of
10 this Code. This statement is intended solely to inform the
11 public, has no legal effect on the defendant's actual release,
12 and may not be relied on by the defendant on appeal.

13 The judge's statement, to be given after pronouncing the
14 sentence, other than when the sentence is imposed for one of
15 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
16 shall include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois
21 as applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her
24 sentence credit, the period of estimated actual custody is ...
25 years and ... months, less up to 180 days additional earned
26 sentence credit. If the defendant, because of his or her own

1 misconduct or failure to comply with the institutional
2 regulations, does not receive those credits, the actual time
3 served in prison will be longer. The defendant may also
4 receive an additional one-half day sentence credit for each
5 day of participation in vocational, industry, substance abuse,
6 and educational programs as provided for by Illinois statute."

7 When the sentence is imposed for one of the offenses
8 enumerated in paragraph (a)(2) of Section 3-6-3, other than
9 first degree murder, and the offense was committed on or after
10 June 19, 1998, and when the sentence is imposed for reckless
11 homicide as defined in subsection (e) of Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 if the
13 offense was committed on or after January 1, 1999, and when the
14 sentence is imposed for aggravated driving under the influence
15 of alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (F) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code, and when the sentence is
19 imposed for aggravated arson if the offense was committed on
20 or after July 27, 2001 (the effective date of Public Act
21 92-176), and when the sentence is imposed for aggravated
22 driving under the influence of alcohol, other drug or drugs,
23 or intoxicating compound or compounds, or any combination
24 thereof as defined in subparagraph (C) of paragraph (1) of
25 subsection (d) of Section 11-501 of the Illinois Vehicle Code
26 committed on or after January 1, 2011 (the effective date of

1 Public Act 96-1230), the judge's statement, to be given after
2 pronouncing the sentence, shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois
7 as applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is entitled to no more than 4 1/2 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment. Therefore, this defendant will serve at least
12 85% of his or her sentence. Assuming the defendant receives 4
13 1/2 days credit for each month of his or her sentence, the
14 period of estimated actual custody is ... years and ...
15 months. If the defendant, because of his or her own misconduct
16 or failure to comply with the institutional regulations
17 receives lesser credit, the actual time served in prison will
18 be longer."

19 When a sentence of imprisonment is imposed for first
20 degree murder and the offense was committed on or after June
21 19, 1998, the judge's statement, to be given after pronouncing
22 the sentence, shall include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois

1 as applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to sentence credit.
4 Therefore, this defendant will serve 100% of his or her
5 sentence."

6 When the sentencing order recommends placement in a
7 substance abuse program for any offense that results in
8 incarceration in a Department of Corrections facility and the
9 crime was committed on or after September 1, 2003 (the
10 effective date of Public Act 93-354), the judge's statement,
11 in addition to any other judge's statement required under this
12 Section, to be given after pronouncing the sentence, shall
13 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
18 as applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant shall receive no earned sentence credit
21 under clause (3) of subsection (a) of Section 3-6-3 until he or
22 she participates in and completes a substance abuse treatment
23 program or receives a waiver from the Director of Corrections
24 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

25 (c-4) Before the sentencing hearing and as part of the
26 presentence investigation under Section 5-3-1, the court shall

1 inquire of the defendant whether the defendant is currently
2 serving in or is a veteran of the Armed Forces of the United
3 States. If the defendant is currently serving in the Armed
4 Forces of the United States or is a veteran of the Armed Forces
5 of the United States and has been diagnosed as having a mental
6 illness by a qualified psychiatrist or clinical psychologist
7 or physician, the court may:

8 (1) order that the officer preparing the presentence
9 report consult with the United States Department of
10 Veterans Affairs, Illinois Department of Veterans'
11 Affairs, or another agency or person with suitable
12 knowledge or experience for the purpose of providing the
13 court with information regarding treatment options
14 available to the defendant, including federal, State, and
15 local programming; and

16 (2) consider the treatment recommendations of any
17 diagnosing or treating mental health professionals
18 together with the treatment options available to the
19 defendant in imposing sentence.

20 For the purposes of this subsection (c-4), "qualified
21 psychiatrist" means a reputable physician licensed in Illinois
22 to practice medicine in all its branches, who has specialized
23 in the diagnosis and treatment of mental and nervous disorders
24 for a period of not less than 5 years.

25 (c-6) In imposing a sentence, the trial judge shall
26 specify, on the record, the particular evidence and other

1 reasons which led to his or her determination that a motor
2 vehicle was used in the commission of the offense.

3 (d) When the defendant is committed to the Department of
4 Corrections, the State's Attorney shall and counsel for the
5 defendant may file a statement with the clerk of the court to
6 be transmitted to the department, agency or institution to
7 which the defendant is committed to furnish such department,
8 agency or institution with the facts and circumstances of the
9 offense for which the person was committed together with all
10 other factual information accessible to them in regard to the
11 person prior to his commitment relative to his habits,
12 associates, disposition and reputation and any other facts and
13 circumstances which may aid such department, agency or
14 institution during its custody of such person. The clerk shall
15 within 10 days after receiving any such statements transmit a
16 copy to such department, agency or institution and a copy to
17 the other party, provided, however, that this shall not be
18 cause for delay in conveying the person to the department,
19 agency or institution to which he has been committed.

20 (e) The clerk of the court shall transmit to the
21 department, agency or institution, if any, to which the
22 defendant is committed, the following:

23 (1) the sentence imposed;

24 (2) any statement by the court of the basis for
25 imposing the sentence;

26 (3) any presentence reports;

1 (3.5) any sex offender evaluations;

2 (3.6) any substance abuse treatment eligibility
3 screening and assessment of the defendant by an agent
4 designated by the State of Illinois to provide assessment
5 services for the Illinois courts;

6 (4) the number of days, if any, which the defendant
7 has been in custody and for which he is entitled to credit
8 against the sentence, which information shall be provided
9 to the clerk by the sheriff;

10 (4.1) any finding of great bodily harm made by the
11 court with respect to an offense enumerated in subsection
12 (c-1);

13 (5) all statements filed under subsection (d) of this
14 Section;

15 (6) any medical or mental health records or summaries
16 of the defendant;

17 (7) the municipality where the arrest of the offender
18 or the commission of the offense has occurred, where such
19 municipality has a population of more than 25,000 persons;

20 (8) all statements made and evidence offered under
21 paragraph (7) of subsection (a) of this Section; and

22 (9) all additional matters which the court directs the
23 clerk to transmit.

24 (f) In cases in which the court finds that a motor vehicle
25 was used in the commission of the offense for which the
26 defendant is being sentenced, the clerk of the court shall,

1 within 5 days thereafter, forward a report of such conviction
2 to the Secretary of State.

3 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
4 100-961, eff. 1-1-19; revised 10-3-18; 101-652.)

5 Section 1-340. The Open Meetings Act is amended by
6 changing Section 2 as follows:

7 (5 ILCS 120/2) (from Ch. 102, par. 42)

8 Sec. 2. Open meetings.

9 (a) Openness required. All meetings of public bodies shall
10 be open to the public unless excepted in subsection (c) and
11 closed in accordance with Section 2a.

12 (b) Construction of exceptions. The exceptions contained
13 in subsection (c) are in derogation of the requirement that
14 public bodies meet in the open, and therefore, the exceptions
15 are to be strictly construed, extending only to subjects
16 clearly within their scope. The exceptions authorize but do
17 not require the holding of a closed meeting to discuss a
18 subject included within an enumerated exception.

19 (c) Exceptions. A public body may hold closed meetings to
20 consider the following subjects:

21 (1) The appointment, employment, compensation,
22 discipline, performance, or dismissal of specific
23 employees, specific individuals who serve as independent
24 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (5) The purchase or lease of real property for the use
5 of the public body, including meetings held for the
6 purpose of discussing whether a particular parcel should
7 be acquired.

8 (6) The setting of a price for sale or lease of
9 property owned by the public body.

10 (7) The sale or purchase of securities, investments,
11 or investment contracts. This exception shall not apply to
12 the investment of assets or income of funds deposited into
13 the Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel and equipment to
16 respond to an actual, a threatened, or a reasonably
17 potential danger to the safety of employees, students,
18 staff, the public, or public property.

19 (9) Student disciplinary cases.

20 (10) The placement of individual students in special
21 education programs and other matters relating to
22 individual students.

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

4 (12) The establishment of reserves or settlement of
5 claims as provided in the Local Governmental and
6 Governmental Employees Tort Immunity Act, if otherwise the
7 disposition of a claim or potential claim might be
8 prejudiced, or the review or discussion of claims, loss or
9 risk management information, records, data, advice or
10 communications from or with respect to any insurer of the
11 public body or any intergovernmental risk management
12 association or self insurance pool of which the public
13 body is a member.

14 (13) Conciliation of complaints of discrimination in
15 the sale or rental of housing, when closed meetings are
16 authorized by the law or ordinance prescribing fair
17 housing practices and creating a commission or
18 administrative agency for their enforcement.

19 (14) Informant sources, the hiring or assignment of
20 undercover personnel or equipment, or ongoing, prior or
21 future criminal investigations, when discussed by a public
22 body with criminal investigatory responsibilities.

23 (15) Professional ethics or performance when
24 considered by an advisory body appointed to advise a
25 licensing or regulatory agency on matters germane to the
26 advisory body's field of competence.

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

5 (17) The recruitment, credentialing, discipline or
6 formal peer review of physicians or other health care
7 professionals, or for the discussion of matters protected
8 under the federal Patient Safety and Quality Improvement
9 Act of 2005, and the regulations promulgated thereunder,
10 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
11 Health Insurance Portability and Accountability Act of
12 1996, and the regulations promulgated thereunder,
13 including 45 C.F.R. Parts 160, 162, and 164, by a
14 hospital, or other institution providing medical care,
15 that is operated by the public body.

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes

1 as mandated by Section 2.06.

2 (22) Deliberations for decisions of the State
3 Emergency Medical Services Disciplinary Review Board.

4 (23) The operation by a municipality of a municipal
5 utility or the operation of a municipal power agency or
6 municipal natural gas agency when the discussion involves
7 (i) contracts relating to the purchase, sale, or delivery
8 of electricity or natural gas or (ii) the results or
9 conclusions of load forecast studies.

10 (24) Meetings of a residential health care facility
11 resident sexual assault and death review team or the
12 Executive Council under the Abuse Prevention Review Team
13 Act.

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

16 (26) Meetings of a mortality review team appointed
17 under the Department of Juvenile Justice Mortality Review
18 Team Act.

19 (27) (Blank).

20 (28) Correspondence and records (i) that may not be
21 disclosed under Section 11-9 of the Illinois Public Aid
22 Code or (ii) that pertain to appeals under Section 11-8 of
23 the Illinois Public Aid Code.

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

5 (30) Those meetings or portions of meetings of a
6 fatality review team or the Illinois Fatality Review Team
7 Advisory Council during which a review of the death of an
8 eligible adult in which abuse or neglect is suspected,
9 alleged, or substantiated is conducted pursuant to Section
10 15 of the Adult Protective Services Act.

11 (31) Meetings and deliberations for decisions of the
12 Concealed Carry Licensing Review Board under the Firearm
13 Concealed Carry Act.

14 (32) Meetings between the Regional Transportation
15 Authority Board and its Service Boards when the discussion
16 involves review by the Regional Transportation Authority
17 Board of employment contracts under Section 28d of the
18 Metropolitan Transit Authority Act and Sections 3A.18 and
19 3B.26 of the Regional Transportation Authority Act.

20 (33) Those meetings or portions of meetings of the
21 advisory committee and peer review subcommittee created
22 under Section 320 of the Illinois Controlled Substances
23 Act during which specific controlled substance prescriber,
24 dispenser, or patient information is discussed.

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

2 (35) Meetings of the group established to discuss
3 Medicaid capitation rates under Section 5-30.8 of the
4 Illinois Public Aid Code.

5 (36) Those deliberations or portions of deliberations
6 for decisions of the Illinois Gaming Board in which there
7 is discussed any of the following: (i) personal,
8 commercial, financial, or other information obtained from
9 any source that is privileged, proprietary, confidential,
10 or a trade secret; or (ii) information specifically
11 exempted from the disclosure by federal or State law.

12 ~~(37) Deliberations for decisions of the Illinois Law~~
13 ~~Enforcement Training Standards Board, the Certification~~
14 ~~Review Panel, and the Illinois State Police Merit Board~~
15 ~~regarding certification and decertification.~~

16 (38) Meetings of the Ad Hoc Statewide Domestic
17 Violence Fatality Review Committee of the Illinois
18 Criminal Justice Information Authority Board that occur in
19 closed executive session under subsection (d) of Section
20 35 of the Domestic Violence Fatality Review Act.

21 (39) Meetings of the regional review teams under
22 subsection (a) of Section 75 of the Domestic Violence
23 Fatality Review Act.

24 (40) ~~(38)~~ Meetings of the Firearm Owner's
25 Identification Card Review Board under Section 10 of the
26 Firearm Owners Identification Card Act.

1 (d) Definitions. For purposes of this Section:

2 "Employee" means a person employed by a public body whose
3 relationship with the public body constitutes an
4 employer-employee relationship under the usual common law
5 rules, and who is not an independent contractor.

6 "Public office" means a position created by or under the
7 Constitution or laws of this State, the occupant of which is
8 charged with the exercise of some portion of the sovereign
9 power of this State. The term "public office" shall include
10 members of the public body, but it shall not include
11 organizational positions filled by members thereof, whether
12 established by law or by a public body itself, that exist to
13 assist the body in the conduct of its business.

14 "Quasi-adjudicative body" means an administrative body
15 charged by law or ordinance with the responsibility to conduct
16 hearings, receive evidence or testimony and make
17 determinations based thereon, but does not include local
18 electoral boards when such bodies are considering petition
19 challenges.

20 (e) Final action. No final action may be taken at a closed
21 meeting. Final action shall be preceded by a public recital of
22 the nature of the matter being considered and other
23 information that will inform the public of the business being
24 conducted.

25 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
26 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.

1 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

2 Section 1-345. The Freedom of Information Act is amended
3 by changing Sections 7 and 7.5 as follows:

4 (5 ILCS 140/7)

5 (Text of Section before amendment by P.A. 102-982)

6 Sec. 7. Exemptions.

7 (1) When a request is made to inspect or copy a public
8 record that contains information that is exempt from
9 disclosure under this Section, but also contains information
10 that is not exempt from disclosure, the public body may elect
11 to redact the information that is exempt. The public body
12 shall make the remaining information available for inspection
13 and copying. Subject to this requirement, the following shall
14 be exempt from inspection and copying:

15 (a) Information specifically prohibited from
16 disclosure by federal or State law or rules and
17 regulations implementing federal or State law.

18 (b) Private information, unless disclosure is required
19 by another provision of this Act, a State or federal law,
20 or a court order.

21 (b-5) Files, documents, and other data or databases
22 maintained by one or more law enforcement agencies and
23 specifically designed to provide information to one or
24 more law enforcement agencies regarding the physical or

1 mental status of one or more individual subjects.

2 (c) Personal information contained within public
3 records, the disclosure of which would constitute a
4 clearly unwarranted invasion of personal privacy, unless
5 the disclosure is consented to in writing by the
6 individual subjects of the information. "Unwarranted
7 invasion of personal privacy" means the disclosure of
8 information that is highly personal or objectionable to a
9 reasonable person and in which the subject's right to
10 privacy outweighs any legitimate public interest in
11 obtaining the information. The disclosure of information
12 that bears on the public duties of public employees and
13 officials shall not be considered an invasion of personal
14 privacy.

15 (d) Records in the possession of any public body
16 created in the course of administrative enforcement
17 proceedings, and any law enforcement or correctional
18 agency for law enforcement purposes, but only to the
19 extent that disclosure would:

20 (i) interfere with pending or actually and
21 reasonably contemplated law enforcement proceedings
22 conducted by any law enforcement or correctional
23 agency that is the recipient of the request;

24 (ii) interfere with active administrative
25 enforcement proceedings conducted by the public body
26 that is the recipient of the request;

1 (iii) create a substantial likelihood that a
2 person will be deprived of a fair trial or an impartial
3 hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source, confidential information
6 furnished only by the confidential source, or persons
7 who file complaints with or provide information to
8 administrative, investigative, law enforcement, or
9 penal agencies; except that the identities of
10 witnesses to traffic accidents, traffic accident
11 reports, and rescue reports shall be provided by
12 agencies of local government, except when disclosure
13 would interfere with an active criminal investigation
14 conducted by the agency that is the recipient of the
15 request;

16 (v) disclose unique or specialized investigative
17 techniques other than those generally used and known
18 or disclose internal documents of correctional
19 agencies related to detection, observation, or
20 investigation of incidents of crime or misconduct, and
21 disclosure would result in demonstrable harm to the
22 agency or public body that is the recipient of the
23 request;

24 (vi) endanger the life or physical safety of law
25 enforcement personnel or any other person; or

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law
3 enforcement purposes and contained in a shared electronic
4 record management system if the law enforcement agency
5 that is the recipient of the request did not create the
6 record, did not participate in or have a role in any of the
7 events which are the subject of the record, and only has
8 access to the record through the shared electronic record
9 management system.

10 ~~(d-6) Records contained in the Officer Professional~~
11 ~~Conduct Database under Section 9.2 of the Illinois Police~~
12 ~~Training Act, except to the extent authorized under that~~
13 ~~Section. This includes the documents supplied to the~~
14 ~~Illinois Law Enforcement Training Standards Board from the~~
15 ~~Illinois State Police and Illinois State Police Merit~~
16 ~~Board.~~

17 (e) Records that relate to or affect the security of
18 correctional institutions and detention facilities.

19 (e-5) Records requested by persons committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail if those
22 materials are available in the library of the correctional
23 institution or facility or jail where the inmate is
24 confined.

25 (e-6) Records requested by persons committed to the
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail if those
2 materials include records from staff members' personnel
3 files, staff rosters, or other staffing assignment
4 information.

5 (e-7) Records requested by persons committed to the
6 Department of Corrections or Department of Human Services
7 Division of Mental Health if those materials are available
8 through an administrative request to the Department of
9 Corrections or Department of Human Services Division of
10 Mental Health.

11 (e-8) Records requested by a person committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail, the
14 disclosure of which would result in the risk of harm to any
15 person or the risk of an escape from a jail or correctional
16 institution or facility.

17 (e-9) Records requested by a person in a county jail
18 or committed to the Department of Corrections or
19 Department of Human Services Division of Mental Health,
20 containing personal information pertaining to the person's
21 victim or the victim's family, including, but not limited
22 to, a victim's home address, home telephone number, work
23 or school address, work telephone number, social security
24 number, or any other identifying information, except as
25 may be relevant to a requester's current or potential case
26 or claim.

1 (e-10) Law enforcement records of other persons
2 requested by a person committed to the Department of
3 Corrections, Department of Human Services Division of
4 Mental Health, or a county jail, including, but not
5 limited to, arrest and booking records, mug shots, and
6 crime scene photographs, except as these records may be
7 relevant to the requester's current or potential case or
8 claim.

9 (f) Preliminary drafts, notes, recommendations,
10 memoranda, and other records in which opinions are
11 expressed, or policies or actions are formulated, except
12 that a specific record or relevant portion of a record
13 shall not be exempt when the record is publicly cited and
14 identified by the head of the public body. The exemption
15 provided in this paragraph (f) extends to all those
16 records of officers and agencies of the General Assembly
17 that pertain to the preparation of legislative documents.

18 (g) Trade secrets and commercial or financial
19 information obtained from a person or business where the
20 trade secrets or commercial or financial information are
21 furnished under a claim that they are proprietary,
22 privileged, or confidential, and that disclosure of the
23 trade secrets or commercial or financial information would
24 cause competitive harm to the person or business, and only
25 insofar as the claim directly applies to the records
26 requested.

1 The information included under this exemption includes
2 all trade secrets and commercial or financial information
3 obtained by a public body, including a public pension
4 fund, from a private equity fund or a privately held
5 company within the investment portfolio of a private
6 equity fund as a result of either investing or evaluating
7 a potential investment of public funds in a private equity
8 fund. The exemption contained in this item does not apply
9 to the aggregate financial performance information of a
10 private equity fund, nor to the identity of the fund's
11 managers or general partners. The exemption contained in
12 this item does not apply to the identity of a privately
13 held company within the investment portfolio of a private
14 equity fund, unless the disclosure of the identity of a
15 privately held company may cause competitive harm.

16 Nothing contained in this paragraph (g) shall be
17 construed to prevent a person or business from consenting
18 to disclosure.

19 (h) Proposals and bids for any contract, grant, or
20 agreement, including information which if it were
21 disclosed would frustrate procurement or give an advantage
22 to any person proposing to enter into a contractor
23 agreement with the body, until an award or final selection
24 is made. Information prepared by or for the body in
25 preparation of a bid solicitation shall be exempt until an
26 award or final selection is made.

1 (i) Valuable formulae, computer geographic systems,
2 designs, drawings, and research data obtained or produced
3 by any public body when disclosure could reasonably be
4 expected to produce private gain or public loss. The
5 exemption for "computer geographic systems" provided in
6 this paragraph (i) does not extend to requests made by
7 news media as defined in Section 2 of this Act when the
8 requested information is not otherwise exempt and the only
9 purpose of the request is to access and disseminate
10 information regarding the health, safety, welfare, or
11 legal rights of the general public.

12 (j) The following information pertaining to
13 educational matters:

14 (i) test questions, scoring keys, and other
15 examination data used to administer an academic
16 examination;

17 (ii) information received by a primary or
18 secondary school, college, or university under its
19 procedures for the evaluation of faculty members by
20 their academic peers;

21 (iii) information concerning a school or
22 university's adjudication of student disciplinary
23 cases, but only to the extent that disclosure would
24 unavoidably reveal the identity of the student; and

25 (iv) course materials or research materials used
26 by faculty members.

1 (k) Architects' plans, engineers' technical
2 submissions, and other construction related technical
3 documents for projects not constructed or developed in
4 whole or in part with public funds and the same for
5 projects constructed or developed with public funds,
6 including, but not limited to, power generating and
7 distribution stations and other transmission and
8 distribution facilities, water treatment facilities,
9 airport facilities, sport stadiums, convention centers,
10 and all government owned, operated, or occupied buildings,
11 but only to the extent that disclosure would compromise
12 security.

13 (1) Minutes of meetings of public bodies closed to the
14 public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public
16 under Section 2.06 of the Open Meetings Act.

17 (m) Communications between a public body and an
18 attorney or auditor representing the public body that
19 would not be subject to discovery in litigation, and
20 materials prepared or compiled by or for a public body in
21 anticipation of a criminal, civil, or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (n) Records relating to a public body's adjudication
26 of employee grievances or disciplinary cases; however,

1 this exemption shall not extend to the final outcome of
2 cases in which discipline is imposed.

3 (o) Administrative or technical information associated
4 with automated data processing operations, including, but
5 not limited to, software, operating protocols, computer
6 program abstracts, file layouts, source listings, object
7 modules, load modules, user guides, documentation
8 pertaining to all logical and physical design of
9 computerized systems, employee manuals, and any other
10 information that, if disclosed, would jeopardize the
11 security of the system or its data or the security of
12 materials exempt under this Section.

13 (p) Records relating to collective negotiating matters
14 between public bodies and their employees or
15 representatives, except that any final contract or
16 agreement shall be subject to inspection and copying.

17 (q) Test questions, scoring keys, and other
18 examination data used to determine the qualifications of
19 an applicant for a license or employment.

20 (r) The records, documents, and information relating
21 to real estate purchase negotiations until those
22 negotiations have been completed or otherwise terminated.
23 With regard to a parcel involved in a pending or actually
24 and reasonably contemplated eminent domain proceeding
25 under the Eminent Domain Act, records, documents, and
26 information relating to that parcel shall be exempt except

1 as may be allowed under discovery rules adopted by the
2 Illinois Supreme Court. The records, documents, and
3 information relating to a real estate sale shall be exempt
4 until a sale is consummated.

5 (s) Any and all proprietary information and records
6 related to the operation of an intergovernmental risk
7 management association or self-insurance pool or jointly
8 self-administered health and accident cooperative or pool.
9 Insurance or self-insurance ~~self-insurance~~ (including any
10 intergovernmental risk management association or
11 self-insurance ~~self-insurance~~ pool) claims, loss or risk
12 management information, records, data, advice, or
13 communications.

14 (t) Information contained in or related to
15 examination, operating, or condition reports prepared by,
16 on behalf of, or for the use of a public body responsible
17 for the regulation or supervision of financial
18 institutions, insurance companies, or pharmacy benefit
19 managers, unless disclosure is otherwise required by State
20 law.

21 (u) Information that would disclose or might lead to
22 the disclosure of secret or confidential information,
23 codes, algorithms, programs, or private keys intended to
24 be used to create electronic signatures under the Uniform
25 Electronic Transactions Act.

26 (v) Vulnerability assessments, security measures, and

1 response policies or plans that are designed to identify,
2 prevent, or respond to potential attacks upon a
3 community's population or systems, facilities, or
4 installations, but only to the extent that disclosure
5 could reasonably be expected to expose the vulnerability
6 or jeopardize the effectiveness of the measures, policies,
7 or plans, or the safety of the personnel who implement
8 them or the public. Information exempt under this item may
9 include such things as details pertaining to the
10 mobilization or deployment of personnel or equipment, to
11 the operation of communication systems or protocols, to
12 cybersecurity vulnerabilities, or to tactical operations.

13 (w) (Blank).

14 (x) Maps and other records regarding the location or
15 security of generation, transmission, distribution,
16 storage, gathering, treatment, or switching facilities
17 owned by a utility, by a power generator, or by the
18 Illinois Power Agency.

19 (y) Information contained in or related to proposals,
20 bids, or negotiations related to electric power
21 procurement under Section 1-75 of the Illinois Power
22 Agency Act and Section 16-111.5 of the Public Utilities
23 Act that is determined to be confidential and proprietary
24 by the Illinois Power Agency or by the Illinois Commerce
25 Commission.

26 (z) Information about students exempted from

1 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
2 the School Code, and information about undergraduate
3 students enrolled at an institution of higher education
4 exempted from disclosure under Section 25 of the Illinois
5 Credit Card Marketing Act of 2009.

6 (aa) Information the disclosure of which is exempted
7 under the Viatical Settlements Act of 2009.

8 (bb) Records and information provided to a mortality
9 review team and records maintained by a mortality review
10 team appointed under the Department of Juvenile Justice
11 Mortality Review Team Act.

12 (cc) Information regarding interments, entombments, or
13 inurnments of human remains that are submitted to the
14 Cemetery Oversight Database under the Cemetery Care Act or
15 the Cemetery Oversight Act, whichever is applicable.

16 (dd) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Illinois Public Aid
18 Code or (ii) that pertain to appeals under Section 11-8 of
19 the Illinois Public Aid Code.

20 (ee) The names, addresses, or other personal
21 information of persons who are minors and are also
22 participants and registrants in programs of park
23 districts, forest preserve districts, conservation
24 districts, recreation agencies, and special recreation
25 associations.

26 (ff) The names, addresses, or other personal

1 information of participants and registrants in programs of
2 park districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations where such programs are targeted primarily to
5 minors.

6 (gg) Confidential information described in Section
7 1-100 of the Illinois Independent Tax Tribunal Act of
8 2012.

9 (hh) The report submitted to the State Board of
10 Education by the School Security and Standards Task Force
11 under item (8) of subsection (d) of Section 2-3.160 of the
12 School Code and any information contained in that report.

13 (ii) Records requested by persons committed to or
14 detained by the Department of Human Services under the
15 Sexually Violent Persons Commitment Act or committed to
16 the Department of Corrections under the Sexually Dangerous
17 Persons Act if those materials: (i) are available in the
18 library of the facility where the individual is confined;
19 (ii) include records from staff members' personnel files,
20 staff rosters, or other staffing assignment information;
21 or (iii) are available through an administrative request
22 to the Department of Human Services or the Department of
23 Corrections.

24 (jj) Confidential information described in Section
25 5-535 of the Civil Administrative Code of Illinois.

26 (kk) The public body's credit card numbers, debit card

1 numbers, bank account numbers, Federal Employer
2 Identification Number, security code numbers, passwords,
3 and similar account information, the disclosure of which
4 could result in identity theft or impersonation or defrauding
5 of a governmental entity or a person.

6 (ll) Records concerning the work of the threat
7 assessment team of a school district, including, but not
8 limited to, any threat assessment procedure under the
9 School Safety Drill Act and any information contained in
10 the procedure.

11 (mm) Information prohibited from being disclosed under
12 subsections (a) and (b) of Section 15 of the Student
13 Confidential Reporting Act.

14 (nn) ~~(mm)~~ Proprietary information submitted to the
15 Environmental Protection Agency under the Drug Take-Back
16 Act.

17 (oo) ~~(mm)~~ Records described in subsection (f) of
18 Section 3-5-1 of the Unified Code of Corrections.

19 (1.5) Any information exempt from disclosure under the
20 Judicial Privacy Act shall be redacted from public records
21 prior to disclosure under this Act.

22 (2) A public record that is not in the possession of a
23 public body but is in the possession of a party with whom the
24 agency has contracted to perform a governmental function on
25 behalf of the public body, and that directly relates to the
26 governmental function and is not otherwise exempt under this

1 Act, shall be considered a public record of the public body,
2 for purposes of this Act.

3 (3) This Section does not authorize withholding of
4 information or limit the availability of records to the
5 public, except as stated in this Section or otherwise provided
6 in this Act.

7 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
8 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
9 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
10 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
11 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
12 12-13-22.)

13 (Text of Section after amendment by P.A. 102-982)

14 Sec. 7. Exemptions.

15 (1) When a request is made to inspect or copy a public
16 record that contains information that is exempt from
17 disclosure under this Section, but also contains information
18 that is not exempt from disclosure, the public body may elect
19 to redact the information that is exempt. The public body
20 shall make the remaining information available for inspection
21 and copying. Subject to this requirement, the following shall
22 be exempt from inspection and copying:

23 (a) Information specifically prohibited from
24 disclosure by federal or State law or rules and
25 regulations implementing federal or State law.

1 (b) Private information, unless disclosure is required
2 by another provision of this Act, a State or federal law,
3 or a court order.

4 (b-5) Files, documents, and other data or databases
5 maintained by one or more law enforcement agencies and
6 specifically designed to provide information to one or
7 more law enforcement agencies regarding the physical or
8 mental status of one or more individual subjects.

9 (c) Personal information contained within public
10 records, the disclosure of which would constitute a
11 clearly unwarranted invasion of personal privacy, unless
12 the disclosure is consented to in writing by the
13 individual subjects of the information. "Unwarranted
14 invasion of personal privacy" means the disclosure of
15 information that is highly personal or objectionable to a
16 reasonable person and in which the subject's right to
17 privacy outweighs any legitimate public interest in
18 obtaining the information. The disclosure of information
19 that bears on the public duties of public employees and
20 officials shall not be considered an invasion of personal
21 privacy.

22 (d) Records in the possession of any public body
23 created in the course of administrative enforcement
24 proceedings, and any law enforcement or correctional
25 agency for law enforcement purposes, but only to the
26 extent that disclosure would:

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency that is the recipient of the request;

5 (ii) interfere with active administrative
6 enforcement proceedings conducted by the public body
7 that is the recipient of the request;

8 (iii) create a substantial likelihood that a
9 person will be deprived of a fair trial or an impartial
10 hearing;

11 (iv) unavoidably disclose the identity of a
12 confidential source, confidential information
13 furnished only by the confidential source, or persons
14 who file complaints with or provide information to
15 administrative, investigative, law enforcement, or
16 penal agencies; except that the identities of
17 witnesses to traffic crashes, traffic crash reports,
18 and rescue reports shall be provided by agencies of
19 local government, except when disclosure would
20 interfere with an active criminal investigation
21 conducted by the agency that is the recipient of the
22 request;

23 (v) disclose unique or specialized investigative
24 techniques other than those generally used and known
25 or disclose internal documents of correctional
26 agencies related to detection, observation, or

1 investigation of incidents of crime or misconduct, and
2 disclosure would result in demonstrable harm to the
3 agency or public body that is the recipient of the
4 request;

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

7 (vii) obstruct an ongoing criminal investigation
8 by the agency that is the recipient of the request.

9 (d-5) A law enforcement record created for law
10 enforcement purposes and contained in a shared electronic
11 record management system if the law enforcement agency
12 that is the recipient of the request did not create the
13 record, did not participate in or have a role in any of the
14 events which are the subject of the record, and only has
15 access to the record through the shared electronic record
16 management system.

17 ~~(d-6) Records contained in the Officer Professional~~
18 ~~Conduct Database under Section 9.2 of the Illinois Police~~
19 ~~Training Act, except to the extent authorized under that~~
20 ~~Section. This includes the documents supplied to the~~
21 ~~Illinois Law Enforcement Training Standards Board from the~~
22 ~~Illinois State Police and Illinois State Police Merit~~
23 ~~Board.~~

24 (e) Records that relate to or affect the security of
25 correctional institutions and detention facilities.

26 (e-5) Records requested by persons committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail if those
3 materials are available in the library of the correctional
4 institution or facility or jail where the inmate is
5 confined.

6 (e-6) Records requested by persons committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail if those
9 materials include records from staff members' personnel
10 files, staff rosters, or other staffing assignment
11 information.

12 (e-7) Records requested by persons committed to the
13 Department of Corrections or Department of Human Services
14 Division of Mental Health if those materials are available
15 through an administrative request to the Department of
16 Corrections or Department of Human Services Division of
17 Mental Health.

18 (e-8) Records requested by a person committed to the
19 Department of Corrections, Department of Human Services
20 Division of Mental Health, or a county jail, the
21 disclosure of which would result in the risk of harm to any
22 person or the risk of an escape from a jail or correctional
23 institution or facility.

24 (e-9) Records requested by a person in a county jail
25 or committed to the Department of Corrections or
26 Department of Human Services Division of Mental Health,

1 containing personal information pertaining to the person's
2 victim or the victim's family, including, but not limited
3 to, a victim's home address, home telephone number, work
4 or school address, work telephone number, social security
5 number, or any other identifying information, except as
6 may be relevant to a requester's current or potential case
7 or claim.

8 (e-10) Law enforcement records of other persons
9 requested by a person committed to the Department of
10 Corrections, Department of Human Services Division of
11 Mental Health, or a county jail, including, but not
12 limited to, arrest and booking records, mug shots, and
13 crime scene photographs, except as these records may be
14 relevant to the requester's current or potential case or
15 claim.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda, and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those
23 records of officers and agencies of the General Assembly
24 that pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the

1 trade secrets or commercial or financial information are
2 furnished under a claim that they are proprietary,
3 privileged, or confidential, and that disclosure of the
4 trade secrets or commercial or financial information would
5 cause competitive harm to the person or business, and only
6 insofar as the claim directly applies to the records
7 requested.

8 The information included under this exemption includes
9 all trade secrets and commercial or financial information
10 obtained by a public body, including a public pension
11 fund, from a private equity fund or a privately held
12 company within the investment portfolio of a private
13 equity fund as a result of either investing or evaluating
14 a potential investment of public funds in a private equity
15 fund. The exemption contained in this item does not apply
16 to the aggregate financial performance information of a
17 private equity fund, nor to the identity of the fund's
18 managers or general partners. The exemption contained in
19 this item does not apply to the identity of a privately
20 held company within the investment portfolio of a private
21 equity fund, unless the disclosure of the identity of a
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be
24 construed to prevent a person or business from consenting
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were
2 disclosed would frustrate procurement or give an advantage
3 to any person proposing to enter into a contractor
4 agreement with the body, until an award or final selection
5 is made. Information prepared by or for the body in
6 preparation of a bid solicitation shall be exempt until an
7 award or final selection is made.

8 (i) Valuable formulae, computer geographic systems,
9 designs, drawings, and research data obtained or produced
10 by any public body when disclosure could reasonably be
11 expected to produce private gain or public loss. The
12 exemption for "computer geographic systems" provided in
13 this paragraph (i) does not extend to requests made by
14 news media as defined in Section 2 of this Act when the
15 requested information is not otherwise exempt and the only
16 purpose of the request is to access and disseminate
17 information regarding the health, safety, welfare, or
18 legal rights of the general public.

19 (j) The following information pertaining to
20 educational matters:

21 (i) test questions, scoring keys, and other
22 examination data used to administer an academic
23 examination;

24 (ii) information received by a primary or
25 secondary school, college, or university under its
26 procedures for the evaluation of faculty members by

1 their academic peers;

2 (iii) information concerning a school or
3 university's adjudication of student disciplinary
4 cases, but only to the extent that disclosure would
5 unavoidably reveal the identity of the student; and

6 (iv) course materials or research materials used
7 by faculty members.

8 (k) Architects' plans, engineers' technical
9 submissions, and other construction related technical
10 documents for projects not constructed or developed in
11 whole or in part with public funds and the same for
12 projects constructed or developed with public funds,
13 including, but not limited to, power generating and
14 distribution stations and other transmission and
15 distribution facilities, water treatment facilities,
16 airport facilities, sport stadiums, convention centers,
17 and all government owned, operated, or occupied buildings,
18 but only to the extent that disclosure would compromise
19 security.

20 (1) Minutes of meetings of public bodies closed to the
21 public as provided in the Open Meetings Act until the
22 public body makes the minutes available to the public
23 under Section 2.06 of the Open Meetings Act.

24 (m) Communications between a public body and an
25 attorney or auditor representing the public body that
26 would not be subject to discovery in litigation, and

1 materials prepared or compiled by or for a public body in
2 anticipation of a criminal, civil, or administrative
3 proceeding upon the request of an attorney advising the
4 public body, and materials prepared or compiled with
5 respect to internal audits of public bodies.

6 (n) Records relating to a public body's adjudication
7 of employee grievances or disciplinary cases; however,
8 this exemption shall not extend to the final outcome of
9 cases in which discipline is imposed.

10 (o) Administrative or technical information associated
11 with automated data processing operations, including, but
12 not limited to, software, operating protocols, computer
13 program abstracts, file layouts, source listings, object
14 modules, load modules, user guides, documentation
15 pertaining to all logical and physical design of
16 computerized systems, employee manuals, and any other
17 information that, if disclosed, would jeopardize the
18 security of the system or its data or the security of
19 materials exempt under this Section.

20 (p) Records relating to collective negotiating matters
21 between public bodies and their employees or
22 representatives, except that any final contract or
23 agreement shall be subject to inspection and copying.

24 (q) Test questions, scoring keys, and other
25 examination data used to determine the qualifications of
26 an applicant for a license or employment.

1 (r) The records, documents, and information relating
2 to real estate purchase negotiations until those
3 negotiations have been completed or otherwise terminated.
4 With regard to a parcel involved in a pending or actually
5 and reasonably contemplated eminent domain proceeding
6 under the Eminent Domain Act, records, documents, and
7 information relating to that parcel shall be exempt except
8 as may be allowed under discovery rules adopted by the
9 Illinois Supreme Court. The records, documents, and
10 information relating to a real estate sale shall be exempt
11 until a sale is consummated.

12 (s) Any and all proprietary information and records
13 related to the operation of an intergovernmental risk
14 management association or self-insurance pool or jointly
15 self-administered health and accident cooperative or pool.
16 Insurance or self-insurance ~~self-insurance~~ (including any
17 intergovernmental risk management association or
18 self-insurance ~~self-insurance~~ pool) claims, loss or risk
19 management information, records, data, advice, or
20 communications.

21 (t) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions, insurance companies, or pharmacy benefit
26 managers, unless disclosure is otherwise required by State

1 law.

2 (u) Information that would disclose or might lead to
3 the disclosure of secret or confidential information,
4 codes, algorithms, programs, or private keys intended to
5 be used to create electronic signatures under the Uniform
6 Electronic Transactions Act.

7 (v) Vulnerability assessments, security measures, and
8 response policies or plans that are designed to identify,
9 prevent, or respond to potential attacks upon a
10 community's population or systems, facilities, or
11 installations, but only to the extent that disclosure
12 could reasonably be expected to expose the vulnerability
13 or jeopardize the effectiveness of the measures, policies,
14 or plans, or the safety of the personnel who implement
15 them or the public. Information exempt under this item may
16 include such things as details pertaining to the
17 mobilization or deployment of personnel or equipment, to
18 the operation of communication systems or protocols, to
19 cybersecurity vulnerabilities, or to tactical operations.

20 (w) (Blank).

21 (x) Maps and other records regarding the location or
22 security of generation, transmission, distribution,
23 storage, gathering, treatment, or switching facilities
24 owned by a utility, by a power generator, or by the
25 Illinois Power Agency.

26 (y) Information contained in or related to proposals,

1 bids, or negotiations related to electric power
2 procurement under Section 1-75 of the Illinois Power
3 Agency Act and Section 16-111.5 of the Public Utilities
4 Act that is determined to be confidential and proprietary
5 by the Illinois Power Agency or by the Illinois Commerce
6 Commission.

7 (z) Information about students exempted from
8 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
9 the School Code, and information about undergraduate
10 students enrolled at an institution of higher education
11 exempted from disclosure under Section 25 of the Illinois
12 Credit Card Marketing Act of 2009.

13 (aa) Information the disclosure of which is exempted
14 under the Viatical Settlements Act of 2009.

15 (bb) Records and information provided to a mortality
16 review team and records maintained by a mortality review
17 team appointed under the Department of Juvenile Justice
18 Mortality Review Team Act.

19 (cc) Information regarding interments, entombments, or
20 inurnments of human remains that are submitted to the
21 Cemetery Oversight Database under the Cemetery Care Act or
22 the Cemetery Oversight Act, whichever is applicable.

23 (dd) Correspondence and records (i) that may not be
24 disclosed under Section 11-9 of the Illinois Public Aid
25 Code or (ii) that pertain to appeals under Section 11-8 of
26 the Illinois Public Aid Code.

1 (ee) The names, addresses, or other personal
2 information of persons who are minors and are also
3 participants and registrants in programs of park
4 districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations.

7 (ff) The names, addresses, or other personal
8 information of participants and registrants in programs of
9 park districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations where such programs are targeted primarily to
12 minors.

13 (gg) Confidential information described in Section
14 1-100 of the Illinois Independent Tax Tribunal Act of
15 2012.

16 (hh) The report submitted to the State Board of
17 Education by the School Security and Standards Task Force
18 under item (8) of subsection (d) of Section 2-3.160 of the
19 School Code and any information contained in that report.

20 (ii) Records requested by persons committed to or
21 detained by the Department of Human Services under the
22 Sexually Violent Persons Commitment Act or committed to
23 the Department of Corrections under the Sexually Dangerous
24 Persons Act if those materials: (i) are available in the
25 library of the facility where the individual is confined;
26 (ii) include records from staff members' personnel files,

1 staff rosters, or other staffing assignment information;
2 or (iii) are available through an administrative request
3 to the Department of Human Services or the Department of
4 Corrections.

5 (jj) Confidential information described in Section
6 5-535 of the Civil Administrative Code of Illinois.

7 (kk) The public body's credit card numbers, debit card
8 numbers, bank account numbers, Federal Employer
9 Identification Number, security code numbers, passwords,
10 and similar account information, the disclosure of which
11 could result in identity theft or impersonation or defrauding
12 of a governmental entity or a person.

13 (ll) Records concerning the work of the threat
14 assessment team of a school district, including, but not
15 limited to, any threat assessment procedure under the
16 School Safety Drill Act and any information contained in
17 the procedure.

18 (mm) Information prohibited from being disclosed under
19 subsections (a) and (b) of Section 15 of the Student
20 Confidential Reporting Act.

21 (nn) ~~(mm)~~ Proprietary information submitted to the
22 Environmental Protection Agency under the Drug Take-Back
23 Act.

24 (oo) ~~(mm)~~ Records described in subsection (f) of
25 Section 3-5-1 of the Unified Code of Corrections.

26 (1.5) Any information exempt from disclosure under the

1 Judicial Privacy Act shall be redacted from public records
2 prior to disclosure under this Act.

3 (2) A public record that is not in the possession of a
4 public body but is in the possession of a party with whom the
5 agency has contracted to perform a governmental function on
6 behalf of the public body, and that directly relates to the
7 governmental function and is not otherwise exempt under this
8 Act, shall be considered a public record of the public body,
9 for purposes of this Act.

10 (3) This Section does not authorize withholding of
11 information or limit the availability of records to the
12 public, except as stated in this Section or otherwise provided
13 in this Act.

14 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
15 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
16 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
17 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
18 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
19 6-10-22; revised 12-13-22.)

20 (5 ILCS 140/7.5)

21 Sec. 7.5. Statutory exemptions. To the extent provided for
22 by the statutes referenced below, the following shall be
23 exempt from inspection and copying:

24 (a) All information determined to be confidential
25 under Section 4002 of the Technology Advancement and

1 Development Act.

2 (b) Library circulation and order records identifying
3 library users with specific materials under the Library
4 Records Confidentiality Act.

5 (c) Applications, related documents, and medical
6 records received by the Experimental Organ Transplantation
7 Procedures Board and any and all documents or other
8 records prepared by the Experimental Organ Transplantation
9 Procedures Board or its staff relating to applications it
10 has received.

11 (d) Information and records held by the Department of
12 Public Health and its authorized representatives relating
13 to known or suspected cases of sexually transmissible
14 disease or any information the disclosure of which is
15 restricted under the Illinois Sexually Transmissible
16 Disease Control Act.

17 (e) Information the disclosure of which is exempted
18 under Section 30 of the Radon Industry Licensing Act.

19 (f) Firm performance evaluations under Section 55 of
20 the Architectural, Engineering, and Land Surveying
21 Qualifications Based Selection Act.

22 (g) Information the disclosure of which is restricted
23 and exempted under Section 50 of the Illinois Prepaid
24 Tuition Act.

25 (h) Information the disclosure of which is exempted
26 under the State Officials and Employees Ethics Act, and

1 records of any lawfully created State or local inspector
2 general's office that would be exempt if created or
3 obtained by an Executive Inspector General's office under
4 that Act.

5 (i) Information contained in a local emergency energy
6 plan submitted to a municipality in accordance with a
7 local emergency energy plan ordinance that is adopted
8 under Section 11-21.5-5 of the Illinois Municipal Code.

9 (j) Information and data concerning the distribution
10 of surcharge moneys collected and remitted by carriers
11 under the Emergency Telephone System Act.

12 (k) Law enforcement officer identification information
13 or driver identification information compiled by a law
14 enforcement agency or the Department of Transportation
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Executive Council under the Abuse
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the

1 Capital Crimes Litigation Act. This subsection (n) shall
2 apply until the conclusion of the trial of the case, even
3 if the prosecution chooses not to pursue the death penalty
4 prior to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Department of Transportation under Sections 2705-300 and
12 2705-616 of the Department of Transportation Law of the
13 Civil Administrative Code of Illinois, the Regional
14 Transportation Authority under Section 2.11 of the
15 Regional Transportation Authority Act, or the St. Clair
16 County Transit District under the Bi-State Transit Safety
17 Act.

18 (q) Information prohibited from being disclosed by the
19 Personnel Record Review Act.

20 (r) Information prohibited from being disclosed by the
21 Illinois School Student Records Act.

22 (s) Information the disclosure of which is restricted
23 under Section 5-108 of the Public Utilities Act.

24 (t) All identified or deidentified health information
25 in the form of health data or medical records contained
26 in, stored in, submitted to, transferred by, or released

1 from the Illinois Health Information Exchange, and
2 identified or deidentified health information in the form
3 of health data and medical records of the Illinois Health
4 Information Exchange in the possession of the Illinois
5 Health Information Exchange Office due to its
6 administration of the Illinois Health Information
7 Exchange. The terms "identified" and "deidentified" shall
8 be given the same meaning as in the Health Insurance
9 Portability and Accountability Act of 1996, Public Law
10 104-191, or any subsequent amendments thereto, and any
11 regulations promulgated thereunder.

12 (u) Records and information provided to an independent
13 team of experts under the Developmental Disability and
14 Mental Health Safety Act (also known as Brian's Law).

15 (v) Names and information of people who have applied
16 for or received Firearm Owner's Identification Cards under
17 the Firearm Owners Identification Card Act or applied for
18 or received a concealed carry license under the Firearm
19 Concealed Carry Act, unless otherwise authorized by the
20 Firearm Concealed Carry Act; and databases under the
21 Firearm Concealed Carry Act, records of the Concealed
22 Carry Licensing Review Board under the Firearm Concealed
23 Carry Act, and law enforcement agency objections under the
24 Firearm Concealed Carry Act.

25 (v-5) Records of the Firearm Owner's Identification
26 Card Review Board that are exempted from disclosure under

1 Section 10 of the Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is
3 exempted from disclosure under subsection (g) of Section
4 19.1 of the Toll Highway Act.

5 (x) Information which is exempted from disclosure
6 under Section 5-1014.3 of the Counties Code or Section
7 8-11-21 of the Illinois Municipal Code.

8 (y) Confidential information under the Adult
9 Protective Services Act and its predecessor enabling
10 statute, the Elder Abuse and Neglect Act, including
11 information about the identity and administrative finding
12 against any caregiver of a verified and substantiated
13 decision of abuse, neglect, or financial exploitation of
14 an eligible adult maintained in the Registry established
15 under Section 7.5 of the Adult Protective Services Act.

16 (z) Records and information provided to a fatality
17 review team or the Illinois Fatality Review Team Advisory
18 Council under Section 15 of the Adult Protective Services
19 Act.

20 (aa) Information which is exempted from disclosure
21 under Section 2.37 of the Wildlife Code.

22 (bb) Information which is or was prohibited from
23 disclosure by the Juvenile Court Act of 1987.

24 (cc) Recordings made under the Law Enforcement
25 Officer-Worn Body Camera Act, except to the extent
26 authorized under that Act.

1 (dd) Information that is prohibited from being
2 disclosed under Section 45 of the Condominium and Common
3 Interest Community Ombudsperson Act.

4 (ee) Information that is exempted from disclosure
5 under Section 30.1 of the Pharmacy Practice Act.

6 (ff) Information that is exempted from disclosure
7 under the Revised Uniform Unclaimed Property Act.

8 (gg) Information that is prohibited from being
9 disclosed under Section 7-603.5 of the Illinois Vehicle
10 Code.

11 (hh) Records that are exempt from disclosure under
12 Section 1A-16.7 of the Election Code.

13 (ii) Information which is exempted from disclosure
14 under Section 2505-800 of the Department of Revenue Law of
15 the Civil Administrative Code of Illinois.

16 (jj) Information and reports that are required to be
17 submitted to the Department of Labor by registering day
18 and temporary labor service agencies but are exempt from
19 disclosure under subsection (a-1) of Section 45 of the Day
20 and Temporary Labor Services Act.

21 (kk) Information prohibited from disclosure under the
22 Seizure and Forfeiture Reporting Act.

23 (ll) Information the disclosure of which is restricted
24 and exempted under Section 5-30.8 of the Illinois Public
25 Aid Code.

26 (mm) Records that are exempt from disclosure under

1 Section 4.2 of the Crime Victims Compensation Act.

2 (nn) Information that is exempt from disclosure under
3 Section 70 of the Higher Education Student Assistance Act.

4 (oo) Communications, notes, records, and reports
5 arising out of a peer support counseling session
6 prohibited from disclosure under the First Responders
7 Suicide Prevention Act.

8 (pp) Names and all identifying information relating to
9 an employee of an emergency services provider or law
10 enforcement agency under the First Responders Suicide
11 Prevention Act.

12 (qq) Information and records held by the Department of
13 Public Health and its authorized representatives collected
14 under the Reproductive Health Act.

15 (rr) Information that is exempt from disclosure under
16 the Cannabis Regulation and Tax Act.

17 (ss) Data reported by an employer to the Department of
18 Human Rights pursuant to Section 2-108 of the Illinois
19 Human Rights Act.

20 (tt) Recordings made under the Children's Advocacy
21 Center Act, except to the extent authorized under that
22 Act.

23 (uu) Information that is exempt from disclosure under
24 Section 50 of the Sexual Assault Evidence Submission Act.

25 (vv) Information that is exempt from disclosure under
26 subsections (f) and (j) of Section 5-36 of the Illinois

1 Public Aid Code.

2 (ww) Information that is exempt from disclosure under
3 Section 16.8 of the State Treasurer Act.

4 (xx) Information that is exempt from disclosure or
5 information that shall not be made public under the
6 Illinois Insurance Code.

7 (yy) Information prohibited from being disclosed under
8 the Illinois Educational Labor Relations Act.

9 (zz) Information prohibited from being disclosed under
10 the Illinois Public Labor Relations Act.

11 (aaa) Information prohibited from being disclosed
12 under Section 1-167 of the Illinois Pension Code.

13 (bbb) (Blank). ~~Information that is prohibited from~~
14 ~~disclosure by the Illinois Police Training Act and the~~
15 ~~Illinois State Police Act.~~

16 (ccc) Records exempt from disclosure under Section
17 2605-304 of the Illinois State Police Law of the Civil
18 Administrative Code of Illinois.

19 (ddd) Information prohibited from being disclosed
20 under Section 35 of the Address Confidentiality for
21 Victims of Domestic Violence, Sexual Assault, Human
22 Trafficking, or Stalking Act.

23 (eee) Information prohibited from being disclosed
24 under subsection (b) of Section 75 of the Domestic
25 Violence Fatality Review Act.

26 (fff) Images from cameras under the Expressway Camera

1 Act. This subsection (fff) is inoperative on and after
2 July 1, 2023.

3 (ggg) Information prohibited from disclosure under
4 paragraph (3) of subsection (a) of Section 14 of the Nurse
5 Agency Licensing Act.

6 (hhh) Information submitted to the Department of State
7 Police in an affidavit or application for an assault
8 weapon endorsement, assault weapon attachment endorsement,
9 .50 caliber rifle endorsement, or .50 caliber cartridge
10 endorsement under the Firearm Owners Identification Card
11 Act.

12 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
13 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
14 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
15 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
16 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
17 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
18 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
19 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
20 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

21 Section 1-350. The State Employee Indemnification Act is
22 amended by changing Section 1 as follows:

23 (5 ILCS 350/1) (from Ch. 127, par. 1301)

24 Sec. 1. Definitions. For the purpose of this Act:

1 (a) The term "State" means the State of Illinois, the
2 General Assembly, the court, or any State office, department,
3 division, bureau, board, commission, or committee, the
4 governing boards of the public institutions of higher
5 education created by the State, the Illinois National Guard,
6 the Illinois State Guard, the Comprehensive Health Insurance
7 Board, any poison control center designated under the Poison
8 Control System Act that receives State funding, or any other
9 agency or instrumentality of the State. It does not mean any
10 local public entity as that term is defined in Section 1-206 of
11 the Local Governmental and Governmental Employees Tort
12 Immunity Act or a pension fund.

13 (b) The term "employee" means: any present or former
14 elected or appointed officer, trustee or employee of the
15 State, or of a pension fund; any present or former
16 commissioner or employee of the Executive Ethics Commission or
17 of the Legislative Ethics Commission; any present or former
18 Executive, Legislative, or Auditor General's Inspector
19 General; any present or former employee of an Office of an
20 Executive, Legislative, or Auditor General's Inspector
21 General; any present or former member of the Illinois National
22 Guard while on active duty; any present or former member of the
23 Illinois State Guard while on State active duty; individuals
24 or organizations who contract with the Department of
25 Corrections, the Department of Juvenile Justice, the
26 Comprehensive Health Insurance Board, or the Department of

1 Veterans' Affairs to provide services; individuals or
2 organizations who contract with the Department of Human
3 Services (as successor to the Department of Mental Health and
4 Developmental Disabilities) to provide services including but
5 not limited to treatment and other services for sexually
6 violent persons; individuals or organizations who contract
7 with the Department of Military Affairs for youth programs;
8 individuals or organizations who contract to perform carnival
9 and amusement ride safety inspections for the Department of
10 Labor; individuals who contract with the Office of the State's
11 Attorneys Appellate Prosecutor to provide legal services, but
12 only when performing duties within the scope of the Office's
13 prosecutorial activities; individual representatives of or
14 designated organizations authorized to represent the Office of
15 State Long-Term Ombudsman for the Department on Aging;
16 individual representatives of or organizations designated by
17 the Department on Aging in the performance of their duties as
18 adult protective services agencies or regional administrative
19 agencies under the Adult Protective Services Act; individuals
20 or organizations appointed as members of a review team or the
21 Advisory Council under the Adult Protective Services Act;
22 individuals or organizations who perform volunteer services
23 for the State where such volunteer relationship is reduced to
24 writing; individuals who serve on any public entity (whether
25 created by law or administrative action) described in
26 paragraph (a) of this Section; individuals or not for profit

1 organizations who, either as volunteers, where such volunteer
2 relationship is reduced to writing, or pursuant to contract,
3 furnish professional advice or consultation to any agency or
4 instrumentality of the State; individuals who serve as foster
5 parents for the Department of Children and Family Services
6 when caring for youth in care as defined in Section 4d of the
7 Children and Family Services Act; individuals who serve as
8 members of an independent team of experts under the
9 Developmental Disability and Mental Health Safety Act (also
10 known as Brian's Law); and individuals who serve as
11 arbitrators pursuant to Part 10A of Article II of the Code of
12 Civil Procedure and the rules of the Supreme Court
13 implementing Part 10A, each as now or hereafter amended; ~~the~~
14 ~~members of the Certification Review Panel under the Illinois~~
15 ~~Police Training Act;~~ the term "employee" does not mean an
16 independent contractor except as provided in this Section. The
17 term includes an individual appointed as an inspector by the
18 Director of the Illinois State Police when performing duties
19 within the scope of the activities of a Metropolitan
20 Enforcement Group or a law enforcement organization
21 established under the Intergovernmental Cooperation Act. An
22 individual who renders professional advice and consultation to
23 the State through an organization which qualifies as an
24 "employee" under the Act is also an employee. The term
25 includes the estate or personal representative of an employee.

26 (c) The term "pension fund" means a retirement system or

1 pension fund created under the Illinois Pension Code.
2 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
3 102-538, eff. 8-20-21; revised 10-6-21.)

4 Section 1-355. The Personnel Code is amended by changing
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in
8 State service shall be exempt from jurisdictions A, B, and C,
9 unless the jurisdictions shall be extended as provided in this
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,
13 Secretary of State, State Treasurer, State Comptroller,
14 State Board of Education, Clerk of the Supreme Court,
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,
17 and notaries public.

18 (4) All officers and employees of the Illinois General
19 Assembly, all employees of legislative commissions, all
20 officers and employees of the Illinois Legislative
21 Reference Bureau and the Legislative Printing Unit.

22 (5) All positions in the Illinois National Guard and
23 Illinois State Guard, paid from federal funds or positions
24 in the State Military Service filled by enlistment and

1 paid from State funds.

2 (6) All employees of the Governor at the executive
3 mansion and on his immediate personal staff.

4 (7) Directors of Departments, the Adjutant General,
5 the Assistant Adjutant General, the Director of the
6 Illinois Emergency Management Agency, members of boards
7 and commissions, and all other positions appointed by the
8 Governor by and with the consent of the Senate.

9 (8) The presidents, other principal administrative
10 officers, and teaching, research and extension faculties
11 of Chicago State University, Eastern Illinois University,
12 Governors State University, Illinois State University,
13 Northeastern Illinois University, Northern Illinois
14 University, Western Illinois University, the Illinois
15 Community College Board, Southern Illinois University,
16 Illinois Board of Higher Education, University of
17 Illinois, State Universities Civil Service System,
18 University Retirement System of Illinois, and the
19 administrative officers and scientific and technical staff
20 of the Illinois State Museum.

21 (9) All other employees except the presidents, other
22 principal administrative officers, and teaching, research
23 and extension faculties of the universities under the
24 jurisdiction of the Board of Regents and the colleges and
25 universities under the jurisdiction of the Board of
26 Governors of State Colleges and Universities, Illinois

1 Community College Board, Southern Illinois University,
2 Illinois Board of Higher Education, Board of Governors of
3 State Colleges and Universities, the Board of Regents,
4 University of Illinois, State Universities Civil Service
5 System, University Retirement System of Illinois, so long
6 as these are subject to the provisions of the State
7 Universities Civil Service Act.

8 (10) The Illinois State Police so long as they are
9 subject to the merit provisions of the Illinois State
10 Police Act. ~~Employees of the Illinois State Police Merit~~
11 ~~Board are subject to the provisions of this Code.~~

12 (11) (Blank).

13 (12) The technical and engineering staffs of the
14 Department of Transportation, the Department of Nuclear
15 Safety, the Pollution Control Board, and the Illinois
16 Commerce Commission, and the technical and engineering
17 staff providing architectural and engineering services in
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway
20 Authority.

21 (14) The Secretary of the Illinois Workers'
22 Compensation Commission.

23 (15) All persons who are appointed or employed by the
24 Director of Insurance under authority of Section 202 of
25 the Illinois Insurance Code to assist the Director of
26 Insurance in discharging his responsibilities relating to

1 the rehabilitation, liquidation, conservation, and
2 dissolution of companies that are subject to the
3 jurisdiction of the Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan Area
5 Airport Authority.

6 (17) All investment officers employed by the Illinois
7 State Board of Investment.

8 (18) Employees of the Illinois Young Adult
9 Conservation Corps program, administered by the Illinois
10 Department of Natural Resources, authorized grantee under
11 Title VIII of the Comprehensive Employment and Training
12 Act of 1973, 29 U.S.C. 993.

13 (19) Seasonal employees of the Department of
14 Agriculture for the operation of the Illinois State Fair
15 and the DuQuoin State Fair, no one person receiving more
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the
18 Department of Natural Resources' Illinois Conservation
19 Service, a youth employment program that hires young
20 people to work in State parks for a period of one year or
21 less.

22 (21) All hearing officers of the Human Rights
23 Commission.

24 (22) All employees of the Illinois Mathematics and
25 Science Academy.

26 (23) All employees of the Kankakee River Valley Area

1 Airport Authority.

2 (24) The commissioners and employees of the Executive
3 Ethics Commission.

4 (25) The Executive Inspectors General, including
5 special Executive Inspectors General, and employees of
6 each Office of an Executive Inspector General.

7 (26) The commissioners and employees of the
8 Legislative Ethics Commission.

9 (27) The Legislative Inspector General, including
10 special Legislative Inspectors General, and employees of
11 the Office of the Legislative Inspector General.

12 (28) The Auditor General's Inspector General and
13 employees of the Office of the Auditor General's Inspector
14 General.

15 (29) All employees of the Illinois Power Agency.

16 (30) Employees having demonstrable, defined advanced
17 skills in accounting, financial reporting, or technical
18 expertise who are employed within executive branch
19 agencies and whose duties are directly related to the
20 submission to the Office of the Comptroller of financial
21 information for the publication of the annual
22 comprehensive financial report.

23 (31) All employees of the Illinois Sentencing Policy
24 Advisory Council.

25 (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;
26 102-538, eff. 8-20-21; 102-783, eff. 5-13-22; 102-813, eff.

1 5-13-22.)

2 Section 1-360. The Department of State Police Law of the
3 Civil Administrative Code of Illinois is amended by changing
4 Section 2605-50 as follows:

5 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

6 Sec. 2605-50. Division of Internal Investigation. The
7 Division of Internal Investigation shall have jurisdiction and
8 initiate internal Illinois State Police investigations and, at
9 the direction of the Governor, investigate complaints and
10 initiate investigations of official misconduct by State
11 officers and all State employees. ~~Notwithstanding any other~~
12 ~~provisions of law, the Division shall serve as the~~
13 ~~investigative body for the Illinois State Police for purposes~~
14 ~~of compliance with the provisions of Sections 12.6 and 12.7 of~~
15 ~~this Act.~~

16 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
17 revised 10-4-21.)

18 Section 1-365. The State Police Act is amended by changing
19 Sections 3, 6, 8, and 9 as follows:

20 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

21 Sec. 3. The Governor shall appoint, by and with the advice
22 and consent of the Senate, an Illinois State Police Merit

1 Board, hereinafter called the Board, consisting of ~~7~~ 5 members
2 to hold office. ~~The Governor shall appoint new board members~~
3 ~~within 30 days for the vacancies created under this amendatory~~
4 ~~Act. Board members shall be appointed to four year terms. No~~
5 ~~member shall be appointed to more than 2 terms. In making the~~
6 ~~appointments, the Governor shall make a good faith effort to~~
7 ~~appoint members reflecting the geographic, ethnic, and cultural~~
8 ~~diversity of this State. In making the appointments, the~~
9 ~~Governor should also consider appointing: persons with~~
10 ~~professional backgrounds, possessing legal, management,~~
11 ~~personnel, or labor experience; at least one member with at~~
12 ~~least 10 years of experience as a licensed physician or~~
13 ~~clinical psychologist with expertise in mental health; and at~~
14 ~~least one member affiliated with an organization commitment to~~
15 ~~social and economic rights and to eliminating discrimination.~~
16 , one until the third Monday in March, 1951, one until the
17 third Monday in March, 1953, and one until the third Monday in
18 March, 1955, and until their respective successors are
19 appointed and qualified. One of the members added by this
20 amendatory Act of 1977 shall serve a term expiring on the third
21 Monday in March, 1980, and until his successor is appointed
22 and qualified, and one shall serve a term expiring on the third
23 Monday in March, 1982, and until his successor is appointed
24 and qualified. Upon the expiration of the terms of office of
25 those first appointed, their respective successors shall be
26 appointed to hold office from the third Monday in March of the

1 year of their respective appointments for a term of six years
2 and until their successors are appointed and qualified for a
3 like term. No more than 4 3 members of the Board shall be
4 affiliated with the same political party. If the Senate is not
5 in session at the time initial appointments are made pursuant
6 to this Section ~~section~~, the Governor shall make temporary
7 appointments as in the case of a vacancy. ~~In order to avoid~~
8 ~~actual conflicts of interest, or the appearance of conflicts~~
9 ~~of interest, no board member shall be a retired or former~~
10 ~~employee of the Illinois State Police. When a Board member may~~
11 ~~have an actual, perceived, or potential conflict of interest~~
12 ~~that could prevent the Board member from making a fair and~~
13 ~~impartial decision on a complaint or formal complaint against~~
14 ~~an Illinois State Police officer, the Board member shall~~
15 ~~recuse himself or herself; or If the Board member fails to~~
16 ~~recuse himself or herself, then the Board may, by a simple~~
17 ~~majority, vote to recuse the Board member.~~

18 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
19 revised 10-4-21.)

20 (20 ILCS 2610/6) (from Ch. 121, par. 307.6)

21 Sec. 6. The Board is authorized to employ such clerical
22 and technical staff assistants, not to exceed fifteen, as may
23 be necessary to enable the Board to transact its business and,
24 if the rate of compensation is not otherwise fixed by law, to
25 fix their compensation. ~~In order to avoid actual conflicts of~~

1 ~~interest, or the appearance of conflicts of interest, no~~
2 ~~employee, contractor, clerical or technical staff shall be a~~
3 ~~retired or former employee of the Illinois State Police. All~~
4 ~~employees shall be subject to the Personnel Code.~~

5 (Source: Laws 1949, p. 1357; P.A. 101-652.)

6 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

7 Sec. 8. Board jurisdiction.

8 ~~(a)~~ The Board shall exercise jurisdiction over the
9 certification for appointment and promotion, and over the
10 discipline, removal, demotion, and suspension of Illinois
11 State Police officers. ~~The Board and the Illinois State Police~~
12 ~~should also ensure Illinois State Police cadets and officers~~
13 ~~represent the utmost integrity and professionalism and~~
14 ~~represent the geographic, ethnic, and cultural diversity of~~
15 ~~this State. The Board shall also exercise jurisdiction to~~
16 ~~certify and terminate Illinois State Police Officers in~~
17 ~~compliance with certification standards consistent with~~
18 ~~Sections 9, 11.5, and 12.6 of this Act.~~ Pursuant to recognized
19 merit principles of public employment, the Board shall
20 formulate, adopt, and put into effect rules, regulations, and
21 procedures for its operation and the transaction of its
22 business. The Board shall establish a classification of ranks
23 of persons subject to its jurisdiction and shall set standards
24 and qualifications for each rank. Each Illinois State Police
25 officer appointed by the Director shall be classified as a

1 State Police officer as follows: trooper, sergeant, master
2 sergeant, lieutenant, captain, major, or Special Agent.

3 ~~(b) The Board shall publish all standards and~~
4 ~~qualifications for each rank, including Cadet, on its website.~~
5 ~~This shall include, but not be limited to, all physical~~
6 ~~fitness, medical, visual, and hearing standards. The Illinois~~
7 ~~State Police shall cooperate with the Board by providing any~~
8 ~~necessary information to complete this requirement.~~

9 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
10 revised 10-4-21.)

11 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

12 Sec. 9. Appointment; qualifications.

13 (a) Except as otherwise provided in this Section, the
14 appointment of Illinois State Police officers shall be made
15 from those applicants who have been certified by the Board as
16 being qualified for appointment. All persons so appointed
17 shall, at the time of their appointment, be not less than 21
18 years of age, or 20 years of age and have successfully
19 completed an associate's degree or 60 credit hours at an
20 accredited college or university. Any person appointed
21 subsequent to successful completion of an associate's degree
22 or 60 credit hours at an accredited college or university
23 shall not have power of arrest, nor shall he or she be
24 permitted to carry firearms, until he or she reaches 21 years
25 of age. In addition, all persons so certified for appointment

1 shall be of sound mind and body, be of good moral character, be
2 citizens of the United States, have no criminal records,
3 possess such prerequisites of training, education, and
4 experience as the Board may from time to time prescribe so long
5 as persons who have an associate's degree or 60 credit hours at
6 an accredited college or university are not disqualified, and
7 shall be required to pass successfully such mental and
8 physical tests and examinations as may be prescribed by the
9 Board. All persons who meet one of the following requirements
10 are deemed to have met the collegiate educational
11 requirements:

12 (i) have been honorably discharged and who have been
13 awarded a Southwest Asia Service Medal, Kosovo Campaign
14 Medal, Korean Defense Service Medal, Afghanistan Campaign
15 Medal, Iraq Campaign Medal, or Global War on Terrorism
16 Expeditionary Medal by the United States Armed Forces;

17 (ii) are active members of the Illinois National Guard
18 or a reserve component of the United States Armed Forces
19 and who have been awarded a Southwest Asia Service Medal,
20 Kosovo Campaign Medal, Korean Defense Service Medal,
21 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
22 War on Terrorism Expeditionary Medal as a result of
23 honorable service during deployment on active duty;

24 (iii) have been honorably discharged who served in a
25 combat mission by proof of hostile fire pay or imminent
26 danger pay during deployment on active duty; or

1 (iv) have at least 3 years of full active and
2 continuous military duty and received an honorable
3 discharge before hiring.

4 Preference shall be given in such appointments to persons
5 who have honorably served in the military or naval services of
6 the United States. All appointees shall serve a probationary
7 period of 12 months from the date of appointment and during
8 that period may be discharged at the will of the Director.
9 However, the Director may in his or her sole discretion extend
10 the probationary period of an officer up to an additional 6
11 months when to do so is deemed in the best interest of the
12 Illinois State Police. Nothing in this subsection (a) limits
13 the Board's ability to prescribe education prerequisites or
14 requirements to certify Illinois State Police officers for
15 promotion as provided in Section 10 of this Act.

16 (b) Notwithstanding the other provisions of this Act,
17 after July 1, 1977 and before July 1, 1980, the Director of
18 State Police may appoint and promote not more than 20 persons
19 having special qualifications as special agents as he or she
20 deems necessary to carry out the Department's objectives. Any
21 such appointment or promotion shall be ratified by the Board.

22 (c) During the 90 days following March 31, 1995 (the
23 effective date of Public Act 89-9), the Director of State
24 Police may appoint up to 25 persons as State Police officers.
25 These appointments shall be made in accordance with the
26 requirements of this subsection (c) and any additional

1 criteria that may be established by the Director, but are not
2 subject to any other requirements of this Act. The Director
3 may specify the initial rank for each person appointed under
4 this subsection.

5 All appointments under this subsection (c) shall be made
6 from personnel certified by the Board. A person certified by
7 the Board and appointed by the Director under this subsection
8 must have been employed by the Illinois Commerce Commission on
9 November 30, 1994 in a job title subject to the Personnel Code
10 and in a position for which the person was eligible to earn
11 "eligible creditable service" as a "noncovered employee", as
12 those terms are defined in Article 14 of the Illinois Pension
13 Code.

14 Persons appointed under this subsection (c) shall
15 thereafter be subject to the same requirements and procedures
16 as other State police officers. A person appointed under this
17 subsection must serve a probationary period of 12 months from
18 the date of appointment, during which he or she may be
19 discharged at the will of the Director.

20 This subsection (c) does not affect or limit the
21 Director's authority to appoint other State Police officers
22 under subsection (a) of this Section.

23 ~~(d) During the 180 days following January 1, 2022 (the~~
24 ~~effective date of Public Act 101-652), the Director of the~~
25 ~~Illinois State Police may appoint current Illinois State~~
26 ~~Police employees serving in law enforcement officer positions~~

1 ~~previously within Central Management Services as State Police~~
2 ~~officers. These appointments shall be made in accordance with~~
3 ~~the requirements of this subsection (d) and any institutional~~
4 ~~criteria that may be established by the Director, but are not~~
5 ~~subject to any other requirements of this Act. All~~
6 ~~appointments under this subsection (d) shall be made from~~
7 ~~personnel certified by the Board. A person certified by the~~
8 ~~Board and appointed by the Director under this subsection must~~
9 ~~have been employed by the a State agency, board, or commission~~
10 ~~on January 1, 2021 in a job title subject to the Personnel Code~~
11 ~~and in a position for which the person was eligible to earn~~
12 ~~"eligible creditable service" as a "noncovered employee", as~~
13 ~~those terms are defined in Article 14 of the Illinois Pension~~
14 ~~Code. Persons appointed under this subsection (d) shall~~
15 ~~thereafter be subject to the same requirements, and subject to~~
16 ~~the same contractual benefits and obligations, as other State~~
17 ~~police officers. This subsection (d) does not affect or limit~~
18 ~~the Director's authority to appoint other State Police~~
19 ~~officers under subsection (a) of this Section.~~

20 ~~(e) The Merit Board shall review Illinois State Police~~
21 ~~Cadet applicants. The Illinois State Police may provide~~
22 ~~background check and investigation material to the Board for~~
23 ~~its review pursuant to this Section. The Board shall approve~~
24 ~~and ensure that no cadet applicant is certified unless the~~
25 ~~applicant is a person of good character and has not been~~
26 ~~convicted of, or entered a plea of guilty to, a felony offense,~~

1 ~~any of the misdemeanors specified in this Section or if~~
2 ~~committed in any other state would be an offense similar to~~
3 ~~Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,~~
4 ~~11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,~~
5 ~~17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~
6 ~~violation of any Section of Part E of Title III of the Criminal~~
7 ~~Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of~~
8 ~~the Criminal Code of 1961 or the Criminal Code of 2012, or~~
9 ~~subsection (a) of Section 17-32 of the Criminal Code of 1961 or~~
10 ~~the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis~~
11 ~~Control Act, or any felony or misdemeanor in violation of~~
12 ~~federal law or the law of any state that is the equivalent of~~
13 ~~any of the offenses specified therein. The Officer~~
14 ~~Professional Conduct Database, provided for in Section 9.2 of~~
15 ~~the Illinois Police Training Act, shall be searched as part of~~
16 ~~this process. For purposes of this Section, "convicted of, or~~
17 ~~entered a plea of guilty" regardless of whether the~~
18 ~~adjudication of guilt or sentence is withheld or not entered~~
19 ~~thereon. This includes sentences of supervision, conditional~~
20 ~~discharge, or first offender probation, or any similar~~
21 ~~disposition provided for by law.~~

22 ~~(f) The Board shall by rule establish an application fee~~
23 ~~waiver program for any person who meets one or more of the~~
24 ~~following criteria:~~

25 ~~(1) his or her available personal income is 200% or~~
26 ~~less of the current poverty level; or~~

1 ~~(2) he or she is, in the discretion of the Board,~~
2 ~~unable to proceed in an action with payment of application~~
3 ~~fee and payment of that fee would result in substantial~~
4 ~~hardship to the person or the person's family.~~

5 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
6 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff.
7 5-13-22; revised 8-24-22.)

8 (20 ILCS 2610/6.5 rep.)

9 (20 ILCS 2610/11.5 rep.)

10 (20 ILCS 2610/11.6 rep.)

11 (20 ILCS 2610/12.6 rep.)

12 (20 ILCS 2610/12.7 rep.)

13 (20 ILCS 2610/40.1 rep.)

14 (20 ILCS 2610/46 rep.)

15 Section 1-370. The State Police Act is amended by
16 repealing Sections 6.5, 11.5, 11.6, 12.6, 12.7, 40.1, and 46.

17 Section 1-375. The Illinois Police Training Act is amended
18 by changing Sections 2, 3, 6, 6.1, 7, 7.5, 8, 8.1, 8.2, 9, 10,
19 10.1, 10.2, 10.3, 10.7, 10.11, 10.18, 10.19, and 10.20 as
20 follows:

21 (50 ILCS 705/2) (from Ch. 85, par. 502)

22 Sec. 2. Definitions. As used in this Act, unless the
23 context otherwise requires:

1 "Board" means the Illinois Law Enforcement Training
2 Standards Board.

3 "Local governmental agency" means any local governmental
4 unit or municipal corporation in this State. It does not
5 include the State of Illinois or any office, officer,
6 department, division, bureau, board, commission, or agency of
7 the State, except that it does include a State-controlled
8 university, college or public community college.

9 "Police training school" means any school located within
10 the State of Illinois whether privately or publicly owned
11 which offers a course in police or county corrections training
12 and has been approved by the Board.

13 "Probationary police officer" means a recruit law
14 enforcement officer required to successfully complete initial
15 minimum basic training requirements at a police training
16 school to be eligible for permanent full-time employment as a
17 local law enforcement officer.

18 "Probationary part-time police officer" means a recruit
19 part-time law enforcement officer required to successfully
20 complete initial minimum part-time training requirements to be
21 eligible for employment on a part-time basis as a local law
22 enforcement officer.

23 "Permanent police officer" means a law enforcement officer
24 who has completed his or her probationary period and is
25 permanently employed on a full-time basis as a local law
26 enforcement officer by a participating local governmental unit

1 or as a security officer or campus policeman permanently
2 employed by a participating State-controlled university,
3 college, or public community college.

4 "Part-time police officer" means a law enforcement officer
5 who has completed his or her probationary period and is
6 employed on a part-time basis as a law enforcement officer by a
7 participating unit of local government or as a campus
8 policeman by a participating State-controlled university,
9 college, or public community college.

10 "Law enforcement officer" means (i) any police officer of
11 a local governmental agency who is primarily responsible for
12 prevention or detection of crime and the enforcement of the
13 criminal code, traffic, or highway laws of this State or any
14 political subdivision of this State or (ii) any member of a
15 police force appointed and maintained as provided in Section 2
16 of the Railroad Police Act.

17 "Recruit" means any full-time or part-time law enforcement
18 officer or full-time county corrections officer who is
19 enrolled in an approved training course.

20 "Probationary county corrections officer" means a recruit
21 county corrections officer required to successfully complete
22 initial minimum basic training requirements at a police
23 training school to be eligible for permanent employment on a
24 full-time basis as a county corrections officer.

25 "Permanent county corrections officer" means a county
26 corrections officer who has completed his probationary period

1 and is permanently employed on a full-time basis as a county
2 corrections officer by a participating local governmental
3 unit.

4 "County corrections officer" means any sworn officer of
5 the sheriff who is primarily responsible for the control and
6 custody of offenders, detainees or inmates.

7 "Probationary court security officer" means a recruit
8 court security officer required to successfully complete
9 initial minimum basic training requirements at a designated
10 training school to be eligible for employment as a court
11 security officer.

12 "Permanent court security officer" means a court security
13 officer who has completed his or her probationary period and
14 is employed as a court security officer by a participating
15 local governmental unit.

16 "Court security officer" has the meaning ascribed to it in
17 Section 3-6012.1 of the Counties Code.

18 ~~"Board" means the Illinois Law Enforcement Training~~
19 ~~Standards Board.~~

20 ~~"Full-time law enforcement officer" means a law~~
21 ~~enforcement officer who has completed the officer's~~
22 ~~probationary period and is employed on a full-time basis as a~~
23 ~~law enforcement officer by a local government agency, State~~
24 ~~government agency, or as a campus police officer by a~~
25 ~~university, college, or community college.~~

26 ~~"Law Enforcement agency" means any entity with statutory~~

1 ~~police powers and the ability to employ individuals authorized~~
2 ~~to make arrests. It does not include the Illinois State Police~~
3 ~~as defined in the State Police Act. A law enforcement agency~~
4 ~~may include any university, college, or community college.~~

5 ~~"Local law enforcement agency" means any law enforcement~~
6 ~~unit of government or municipal corporation in this State. It~~
7 ~~does not include the State of Illinois or any office, officer,~~
8 ~~department, division, bureau, board, commission, or agency of~~
9 ~~the State, except that it does include a State controlled~~
10 ~~university, college or public community college.~~

11 ~~"State law enforcement agency" means any law enforcement~~
12 ~~agency of this State. This includes any office, officer,~~
13 ~~department, division, bureau, board, commission, or agency of~~
14 ~~the State. It does not include the Illinois State Police as~~
15 ~~defined in the State Police Act.~~

16 ~~"Panel" means the Certification Review Panel.~~

17 ~~"Basic training school" means any school located within~~
18 ~~the State of Illinois whether privately or publicly owned~~
19 ~~which offers a course in basic law enforcement or county~~
20 ~~corrections training and has been approved by the Board.~~

21 ~~"Probationary police officer" means a recruit law~~
22 ~~enforcement officer required to successfully complete initial~~
23 ~~minimum basic training requirements at a basic training school~~
24 ~~to be eligible for permanent full-time employment as a local~~
25 ~~law enforcement officer.~~

26 ~~"Probationary part time police officer" means a recruit~~

1 ~~part-time law enforcement officer required to successfully~~
2 ~~complete initial minimum part-time training requirements to be~~
3 ~~eligible for employment on a part-time basis as a local law~~
4 ~~enforcement officer.~~

5 ~~"Permanent law enforcement officer" means a law~~
6 ~~enforcement officer who has completed the officer's~~
7 ~~probationary period and is permanently employed on a full-time~~
8 ~~basis as a local law enforcement officer, as a security~~
9 ~~officer, or campus police officer permanently employed by a~~
10 ~~law enforcement agency.~~

11 ~~"Part-time law enforcement officer" means a law~~
12 ~~enforcement officer who has completed the officer's~~
13 ~~probationary period and is employed on a part-time basis as a~~
14 ~~law enforcement officer or as a campus police officer by a law~~
15 ~~enforcement agency.~~

16 ~~"Law enforcement officer" means (i) any police officer of~~
17 ~~a law enforcement agency who is primarily responsible for~~
18 ~~prevention or detection of crime and the enforcement of the~~
19 ~~criminal code, traffic, or highway laws of this State or any~~
20 ~~political subdivision of this State or (ii) any member of a~~
21 ~~police force appointed and maintained as provided in Section 2~~
22 ~~of the Railroad Police Act.~~

23 ~~"Recruit" means any full-time or part-time law enforcement~~
24 ~~officer or full-time county corrections officer who is~~
25 ~~enrolled in an approved training course.~~

26 ~~"Review Committee" means the committee at the Board for~~

1 ~~certification disciplinary cases in which the Panel, a law~~
2 ~~enforcement officer, or a law enforcement agency may file for~~
3 ~~reconsideration of a decertification decision made by the~~
4 ~~Board.~~

5 ~~"Probationary county corrections officer" means a recruit~~
6 ~~county corrections officer required to successfully complete~~
7 ~~initial minimum basic training requirements at a basic~~
8 ~~training school to be eligible for permanent employment on a~~
9 ~~full time basis as a county corrections officer.~~

10 ~~"Permanent county corrections officer" means a county~~
11 ~~corrections officer who has completed the officer's~~
12 ~~probationary period and is permanently employed on a full time~~
13 ~~basis as a county corrections officer by a participating law~~
14 ~~enforcement agency.~~

15 ~~"County corrections officer" means any sworn officer of~~
16 ~~the sheriff who is primarily responsible for the control and~~
17 ~~custody of offenders, detainees or inmates.~~

18 ~~"Probationary court security officer" means a recruit~~
19 ~~court security officer required to successfully complete~~
20 ~~initial minimum basic training requirements at a designated~~
21 ~~training school to be eligible for employment as a court~~
22 ~~security officer.~~

23 ~~"Permanent court security officer" means a court security~~
24 ~~officer who has completed the officer's probationary period~~
25 ~~and is employed as a court security officer by a participating~~
26 ~~law enforcement agency.~~

1 ~~"Court security officer" has the meaning ascribed to it in~~
2 ~~Section 3-6012.1 of the Counties Code.~~

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

4 (50 ILCS 705/3) (from Ch. 85, par. 503)

5 Sec. 3. Board; composition; appointments; tenure;
6 vacancies.

7 (a) The Board shall be composed of 18 members selected as
8 follows: The Attorney General of the State of Illinois, the
9 Director of the Illinois State Police, the Director of
10 Corrections, the Superintendent of the Chicago Police
11 Department, the Sheriff of Cook County, the Clerk of the
12 Circuit Court of Cook County, ~~who shall serve as ex officio~~
13 ~~members,~~ and the following to be appointed by the Governor: 2
14 mayors or village presidents of Illinois municipalities, 2
15 Illinois county sheriffs from counties other than Cook County,
16 2 managers of Illinois municipalities, 2 chiefs of municipal
17 police departments in Illinois having no Superintendent of the
18 Police Department on the Board, 2 citizens of Illinois who
19 shall be members of an organized enforcement officers'
20 association, one active member of a statewide association
21 representing sheriffs, and one active member of a statewide
22 association representing municipal police chiefs. The
23 appointments of the Governor shall be made on the first Monday
24 of August in 1965 with 3 of the appointments to be for a period
25 of one year, 3 for 2 years, and 3 for 3 years. Their successors

1 shall be appointed in like manner for terms to expire the first
2 Monday of August each 3 years thereafter. All members shall
3 serve until their respective successors are appointed and
4 qualify. Vacancies shall be filled by the Governor for the
5 unexpired terms. ~~Any ex officio member may appoint a designee~~
6 ~~to the Board who shall have the same powers and immunities~~
7 ~~otherwise conferred to the member of the Board, including the~~
8 ~~power to vote and be counted toward quorum, so long as the~~
9 ~~member is not in attendance.~~

10 (a-5) Within the Board is created a Review Committee. The
11 Review Committee shall review disciplinary cases in which the
12 Panel, the law enforcement officer, or the law enforcement
13 agency file for reconsideration of a decertification decision
14 made by the Board. The Review Committee shall be composed of 9
15 annually rotating members from the Board appointed by the
16 Board Chairman. One member of the Review Committee shall be
17 designated by the Board Chairman as the Chair. The Review
18 Committee shall sit in 3 member panels composed of one member
19 representing law enforcement management, one member
20 representing members of law enforcement, and one member who is
21 not a current or former member of law enforcement.

22 ~~(b) When a Board member may have an actual, perceived, or~~
23 ~~potential conflict of interest or appearance of bias that~~
24 ~~could prevent the Board member from making a fair and~~
25 ~~impartial decision regarding decertification:~~

26 ~~(1) The Board member shall recuse himself or herself.~~

1 ~~(2) If the Board member fails to recuse himself or~~
2 ~~herself, then the Board may, by a simple majority of the~~
3 ~~remaining members, vote to recuse the Board member. Board~~
4 ~~members who are found to have voted on a matter in which~~
5 ~~they should have recused themselves may be removed from~~
6 ~~the Board by the Governor.~~

7 ~~A conflict of interest or appearance of bias may include,~~
8 ~~but is not limited to, matters where one of the following is a~~
9 ~~party to a decision on a decertification or formal complaint:~~
10 ~~someone with whom the member has an employment relationship;~~
11 ~~any of the following relatives: spouse, parents, children,~~
12 ~~adopted children, legal wards, stepchildren, step parents,~~
13 ~~step siblings, half siblings, siblings, parents-in-law,~~
14 ~~siblings-in-law, children-in-law, aunts, uncles, nieces, and~~
15 ~~nephews; a friend; or a member of a professional organization,~~
16 ~~association, or a union in which the member now actively~~
17 ~~serves.~~

18 ~~(c) A vacancy in members does not prevent a quorum of the~~
19 ~~remaining sitting members from exercising all rights and~~
20 ~~performing all duties of the Board.~~

21 ~~(d) An individual serving on the Board shall not also~~
22 ~~serve on the Panel.~~

23 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-694, eff. 1-7-22.)

1 Sec. 6. Powers and duties of the Board; selection and
2 certification of schools. The Board shall select and certify
3 schools within the State of Illinois for the purpose of
4 providing basic training for probationary police officers,
5 probationary county corrections officers, and court security
6 officers and of providing advanced or in-service training for
7 permanent police officers or permanent county corrections
8 officers, which schools may be either publicly or privately
9 owned and operated. In addition, the Board has the following
10 power and duties:

11 a. To require local governmental units to furnish such
12 reports and information as the Board deems necessary to
13 fully implement this Act.

14 b. To establish appropriate mandatory minimum
15 standards relating to the training of probationary local
16 police officers or probationary county corrections
17 officers, and in-service training of permanent law
18 enforcement officers.

19 c. To provide appropriate certification to those
20 probationary officers who successfully complete the
21 prescribed minimum standard basic training course.

22 d. To review and approve annual training curriculum
23 for county sheriffs.

24 e. To review and approve applicants to ensure that no
25 applicant is admitted to a certified academy unless the
26 applicant is a person of good character and has not been

1 convicted of, or entered a plea of guilty to, a felony
2 offense, any of the misdemeanors in Sections 11-1.50,
3 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1,
4 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, or
8 subsection (a) of Section 17-32 of the Criminal Code of
9 1961 or the Criminal Code of 2012, or Section 5 or 5.2 of
10 the Cannabis Control Act, or a crime involving moral
11 turpitude under the laws of this State or any other state
12 which if committed in this State would be punishable as a
13 felony or a crime of moral turpitude. The Board may
14 appoint investigators who shall enforce the duties
15 conferred upon the Board by this Act.

16 For purposes of this paragraph e, a person is
17 considered to have been convicted of, found guilty of, or
18 entered a plea of guilty to, plea of nolo contendere to
19 regardless of whether the adjudication of guilt or
20 sentence is withheld or not entered thereon. This includes
21 sentences of supervision, conditional discharge, or first
22 offender probation, or any similar disposition provided
23 for by law.

24 ~~The Board shall select and certify schools within the State of~~
25 ~~Illinois for the purpose of providing basic training for~~
26 ~~probationary law enforcement officers, probationary county~~

1 ~~corrections officers, and court security officers and of~~
2 ~~providing advanced or in-service training for permanent law~~
3 ~~enforcement officers or permanent county corrections officers,~~
4 ~~which schools may be either publicly or privately owned and~~
5 ~~operated. In addition, the Board has the following power and~~
6 ~~duties:~~

7 ~~a. To require law enforcement agencies to furnish such~~
8 ~~reports and information as the Board deems necessary to~~
9 ~~fully implement this Act.~~

10 ~~b. To establish appropriate mandatory minimum~~
11 ~~standards relating to the training of probationary local~~
12 ~~law enforcement officers or probationary county~~
13 ~~corrections officers, and in-service training of permanent~~
14 ~~law enforcement officers.~~

15 ~~c. To provide appropriate certification to those~~
16 ~~probationary officers who successfully complete the~~
17 ~~prescribed minimum standard basic training course.~~

18 ~~d. To review and approve annual training curriculum~~
19 ~~for county sheriffs.~~

20 ~~e. To review and approve applicants to ensure that no~~
21 ~~applicant is admitted to a certified academy unless the~~
22 ~~applicant is a person of good character and has not been~~
23 ~~convicted of, found guilty of, entered a plea of guilty~~
24 ~~to, or entered a plea of nolo contendere to a felony~~
25 ~~offense, any of the misdemeanors in Sections 11-1.50,~~
26 ~~11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14, 11-14.1,~~

1 ~~11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1, 17-2,~~
2 ~~26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in~~
3 ~~violation of any Section of Part E of Title III of the~~
4 ~~Criminal Code of 1961 or the Criminal Code of 2012, or~~
5 ~~subsection (a) of Section 17-32 of the Criminal Code of~~
6 ~~1961 or the Criminal Code of 2012, or Section 5 or 5.2 of~~
7 ~~the Cannabis Control Act, or a crime involving moral~~
8 ~~turpitude under the laws of this State or any other state~~
9 ~~which if committed in this State would be punishable as a~~
10 ~~felony or a crime of moral turpitude, or any felony or~~
11 ~~misdemeanor in violation of federal law or the law of any~~
12 ~~state that is the equivalent of any of the offenses~~
13 ~~specified therein. The Board may appoint investigators who~~
14 ~~shall enforce the duties conferred upon the Board by this~~
15 ~~Act.~~

16 ~~For purposes of this paragraph e, a person is~~
17 ~~considered to have been convicted of, found guilty of, or~~
18 ~~entered a plea of guilty to, plea of nolo contendere to~~
19 ~~regardless of whether the adjudication of guilt or~~
20 ~~sentence is withheld or not entered thereon. This includes~~
21 ~~sentences of supervision, conditional discharge, or first~~
22 ~~offender probation, or any similar disposition provided~~
23 ~~for by law.~~

24 ~~f. To establish statewide standards for minimum~~
25 ~~standards regarding regular mental health screenings for~~
26 ~~probationary and permanent police officers, ensuring that~~

1 ~~counseling sessions and screenings remain confidential.~~

2 ~~g. To review and ensure all law enforcement officers~~
3 ~~remain in compliance with this Act, and any administrative~~
4 ~~rules adopted under this Act.~~

5 ~~h. To suspend any certificate for a definite period,~~
6 ~~limit or restrict any certificate, or revoke any~~
7 ~~certificate.~~

8 ~~i. The Board and the Panel shall have power to secure~~
9 ~~by its subpoena and bring before it any person or entity in~~
10 ~~this State and to take testimony either orally or by~~
11 ~~deposition or both with the same fees and mileage and in~~
12 ~~the same manner as prescribed by law in judicial~~
13 ~~proceedings in civil cases in circuit courts of this~~
14 ~~State. The Board and the Panel shall also have the power to~~
15 ~~subpoena the production of documents, papers, files,~~
16 ~~books, documents, and records, whether in physical or~~
17 ~~electronic form, in support of the charges and for~~
18 ~~defense, and in connection with a hearing or~~
19 ~~investigation.~~

20 ~~j. The Executive Director, the administrative law~~
21 ~~judge designated by the Executive Director, and each~~
22 ~~member of the Board and the Panel shall have the power to~~
23 ~~administer oaths to witnesses at any hearing that the~~
24 ~~Board is authorized to conduct under this Act and any~~
25 ~~other oaths required or authorized to be administered by~~
26 ~~the Board under this Act.~~

1 ~~k. In case of the neglect or refusal of any person to~~
2 ~~obey a subpoena issued by the Board and the Panel, any~~
3 ~~circuit court, upon application of the Board and the~~
4 ~~Panel, through the Illinois Attorney General, may order~~
5 ~~such person to appear before the Board and the Panel give~~
6 ~~testimony or produce evidence, and any failure to obey~~
7 ~~such order is punishable by the court as a contempt~~
8 ~~thereof. This order may be served by personal delivery, by~~
9 ~~email, or by mail to the address of record or email address~~
10 ~~of record.~~

11 ~~l. The Board shall have the power to administer state~~
12 ~~certification examinations. Any and all records related to~~
13 ~~these examinations, including, but not limited to, test~~
14 ~~questions, test formats, digital files, answer responses,~~
15 ~~answer keys, and scoring information shall be exempt from~~
16 ~~disclosure.~~

17 ~~m. To make grants, subject to appropriation, to units~~
18 ~~of local government and public institutions of higher~~
19 ~~education for the purposes of hiring and retaining law~~
20 ~~enforcement officers.~~

21 (Source: P.A. 101-187, eff. 1-1-20; 101-652, Article 10,
22 Section 10-143, eff. 7-1-21; 101-652, Article 25, Section
23 25-40, eff. 1-1-22; 102-687, eff. 12-17-21; 102-694, eff.
24 1-7-22; 102-1115, eff. 1-9-23.)

1 Sec. 6.1. Decertification ~~Automatic decertification~~ of
2 full-time and part-time police ~~law enforcement~~ officers.

3 (a) The Board must review police officer conduct and
4 records to ensure that no police officer is certified or
5 provided a valid waiver if that police officer has been
6 convicted of, or entered a plea of guilty to, a felony offense
7 under the laws of this State or any other state which if
8 committed in this State would be punishable as a felony. The
9 Board must also ensure that no or officer is certified or
10 provided a valid waiver if that police officer has been
11 convicted of, or entered a plea of guilty to, any misdemeanor
12 specified in this Section or if committed in any other state
13 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
14 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3,
15 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of
16 1961 or the Criminal Code of 2012, to subdivision (a)(1) or
17 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, or subsection (a) of Section 17-32
19 of the Criminal Code of 1961 or the Criminal Code of 2012, or
20 to Section 5 or 5.2 of the Cannabis Control Act. The Board must
21 appoint investigators to enforce the duties conferred upon the
22 Board by this Act.

23 (b) It is the responsibility of the sheriff or the chief
24 executive officer of every local law enforcement agency or
25 department within this State to report to the Board any
26 arrest, conviction, or plea of guilty of any officer for an

1 offense identified in this Section.

2 (c) It is the duty and responsibility of every full-time
3 and part-time police officer in this State to report to the
4 Board within 30 days, and the officer's sheriff or chief
5 executive officer, of his or her arrest, conviction, or plea
6 of guilty for an offense identified in this Section. Any
7 full-time or part-time police officer who knowingly makes,
8 submits, causes to be submitted, or files a false or
9 untruthful report to the Board must have his or her
10 certificate or waiver immediately decertified or revoked.

11 (d) Any person, or a local or State agency, or the Board is
12 immune from liability for submitting, disclosing, or releasing
13 information of arrests, convictions, or pleas of guilty in
14 this Section as long as the information is submitted,
15 disclosed, or released in good faith and without malice. The
16 Board has qualified immunity for the release of the
17 information.

18 (e) Any full-time or part-time police officer with a
19 certificate or waiver issued by the Board who is convicted of,
20 or entered a plea of guilty to, any offense described in this
21 Section immediately becomes decertified or no longer has a
22 valid waiver. The decertification and invalidity of waivers
23 occurs as a matter of law. Failure of a convicted person to
24 report to the Board his or her conviction as described in this
25 Section or any continued law enforcement practice after
26 receiving a conviction is a Class 4 felony.

1 (f) The Board's investigators are peace officers and have
2 all the powers possessed by policemen in cities and by
3 sheriffs, and these investigators may exercise those powers
4 anywhere in the State. An investigator shall not have peace
5 officer status or exercise police powers unless he or she
6 successfully completes the basic police training course
7 mandated and approved by the Board or the Board waives the
8 training requirement by reason of the investigator's prior law
9 enforcement experience, training, or both. The Board shall not
10 wave the training requirement unless the investigator has had
11 a minimum of 5 years experience as a sworn officer of a local,
12 State, or federal law enforcement agency.

13 (g) The Board must request and receive information and
14 assistance from any federal, state, or local governmental
15 agency as part of the authorized criminal background
16 investigation. The Illinois State Police must process, retain,
17 and additionally provide and disseminate information to the
18 Board concerning criminal charges, arrests, convictions, and
19 their disposition, that have been filed against a basic
20 academy applicant, law enforcement applicant, or law
21 enforcement officer whose fingerprint identification cards are
22 on file or maintained by the Illinois State Police. The
23 Federal Bureau of Investigation must provide the Board any
24 criminal history record information contained in its files
25 pertaining to law enforcement officers or any applicant to a
26 Board certified basic law enforcement academy as described in

1 this Act based on fingerprint identification. The Board must
2 make payment of fees to the Illinois State Police for each
3 fingerprint card submission in conformance with the
4 requirements of paragraph 22 of Section 55a of the Civil
5 Administrative Code of Illinois.

6 A police officer who has been certified or granted a valid
7 waiver shall also be decertified or have his or her waiver
8 revoked upon a determination by the Illinois Labor Relations
9 Board State Panel that he or she, while under oath, has
10 knowingly and willfully made false statements as to a material
11 fact going to an element of the offense of murder. If an appeal
12 is filed, the determination shall be stayed.

13 (1) In the case of an acquittal on a charge of murder,
14 a verified complaint may be filed:

15 (A) by the defendant; or

16 (B) by a police officer with personal knowledge of
17 perjured testimony.

18 The complaint must allege that a police officer, while
19 under oath, knowingly and willfully made false statements
20 as to a material fact going to an element of the offense of
21 murder. The verified complaint must be filed with the
22 Executive Director of the Illinois Law Enforcement
23 Training Standards Board within 2 years of the judgment of
24 acquittal.

25 (2) Within 30 days, the Executive Director of the
26 Illinois Law Enforcement Training Standards Board shall

1 review the verified complaint and determine whether the
2 verified complaint is frivolous and without merit, or
3 whether further investigation is warranted. The Illinois
4 Law Enforcement Training Standards Board shall notify the
5 officer and the Executive Director of the Illinois Labor
6 Relations Board State Panel of the filing of the complaint
7 and any action taken thereon. If the Executive Director of
8 the Illinois Law Enforcement Training Standards Board
9 determines that the verified complaint is frivolous and
10 without merit, it shall be dismissed. The Executive
11 Director of the Illinois Law Enforcement Training
12 Standards Board has sole discretion to make this
13 determination and this decision is not subject to appeal.

14 If the Executive Director of the Illinois Law Enforcement
15 Training Standards Board determines that the verified
16 complaint warrants further investigation, he or she shall
17 refer the matter to a task force of investigators created for
18 this purpose. This task force shall consist of 8 sworn police
19 officers: 2 from the Illinois State Police, 2 from the City of
20 Chicago Police Department, 2 from county police departments,
21 and 2 from municipal police departments. These investigators
22 shall have a minimum of 5 years of experience in conducting
23 criminal investigations. The investigators shall be appointed
24 by the Executive Director of the Illinois Law Enforcement
25 Training Standards Board. Any officer or officers acting in
26 this capacity pursuant to this statutory provision will have

1 statewide police authority while acting in this investigative
2 capacity. Their salaries and expenses for the time spent
3 conducting investigations under this paragraph shall be
4 reimbursed by the Illinois Law Enforcement Training Standards
5 Board.

6 Once the Executive Director of the Illinois Law
7 Enforcement Training Standards Board has determined that an
8 investigation is warranted, the verified complaint shall be
9 assigned to an investigator or investigators. The investigator
10 or investigators shall conduct an investigation of the
11 verified complaint and shall write a report of his or her
12 findings. This report shall be submitted to the Executive
13 Director of the Illinois Labor Relations Board State Panel.

14 Within 30 days, the Executive Director of the Illinois
15 Labor Relations Board State Panel shall review the
16 investigative report and determine whether sufficient evidence
17 exists to conduct an evidentiary hearing on the verified
18 complaint. If the Executive Director of the Illinois Labor
19 Relations Board State Panel determines upon his or her review
20 of the investigatory report that a hearing should not be
21 conducted, the complaint shall be dismissed. This decision is
22 in the Executive Director's sole discretion, and this
23 dismissal may not be appealed.

24 If the Executive Director of the Illinois Labor Relations
25 Board State Panel determines that there is sufficient evidence
26 to warrant a hearing, a hearing shall be ordered on the

1 verified complaint, to be conducted by an administrative law
2 judge employed by the Illinois Labor Relations Board State
3 Panel. The Executive Director of the Illinois Labor Relations
4 Board State Panel shall inform the Executive Director of the
5 Illinois Law Enforcement Training Standards Board and the
6 person who filed the complaint of either the dismissal of the
7 complaint or the issuance of the complaint for hearing. The
8 Executive Director shall assign the complaint to the
9 administrative law judge within 30 days of the decision
10 granting a hearing.

11 In the case of a finding of guilt on the offense of murder,
12 if a new trial is granted on direct appeal, or a state
13 post-conviction evidentiary hearing is ordered, based on a
14 claim that a police officer, under oath, knowingly and
15 willfully made false statements as to a material fact going to
16 an element of the offense of murder, the Illinois Labor
17 Relations Board State Panel shall hold a hearing to determine
18 whether the officer should be decertified if an interested
19 party requests such a hearing within 2 years of the court's
20 decision. The complaint shall be assigned to an administrative
21 law judge within 30 days so that a hearing can be scheduled.

22 At the hearing, the accused officer shall be afforded the
23 opportunity to:

24 (1) Be represented by counsel of his or her own
25 choosing;

26 (2) Be heard in his or her own defense;

1 (3) Produce evidence in his or her defense;

2 (4) Request that the Illinois Labor Relations Board
3 State Panel compel the attendance of witnesses and
4 production of related documents including but not limited
5 to court documents and records.

6 Once a case has been set for hearing, the verified
7 complaint shall be referred to the Department of Professional
8 Regulation. That office shall prosecute the verified complaint
9 at the hearing before the administrative law judge. The
10 Department of Professional Regulation shall have the
11 opportunity to produce evidence to support the verified
12 complaint and to request the Illinois Labor Relations Board
13 State Panel to compel the attendance of witnesses and the
14 production of related documents, including, but not limited
15 to, court documents and records. The Illinois Labor Relations
16 Board State Panel shall have the power to issue subpoenas
17 requiring the attendance of and testimony of witnesses and the
18 production of related documents including, but not limited to,
19 court documents and records and shall have the power to
20 administer oaths.

21 The administrative law judge shall have the responsibility
22 of receiving into evidence relevant testimony and documents,
23 including court records, to support or disprove the
24 allegations made by the person filing the verified complaint
25 and, at the close of the case, hear arguments. If the
26 administrative law judge finds that there is not clear and

1 convincing evidence to support the verified complaint that the
2 police officer has, while under oath, knowingly and willfully
3 made false statements as to a material fact going to an element
4 of the offense of murder, the administrative law judge shall
5 make a written recommendation of dismissal to the Illinois
6 Labor Relations Board State Panel. If the administrative law
7 judge finds that there is clear and convincing evidence that
8 the police officer has, while under oath, knowingly and
9 willfully made false statements as to a material fact that
10 goes to an element of the offense of murder, the
11 administrative law judge shall make a written recommendation
12 so concluding to the Illinois Labor Relations Board State
13 Panel. The hearings shall be transcribed. The Executive
14 Director of the Illinois Law Enforcement Training Standards
15 Board shall be informed of the administrative law judge's
16 recommended findings and decision and the Illinois Labor
17 Relations Board State Panel's subsequent review of the
18 recommendation.

19 An officer named in any complaint filed pursuant to this
20 Act shall be indemnified for his or her reasonable attorney's
21 fees and costs by his or her employer. These fees shall be paid
22 in a regular and timely manner. The State, upon application by
23 the public employer, shall reimburse the public employer for
24 the accused officer's reasonable attorney's fees and costs. At
25 no time and under no circumstances will the accused officer be
26 required to pay his or her own reasonable attorney's fees or

1 costs.

2 The accused officer shall not be placed on unpaid status
3 because of the filing or processing of the verified complaint
4 until there is a final non-appealable order sustaining his or
5 her guilt and his or her certification is revoked. Nothing in
6 this Act, however, restricts the public employer from pursuing
7 discipline against the officer in the normal course and under
8 procedures then in place.

9 The Illinois Labor Relations Board State Panel shall
10 review the administrative law judge's recommended decision and
11 order and determine by a majority vote whether or not there was
12 clear and convincing evidence that the accused officer, while
13 under oath, knowingly and willfully made false statements as
14 to a material fact going to the offense of murder. Within 30
15 days of service of the administrative law judge's recommended
16 decision and order, the parties may file exceptions to the
17 recommended decision and order and briefs in support of their
18 exceptions with the Illinois Labor Relations Board State
19 Panel. The parties may file responses to the exceptions and
20 briefs in support of the responses no later than 15 days after
21 the service of the exceptions. If exceptions are filed by any
22 of the parties, the Illinois Labor Relations Board State Panel
23 shall review the matter and make a finding to uphold, vacate,
24 or modify the recommended decision and order. If the Illinois
25 Labor Relations Board State Panel concludes that there is
26 clear and convincing evidence that the accused officer, while

1 under oath, knowingly and willfully made false statements as
2 to a material fact going to an element of the offense murder,
3 the Illinois Labor Relations Board State Panel shall inform
4 the Illinois Law Enforcement Training Standards Board and the
5 Illinois Law Enforcement Training Standards Board shall revoke
6 the accused officer's certification. If the accused officer
7 appeals that determination to the Appellate Court, as provided
8 by this Act, he or she may petition the Appellate Court to stay
9 the revocation of his or her certification pending the court's
10 review of the matter.

11 None of the Illinois Labor Relations Board State Panel's
12 findings or determinations shall set any precedent in any of
13 its decisions decided pursuant to the Illinois Public Labor
14 Relations Act by the Illinois Labor Relations Board State
15 Panel or the courts.

16 A party aggrieved by the final order of the Illinois Labor
17 Relations Board State Panel may apply for and obtain judicial
18 review of an order of the Illinois Labor Relations Board State
19 Panel, in accordance with the provisions of the Administrative
20 Review Law, except that such judicial review shall be afforded
21 directly in the Appellate Court for the district in which the
22 accused officer resides. Any direct appeal to the Appellate
23 Court shall be filed within 35 days from the date that a copy
24 of the decision sought to be reviewed was served upon the party
25 affected by the decision.

26 Interested parties. Only interested parties to the

1 criminal prosecution in which the police officer allegedly,
2 while under oath, knowingly and willfully made false
3 statements as to a material fact going to an element of the
4 offense of murder may file a verified complaint pursuant to
5 this Section. For purposes of this Section, "interested
6 parties" shall be limited to the defendant and any police
7 officer who has personal knowledge that the police officer who
8 is the subject of the complaint has, while under oath,
9 knowingly and willfully made false statements as to a material
10 fact going to an element of the offense of murder.

11 Semi-annual reports. The Executive Director of the
12 Illinois Labor Relations Board shall submit semi-annual
13 reports to the Governor, President, and Minority Leader of the
14 Senate, and to the Speaker and Minority Leader of the House of
15 Representatives beginning on June 30, 2004, indicating:

16 (1) the number of verified complaints received since
17 the date of the last report;

18 (2) the number of investigations initiated since the
19 date of the last report;

20 (3) the number of investigations concluded since the
21 date of the last report;

22 (4) the number of investigations pending as of the
23 reporting date;

24 (5) the number of hearings held since the date of the
25 last report; and

26 (6) the number of officers decertified since the date

1 of the last report.

2 ~~(a) The Board must review law enforcement officer conduct~~
3 ~~and records to ensure that no law enforcement officer is~~
4 ~~certified or provided a valid waiver if that law enforcement~~
5 ~~officer has been convicted of, found guilty of, entered a plea~~
6 ~~of guilty to, or entered a plea of nolo contendere to, a felony~~
7 ~~offense under the laws of this State or any other state which~~
8 ~~if committed in this State would be punishable as a felony. The~~
9 ~~Board must also ensure that no law enforcement officer is~~
10 ~~certified or provided a valid waiver if that law enforcement~~
11 ~~officer has been convicted of, found guilty of, or entered a~~
12 ~~plea of guilty to, on or after January 1, 2022 (the effective~~
13 ~~date of Public Act 101-652) of any misdemeanor specified in~~
14 ~~this Section or if committed in any other state would be an~~
15 ~~offense similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6,~~
16 ~~11-9.1, 11-9.1B, 11-14, 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4,~~
17 ~~12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1,~~
18 ~~any misdemeanor in violation of any Section of Part E of Title~~
19 ~~III of the Criminal Code of 1961 or the Criminal Code of 2012,~~
20 ~~or subsection (a) of Section 17-32 of the Criminal Code of 1961~~
21 ~~or the Criminal Code of 2012, or to Section 5 or 5.2 of the~~
22 ~~Cannabis Control Act, or any felony or misdemeanor in~~
23 ~~violation of federal law or the law of any state that is the~~
24 ~~equivalent of any of the offenses specified therein. The Board~~
25 ~~must appoint investigators to enforce the duties conferred~~
26 ~~upon the Board by this Act.~~

1 ~~(a-1) For purposes of this Section, a person is "convicted~~
2 ~~of, or entered a plea of guilty to, plea of nolo contendere to,~~
3 ~~found guilty of" regardless of whether the adjudication of~~
4 ~~guilt or sentence is withheld or not entered thereon. This~~
5 ~~includes sentences of supervision, conditional discharge, or~~
6 ~~first offender probation, or any similar disposition provided~~
7 ~~for by law.~~

8 ~~(b) It is the responsibility of the sheriff or the chief~~
9 ~~executive officer of every law enforcement agency or~~
10 ~~department within this State to report to the Board any~~
11 ~~arrest, conviction, finding of guilt, plea of guilty, or plea~~
12 ~~of nolo contendere to, of any officer for an offense~~
13 ~~identified in this Section, regardless of whether the~~
14 ~~adjudication of guilt or sentence is withheld or not entered~~
15 ~~thereon, this includes sentences of supervision, conditional~~
16 ~~discharge, or first offender probation.~~

17 ~~(c) It is the duty and responsibility of every full time~~
18 ~~and part time law enforcement officer in this State to report~~
19 ~~to the Board within 14 days, and the officer's sheriff or chief~~
20 ~~executive officer, of the officer's arrest, conviction, found~~
21 ~~guilty of, or plea of guilty for an offense identified in this~~
22 ~~Section. Any full time or part time law enforcement officer~~
23 ~~who knowingly makes, submits, causes to be submitted, or files~~
24 ~~a false or untruthful report to the Board must have the~~
25 ~~officer's certificate or waiver immediately decertified or~~
26 ~~revoked.~~

1 ~~(d) Any person, or a local or State agency, or the Board is~~
2 ~~immune from liability for submitting, disclosing, or releasing~~
3 ~~information of arrests, convictions, or pleas of guilty in~~
4 ~~this Section as long as the information is submitted,~~
5 ~~disclosed, or released in good faith and without malice. The~~
6 ~~Board has qualified immunity for the release of the~~
7 ~~information.~~

8 ~~(e) Any full time or part time law enforcement officer~~
9 ~~with a certificate or waiver issued by the Board who is~~
10 ~~convicted of, found guilty of, or entered a plea of guilty to,~~
11 ~~or entered a plea of nolo contendere to any offense described~~
12 ~~in this Section immediately becomes decertified or no longer~~
13 ~~has a valid waiver. The decertification and invalidity of~~
14 ~~waivers occurs as a matter of law. Failure of a convicted~~
15 ~~person to report to the Board the officer's conviction as~~
16 ~~described in this Section or any continued law enforcement~~
17 ~~practice after receiving a conviction is a Class 4 felony.~~

18 ~~For purposes of this Section, a person is considered to~~
19 ~~have been "convicted of, found guilty of, or entered a plea of~~
20 ~~guilty to, plea of nolo contendere to" regardless of whether~~
21 ~~the adjudication of guilt or sentence is withheld or not~~
22 ~~entered thereon, including sentences of supervision,~~
23 ~~conditional discharge, first offender probation, or any~~
24 ~~similar disposition as provided for by law.~~

25 ~~(f) The Board's investigators shall be law enforcement~~
26 ~~officers as defined in Section 2 of this Act. The Board shall~~

1 ~~not waive the training requirement unless the investigator has~~
2 ~~had a minimum of 5 years experience as a sworn officer of a~~
3 ~~local, State, or federal law enforcement agency. An~~
4 ~~investigator shall not have been terminated for good cause,~~
5 ~~decertified, had his or her law enforcement license or~~
6 ~~certificate revoked in this or any other jurisdiction, or been~~
7 ~~convicted of any of the conduct listed in subsection (a). Any~~
8 ~~complaint filed against the Board's investigators shall be~~
9 ~~investigated by the Illinois State Police.~~

10 ~~(g) The Board must request and receive information and~~
11 ~~assistance from any federal, state, local, or private~~
12 ~~enforcement agency as part of the authorized criminal~~
13 ~~background investigation. The Illinois State Police must~~
14 ~~process, retain, and additionally provide and disseminate~~
15 ~~information to the Board concerning criminal charges, arrests,~~
16 ~~convictions, and their disposition, that have been filed~~
17 ~~against a basic academy applicant, law enforcement applicant,~~
18 ~~or law enforcement officer whose fingerprint identification~~
19 ~~cards are on file or maintained by the Illinois State Police.~~
20 ~~The Federal Bureau of Investigation must provide the Board any~~
21 ~~criminal history record information contained in its files~~
22 ~~pertaining to law enforcement officers or any applicant to a~~
23 ~~Board certified basic law enforcement academy as described in~~
24 ~~this Act based on fingerprint identification. The Board must~~
25 ~~make payment of fees to the Illinois State Police for each~~
26 ~~fingerprint card submission in conformance with the~~

1 ~~requirements of paragraph 22 of Section 55a of the Civil~~
2 ~~Administrative Code of Illinois.~~

3 ~~(g-5) Notwithstanding any provision of law to the~~
4 ~~contrary, the changes to this Section made by this amendatory~~
5 ~~Act of the 102nd General Assembly and Public Act 101-652 shall~~
6 ~~apply prospectively only from July 1, 2022.~~

7 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
8 102-538, eff. 8-20-21; 102-694, eff. 1-7-22.)

9 (50 ILCS 705/7)

10 (Text of Section before amendment by P.A. 102-982)

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

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

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

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

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

1 (4) specialized training in subjects and fields to be
2 selected by the board. The training in the use of
3 electronic control devices shall be conducted for
4 probationary police ~~law enforcement~~ officers, including
5 University police officers. The curriculum shall also
6 include training on the use of a firearms restraining
7 order by providing instruction on the process used to file
8 a firearms restraining order and how to identify
9 situations in which a firearms restraining order is
10 appropriate.

11 b. Minimum courses of study, attendance requirements
12 and equipment requirements.

13 c. Minimum requirements for instructors.

14 d. Minimum basic training requirements, which a
15 probationary police ~~law enforcement~~ officer must
16 satisfactorily complete before being eligible for
17 permanent employment as a local police ~~law enforcement~~
18 officer for a participating local governmental ~~or State~~
19 ~~governmental~~ agency. Those requirements shall include
20 training in first aid (including cardiopulmonary
21 resuscitation).

22 e. Minimum basic training requirements, which a
23 probationary county corrections officer must
24 satisfactorily complete before being eligible for
25 permanent employment as a county corrections officer for a
26 participating local governmental agency.

1 f. Minimum basic training requirements which a
2 probationary court security officer must satisfactorily
3 complete before being eligible for permanent employment as
4 a court security officer for a participating local
5 governmental agency. The Board shall establish those
6 training requirements which it considers appropriate for
7 court security officers and shall certify schools to
8 conduct that training.

9 A person hired to serve as a court security officer
10 must obtain from the Board a certificate (i) attesting to
11 the officer's successful completion of the training
12 course; (ii) attesting to the officer's satisfactory
13 completion of a training program of similar content and
14 number of hours that has been found acceptable by the
15 Board under the provisions of this Act; or (iii) attesting
16 to the Board's determination that the training course is
17 unnecessary because of the person's extensive prior law
18 enforcement experience.

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

26 All individuals hired as court security officers on or

1 after June 1, 1997 (the effective date of Public Act
2 89-685) shall be certified within 12 months of the date of
3 their hire, unless a waiver has been obtained by the
4 Board, or they shall forfeit their positions.

5 The Sheriff's Merit Commission, if one exists, or the
6 Sheriff's Office if there is no Sheriff's Merit
7 Commission, shall maintain a list of all individuals who
8 have filed applications to become court security officers
9 and who meet the eligibility requirements established
10 under this Act. Either the Sheriff's Merit Commission, or
11 the Sheriff's Office if no Sheriff's Merit Commission
12 exists, shall establish a schedule of reasonable intervals
13 for verification of the applicants' qualifications under
14 this Act and as established by the Board.

15 g. Minimum in-service training requirements, which a
16 police ~~law enforcement~~ officer must satisfactorily
17 complete every 3 years. Those requirements shall include
18 constitutional and proper use of law enforcement
19 authority, procedural justice, civil rights, human rights,
20 reporting child abuse and neglect, and cultural
21 competency, including implicit bias and racial and ethnic
22 sensitivity. These trainings shall consist of at least 30
23 hours of training every 3 years.

24 h. Minimum in-service training requirements, which a
25 police ~~law enforcement~~ officer must satisfactorily
26 complete at least annually. Those requirements shall

1 include law updates, emergency medical response training
2 and certification, crisis intervention training, and
3 officer wellness and mental health.

4 i. Minimum in-service training requirements as set
5 forth in Section 10.6.

6 ~~The amendatory changes to this Section made by Public Act~~
7 ~~101-652 shall take effect January 1, 2022.~~

8 Notwithstanding any provision of law to the contrary, the
9 changes made to this Section by ~~this amendatory Act of the~~
10 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act
11 102-28, and Public Act 102-694 take effect July 1, 2022.

12 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
13 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
14 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
15 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
16 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
17 eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

18 (Text of Section after amendment by P.A. 102-982)

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

22 a. The curriculum for probationary police ~~law~~
23 ~~enforcement~~ officers which shall be offered by all
24 certified schools shall include, but not be limited to,
25 courses of procedural justice, arrest and use and control

1 tactics, search and seizure, including temporary
2 questioning, civil rights, human rights, human relations,
3 cultural competency, including implicit bias and racial
4 and ethnic sensitivity, criminal law, law of criminal
5 procedure, constitutional and proper use of law
6 enforcement authority, crisis intervention training,
7 vehicle and traffic law including uniform and
8 non-discriminatory enforcement of the Illinois Vehicle
9 Code, traffic control and crash investigation, techniques
10 of obtaining physical evidence, court testimonies,
11 statements, reports, firearms training, training in the
12 use of electronic control devices, including the
13 psychological and physiological effects of the use of
14 those devices on humans, first-aid (including
15 cardiopulmonary resuscitation), training in the
16 administration of opioid antagonists as defined in
17 paragraph (1) of subsection (e) of Section 5-23 of the
18 Substance Use Disorder Act, handling of juvenile
19 offenders, recognition of mental conditions and crises,
20 including, but not limited to, the disease of addiction,
21 which require immediate assistance and response and
22 methods to safeguard and provide assistance to a person in
23 need of mental treatment, recognition of abuse, neglect,
24 financial exploitation, and self-neglect of adults with
25 disabilities and older adults, as defined in Section 2 of
26 the Adult Protective Services Act, crimes against the

1 elderly, law of evidence, the hazards of high-speed police
2 vehicle chases with an emphasis on alternatives to the
3 high-speed chase, and physical training. The curriculum
4 shall include specific training in techniques for
5 immediate response to and investigation of cases of
6 domestic violence and of sexual assault of adults and
7 children, including cultural perceptions and common myths
8 of sexual assault and sexual abuse as well as interview
9 techniques that are age sensitive and are trauma informed,
10 victim centered, and victim sensitive. The curriculum
11 shall include training in techniques designed to promote
12 effective communication at the initial contact with crime
13 victims and ways to comprehensively explain to victims and
14 witnesses their rights under the Rights of Crime Victims
15 and Witnesses Act and the Crime Victims Compensation Act.
16 The curriculum shall also include training in effective
17 recognition of and responses to stress, trauma, and
18 post-traumatic stress experienced by police ~~law~~
19 ~~enforcement~~ officers that is consistent with Section 25 of
20 the Illinois Mental Health First Aid Training Act in a
21 peer setting, including recognizing signs and symptoms of
22 work-related cumulative stress, issues that may lead to
23 suicide, and solutions for intervention with peer support
24 resources. The curriculum shall include a block of
25 instruction addressing the mandatory reporting
26 requirements under the Abused and Neglected Child

1 Reporting Act. The curriculum shall also include a block
2 of instruction aimed at identifying and interacting with
3 persons with autism and other developmental or physical
4 disabilities, reducing barriers to reporting crimes
5 against persons with autism, and addressing the unique
6 challenges presented by cases involving victims or
7 witnesses with autism and other developmental
8 disabilities. The curriculum shall include training in the
9 detection and investigation of all forms of human
10 trafficking. The curriculum shall also include instruction
11 in trauma-informed responses designed to ensure the
12 physical safety and well-being of a child of an arrested
13 parent or immediate family member; this instruction must
14 include, but is not limited to: (1) understanding the
15 trauma experienced by the child while maintaining the
16 integrity of the arrest and safety of officers, suspects,
17 and other involved individuals; (2) de-escalation tactics
18 that would include the use of force when reasonably
19 necessary; and (3) inquiring whether a child will require
20 supervision and care. The curriculum for probationary
21 police ~~law enforcement~~ officers shall include: (1) at
22 least 12 hours of hands-on, scenario-based role-playing;
23 (2) at least 6 hours of instruction on use of force
24 techniques, including the use of de-escalation techniques
25 to prevent or reduce the need for force whenever safe and
26 feasible; (3) specific training on officer safety

1 techniques, including cover, concealment, and time; and
2 (4) at least 6 hours of training focused on high-risk
3 traffic stops. The curriculum for permanent police law
4 ~~enforcement~~ officers shall include, but not be limited to:
5 (1) refresher and in-service training in any of the
6 courses listed above in this subparagraph, (2) advanced
7 courses in any of the subjects listed above in this
8 subparagraph, (3) training for supervisory personnel, and
9 (4) specialized training in subjects and fields to be
10 selected by the board. The training in the use of
11 electronic control devices shall be conducted for
12 probationary police law~~enforcement~~ officers, including
13 University police officers. The curriculum shall also
14 include training on the use of a firearms restraining
15 order by providing instruction on the process used to file
16 a firearms restraining order and how to identify
17 situations in which a firearms restraining order is
18 appropriate.

19 b. Minimum courses of study, attendance requirements
20 and equipment requirements.

21 c. Minimum requirements for instructors.

22 d. Minimum basic training requirements, which a
23 probationary police law~~enforcement~~ officer must
24 satisfactorily complete before being eligible for
25 permanent employment as a local police law~~enforcement~~
26 officer for a participating local governmental ~~or State~~

1 ~~governmental~~ agency. Those requirements shall include
2 training in first aid (including cardiopulmonary
3 resuscitation).

4 e. Minimum basic training requirements, which a
5 probationary county corrections officer must
6 satisfactorily complete before being eligible for
7 permanent employment as a county corrections officer for a
8 participating local governmental agency.

9 f. Minimum basic training requirements which a
10 probationary court security officer must satisfactorily
11 complete before being eligible for permanent employment as
12 a court security officer for a participating local
13 governmental agency. The Board shall establish those
14 training requirements which it considers appropriate for
15 court security officers and shall certify schools to
16 conduct that training.

17 A person hired to serve as a court security officer
18 must obtain from the Board a certificate (i) attesting to
19 the officer's successful completion of the training
20 course; (ii) attesting to the officer's satisfactory
21 completion of a training program of similar content and
22 number of hours that has been found acceptable by the
23 Board under the provisions of this Act; or (iii) attesting
24 to the Board's determination that the training course is
25 unnecessary because of the person's extensive prior law
26 enforcement experience.

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

8 All individuals hired as court security officers on or
9 after June 1, 1997 (the effective date of Public Act
10 89-685) shall be certified within 12 months of the date of
11 their hire, unless a waiver has been obtained by the
12 Board, or they shall forfeit their positions.

13 The Sheriff's Merit Commission, if one exists, or the
14 Sheriff's Office if there is no Sheriff's Merit
15 Commission, shall maintain a list of all individuals who
16 have filed applications to become court security officers
17 and who meet the eligibility requirements established
18 under this Act. Either the Sheriff's Merit Commission, or
19 the Sheriff's Office if no Sheriff's Merit Commission
20 exists, shall establish a schedule of reasonable intervals
21 for verification of the applicants' qualifications under
22 this Act and as established by the Board.

23 g. Minimum in-service training requirements, which a
24 police ~~law enforcement~~ officer must satisfactorily
25 complete every 3 years. Those requirements shall include
26 constitutional and proper use of law enforcement

1 authority, procedural justice, civil rights, human rights,
2 reporting child abuse and neglect, and cultural
3 competency, including implicit bias and racial and ethnic
4 sensitivity. These trainings shall consist of at least 30
5 hours of training every 3 years.

6 h. Minimum in-service training requirements, which a
7 police law enforcement officer must satisfactorily
8 complete at least annually. Those requirements shall
9 include law updates, emergency medical response training
10 and certification, crisis intervention training, and
11 officer wellness and mental health.

12 i. Minimum in-service training requirements as set
13 forth in Section 10.6.

14 ~~The amendatory changes to this Section made by Public Act~~
15 ~~101-652 shall take effect January 1, 2022.~~

16 Notwithstanding any provision of law to the contrary, the
17 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 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
21 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
22 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
23 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
24 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
25 eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23;
26 revised 8-11-22.)

1 (50 ILCS 705/7.5)

2 Sec. 7.5. ~~Law enforcement~~ Police pursuit guidelines. The
3 Board shall annually review police pursuit procedures and make
4 available suggested ~~law enforcement~~ police pursuit guidelines
5 for law enforcement agencies. This Section does not alter the
6 effect of previously existing law, including the immunities
7 established under the Local Governmental and Governmental
8 Employees Tort Immunity Act.

9 (Source: P.A. 88-637, eff. 9-9-94; 101-652.)

10 (50 ILCS 705/8) (from Ch. 85, par. 508)

11 Sec. 8. Participation required. All home rule local
12 governmental units shall comply with Sections ~~6.3~~ 8.1~~7~~ and
13 8.2 and any other mandatory provisions of this Act. This Act is
14 a limitation on home rule powers under subsection (i) of
15 Section 6 of Article VII of the Illinois Constitution.

16 (Source: P.A. 89-170, eff. 1-1-96; 101-652.)

17 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

18 Sec. 8.1. Full-time police ~~law enforcement~~ and county
19 corrections officers.

20 (a) After January 1, 1976, no person shall receive a
21 permanent appointment as a law enforcement officer as defined
22 in this Act nor shall any person receive, after the effective
23 date of this amendatory Act of 1984, a permanent appointment

1 as a county corrections officer unless that person has been
2 awarded, within 6 months of his or her initial full-time
3 employment, a certificate attesting to his or her successful
4 completion of the Minimum Standards Basic Law Enforcement and
5 County Correctional Training Course as prescribed by the
6 Board; or has been awarded a certificate attesting to his or
7 her satisfactory completion of a training program of similar
8 content and number of hours and which course has been found
9 acceptable by the Board under the provisions of this Act; or by
10 reason of extensive prior law enforcement or county
11 corrections experience the basic training requirement is
12 determined by the Board to be illogical and unreasonable.

13 If such training is required and not completed within the
14 applicable 6 months, then the officer must forfeit his or her
15 position, or the employing agency must obtain a waiver from
16 the Board extending the period for compliance. Such waiver
17 shall be issued only for good and justifiable reasons, and in
18 no case shall extend more than 90 days beyond the initial 6
19 months. Any hiring agency that fails to train a law
20 enforcement officer within this period shall be prohibited
21 from employing this individual in a law enforcement capacity
22 for one year from the date training was to be completed. If an
23 agency again fails to train the individual a second time, the
24 agency shall be permanently barred from employing this
25 individual in a law enforcement capacity.

26 (b) No provision of this Section shall be construed to

1 mean that a law enforcement officer employed by a local
2 governmental agency at the time of the effective date of this
3 amendatory Act, either as a probationary police officer or as
4 a permanent police officer, shall require certification under
5 the provisions of this Section. No provision of this Section
6 shall be construed to mean that a county corrections officer
7 employed by a local governmental agency at the time of the
8 effective date of this amendatory Act of 1984, either as a
9 probationary county corrections or as a permanent county
10 corrections officer, shall require certification under the
11 provisions of this Section. No provision of this Section shall
12 be construed to apply to certification of elected county
13 sheriffs.

14 (c) This Section does not apply to part-time police
15 officers or probationary part-time police officers.

16 ~~(a) No person shall receive a permanent appointment as a~~
17 ~~law enforcement officer or a permanent appointment as a county~~
18 ~~corrections officer unless that person has been awarded,~~
19 ~~within 6 months of the officer's initial full time employment,~~
20 ~~a certificate attesting to the officer's successful completion~~
21 ~~of the Minimum Standards Basic Law Enforcement or County~~
22 ~~Correctional Training Course as prescribed by the Board; or~~
23 ~~has been awarded a certificate attesting to the officer's~~
24 ~~satisfactory completion of a training program of similar~~
25 ~~content and number of hours and which course has been found~~
26 ~~acceptable by the Board under the provisions of this Act; or a~~

1 ~~training waiver by reason of extensive prior law enforcement~~
2 ~~or county corrections experience the basic training~~
3 ~~requirement is determined by the Board to be illogical and~~
4 ~~unreasonable.~~

5 ~~If such training is required and not completed within the~~
6 ~~applicable 6 months, then the officer must forfeit the~~
7 ~~officer's position, or the employing agency must obtain a~~
8 ~~waiver from the Board extending the period for compliance.~~
9 ~~Such waiver shall be issued only for good and justifiable~~
10 ~~reasons, and in no case shall extend more than 90 days beyond~~
11 ~~the initial 6 months. Any hiring agency that fails to train a~~
12 ~~law enforcement officer within this period shall be prohibited~~
13 ~~from employing this individual in a law enforcement capacity~~
14 ~~for one year from the date training was to be completed. If an~~
15 ~~agency again fails to train the individual a second time, the~~
16 ~~agency shall be permanently barred from employing this~~
17 ~~individual in a law enforcement capacity.~~

18 ~~An individual who is not certified by the Board or whose~~
19 ~~certified status is inactive shall not function as a law~~
20 ~~enforcement officer, be assigned the duties of a law~~
21 ~~enforcement officer by an employing agency, or be authorized~~
22 ~~to carry firearms under the authority of the employer, except~~
23 ~~as otherwise authorized to carry a firearm under State or~~
24 ~~federal law. Sheriffs who are elected as of the effective date~~
25 ~~of this amendatory Act of the 101st General Assembly, are~~
26 ~~exempt from the requirement of certified status. Failure to be~~

1 ~~certified in accordance with this Act shall cause the officer~~
2 ~~to forfeit the officer's position.~~

3 ~~An employing agency may not grant a person status as a law~~
4 ~~enforcement officer unless the person has been granted an~~
5 ~~active law enforcement officer certification by the Board.~~

6 ~~(b) Inactive status. A person who has an inactive law~~
7 ~~enforcement officer certification has no law enforcement~~
8 ~~authority.~~

9 ~~(1) A law enforcement officer's certification becomes~~
10 ~~inactive upon termination, resignation, retirement, or~~
11 ~~separation from the officer's employing law enforcement~~
12 ~~agency for any reason. The Board shall re-activate a~~
13 ~~certification upon written application from the law~~
14 ~~enforcement officer's law enforcement agency that shows~~
15 ~~the law enforcement officer: (i) has accepted a full-time~~
16 ~~law enforcement position with that law enforcement agency,~~
17 ~~(ii) is not the subject of a decertification proceeding,~~
18 ~~and (iii) meets all other criteria for re-activation~~
19 ~~required by the Board. The Board may also establish~~
20 ~~special training requirements to be completed as a~~
21 ~~condition for re-activation.~~

22 ~~The Board shall review a notice for reactivation from~~
23 ~~a law enforcement agency and provide a response within 30~~
24 ~~days. The Board may extend this review. A law enforcement~~
25 ~~officer shall be allowed to be employed as a full-time law~~
26 ~~enforcement officer while the law enforcement officer~~

1 ~~reactivation waiver is under review.~~

2 ~~A law enforcement officer who is refused reactivation~~
3 ~~or an employing agency of a law enforcement officer who is~~
4 ~~refused reactivation under this Section may request a~~
5 ~~hearing in accordance with the hearing procedures as~~
6 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

7 ~~The Board may refuse to re activate the certification~~
8 ~~of a law enforcement officer who was involuntarily~~
9 ~~terminated for good cause by an employing agency for~~
10 ~~conduct subject to decertification under this Act or~~
11 ~~resigned or retired after receiving notice of a law~~
12 ~~enforcement agency's investigation.~~

13 ~~(2) A law enforcement agency may place an officer who~~
14 ~~is currently certified on inactive status by sending a~~
15 ~~written request to the Board. A law enforcement officer~~
16 ~~whose certificate has been placed on inactive status shall~~
17 ~~not function as a law enforcement officer until the~~
18 ~~officer has completed any requirements for reactivating~~
19 ~~the certificate as required by the Board. A request for~~
20 ~~inactive status in this subsection shall be in writing,~~
21 ~~accompanied by verifying documentation, and shall be~~
22 ~~submitted to the Board with a copy to the chief~~
23 ~~administrator of the law enforcement officer's current or~~
24 ~~new employing agency.~~

25 ~~(3) Certification that has become inactive under~~
26 ~~paragraph (2) of this subsection (b), shall be reactivated~~

1 ~~by written notice from the law enforcement officer's~~
2 ~~agency upon a showing that the law enforcement officer is:~~
3 ~~(i) employed in a full-time law enforcement position with~~
4 ~~the same law enforcement agency (ii) not the subject of a~~
5 ~~decertification proceeding, and (iii) meets all other~~
6 ~~criteria for re-activation required by the Board.~~

7 ~~(4) Notwithstanding paragraph (3) of this subsection~~
8 ~~(b), a law enforcement officer whose certification has~~
9 ~~become inactive under paragraph (2) may have the officer's~~
10 ~~employing agency submit a request for a waiver of training~~
11 ~~requirements to the Board in writing and accompanied by~~
12 ~~any verifying documentation.. A grant of a waiver is~~
13 ~~within the discretion of the Board. Within 7 days of~~
14 ~~receiving a request for a waiver under this section, the~~
15 ~~Board shall notify the law enforcement officer and the~~
16 ~~chief administrator of the law enforcement officer's~~
17 ~~employing agency, whether the request has been granted,~~
18 ~~denied, or if the Board will take additional time for~~
19 ~~information. A law enforcement agency, whose request for a~~
20 ~~waiver under this subsection is denied, is entitled to~~
21 ~~request a review of the denial by the Board. The law~~
22 ~~enforcement agency must request a review within 20 days of~~
23 ~~the waiver being denied. The burden of proof shall be on~~
24 ~~the law enforcement agency to show why the law enforcement~~
25 ~~officer is entitled to a waiver of the legislatively~~
26 ~~required training and eligibility requirements.~~

1 ~~(c) No provision of this Section shall be construed to~~
2 ~~mean that a county corrections officer employed by a~~
3 ~~governmental agency at the time of the effective date of this~~
4 ~~amendatory Act, either as a probationary county corrections or~~
5 ~~as a permanent county corrections officer, shall require~~
6 ~~certification under the provisions of this Section. No~~
7 ~~provision of this Section shall be construed to apply to~~
8 ~~certification of elected county sheriffs.~~

9 ~~(d) Within 14 days, a law enforcement officer shall report~~
10 ~~to the Board: (1) any name change; (2) any change in~~
11 ~~employment; or (3) the filing of any criminal indictment or~~
12 ~~charges against the officer alleging that the officer~~
13 ~~committed any offense as enumerated in Section 6.1 of this~~
14 ~~Act.~~

15 ~~(e) All law enforcement officers must report the~~
16 ~~completion of the training requirements required in this Act~~
17 ~~in compliance with Section 8.4 of this Act.~~

18 ~~(c 1) Each employing law enforcement agency shall allow~~
19 ~~and provide an opportunity for a law enforcement officer to~~
20 ~~complete the mandated requirements in this Act. All mandated~~
21 ~~training shall will be provided for at no cost to the~~
22 ~~employees. Employees shall be paid for all time spent~~
23 ~~attending mandated training.~~

24 ~~(c 2) Each agency, academy, or training provider shall~~
25 ~~maintain proof of a law enforcement officer's completion of~~
26 ~~legislatively required training in a format designated by the~~

1 ~~Board. The report of training shall be submitted to the Board~~
2 ~~within 30 days following completion of the training. A copy of~~
3 ~~the report shall be submitted to the law enforcement officer.~~
4 ~~Upon receipt of a properly completed report of training, the~~
5 ~~Board will make the appropriate entry into the training~~
6 ~~records of the law enforcement officer.~~

7 ~~(f) This Section does not apply to part time law~~
8 ~~enforcement officers or probationary part time law enforcement~~
9 ~~officers.~~

10 ~~(g) 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, Public Act 101-652, and Public Act~~
13 ~~102-28 take effect July 1, 2022.~~

14 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
15 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

16 (50 ILCS 705/8.2)

17 Sec. 8.2. Part-time law enforcement officers.

18 (a) A person hired to serve as a part-time police officer
19 must obtain from the Board a certificate (i) attesting to his
20 or her successful completion of the part-time police training
21 course; (ii) attesting to his or her satisfactory completion
22 of a training program of similar content and number of hours
23 that has been found acceptable by the Board under the
24 provisions of this Act; or (iii) attesting to the Board's
25 determination that the part-time police training course is

1 unnecessary because of the person's extensive prior law
2 enforcement experience. A person hired on or after the
3 effective date of this amendatory Act of the 92nd General
4 Assembly must obtain this certificate within 18 months after
5 the initial date of hire as a probationary part-time police
6 officer in the State of Illinois. The probationary part-time
7 police officer must be enrolled and accepted into a
8 Board-approved course within 6 months after active employment
9 by any department in the State. A person hired on or after
10 January 1, 1996 and before the effective date of this
11 amendatory Act of the 92nd General Assembly must obtain this
12 certificate within 18 months after the date of hire. A person
13 hired before January 1, 1996 must obtain this certificate
14 within 24 months after the effective date of this amendatory
15 Act of 1995.

16 The employing agency may seek a waiver from the Board
17 extending the period for compliance. A waiver shall be issued
18 only for good and justifiable reasons, and the probationary
19 part-time police officer may not practice as a part-time
20 police officer during the waiver period. If training is
21 required and not completed within the applicable time period,
22 as extended by any waiver that may be granted, then the officer
23 must forfeit his or her position.

24 (b) (Blank).

25 (c) The part-time police training course referred to in
26 this Section shall be of similar content and the same number of

1 hours as the courses for full-time officers and shall be
2 provided by Mobile Team In-Service Training Units under the
3 Intergovernmental Law Enforcement Officer's In-Service
4 Training Act or by another approved program or facility in a
5 manner prescribed by the Board.

6 (d) For the purposes of this Section, the Board shall
7 adopt rules defining what constitutes employment on a
8 part-time basis.

9 ~~(a) A person hired to serve as a part time law enforcement~~
10 ~~officer must obtain from the Board a certificate (i) attesting~~
11 ~~to the officer's successful completion of the part time police~~
12 ~~training course; (ii) attesting to the officer's satisfactory~~
13 ~~completion of a training program of similar content and number~~
14 ~~of hours that has been found acceptable by the Board under the~~
15 ~~provisions of this Act; or (iii) a training waiver attesting~~
16 ~~to the Board's determination that the part time police~~
17 ~~training course is unnecessary because of the person's~~
18 ~~extensive prior law enforcement experience. A person hired on~~
19 ~~or after the effective date of this amendatory Act of the 92nd~~
20 ~~General Assembly must obtain this certificate within 18 months~~
21 ~~after the initial date of hire as a probationary part time law~~
22 ~~enforcement officer in the State of Illinois. The probationary~~
23 ~~part time law enforcement officer must be enrolled and~~
24 ~~accepted into a Board approved course within 6 months after~~
25 ~~active employment by any department in the State. A person~~
26 ~~hired on or after January 1, 1996 and before the effective date~~

1 ~~of this amendatory Act of the 92nd General Assembly must~~
2 ~~obtain this certificate within 18 months after the date of~~
3 ~~hire. A person hired before January 1, 1996 must obtain this~~
4 ~~certificate within 24 months after the effective date of this~~
5 ~~amendatory Act of 1995.~~

6 ~~The employing agency may seek an extension waiver from the~~
7 ~~Board extending the period for compliance. An extension waiver~~
8 ~~shall be issued only for good and justifiable reasons, and the~~
9 ~~probationary part time law enforcement officer may not~~
10 ~~practice as a part time law enforcement officer during the~~
11 ~~extension waiver period. If training is required and not~~
12 ~~completed within the applicable time period, as extended by~~
13 ~~any waiver that may be granted, then the officer must forfeit~~
14 ~~the officer's position.~~

15 ~~An individual who is not certified by the Board or whose~~
16 ~~certified status is inactive shall not function as a law~~
17 ~~enforcement officer, be assigned the duties of a law~~
18 ~~enforcement officer by an agency, or be authorized to carry~~
19 ~~firearms under the authority of the employer, except that~~
20 ~~sheriffs who are elected are exempt from the requirement of~~
21 ~~certified status. Failure to be in accordance with this Act~~
22 ~~shall cause the officer to forfeit the officer's position.~~

23 ~~(a-5) A part-time probationary law enforcement officer~~
24 ~~shall be allowed to complete six months of a part-time police~~
25 ~~training course and function as a law enforcement officer as~~
26 ~~permitted by this subsection with a waiver from the Board,~~

1 ~~provided the part-time law enforcement officer is still~~
2 ~~enrolled in the training course. If the part-time probationary~~
3 ~~law enforcement officer withdraws from the course for any~~
4 ~~reason or does not complete the course within the applicable~~
5 ~~time period, as extended by any waiver that may be granted,~~
6 ~~then the officer must forfeit the officer's position. A~~
7 ~~probationary law enforcement officer must function under the~~
8 ~~following rules:~~

9 ~~(1) A law enforcement agency may not grant a person~~
10 ~~status as a law enforcement officer unless the person has~~
11 ~~been granted an active law enforcement officer~~
12 ~~certification by the Board.~~

13 ~~(2) A part-time probationary law enforcement officer~~
14 ~~shall not be used as a permanent replacement for a~~
15 ~~full-time law enforcement.~~

16 ~~(3) A part-time probationary law enforcement officer~~
17 ~~shall be directly supervised at all times by a Board~~
18 ~~certified law enforcement officer. Direct supervision~~
19 ~~requires oversight and control with the supervisor having~~
20 ~~final decision-making authority as to the actions of the~~
21 ~~recruit during duty hours.~~

22 ~~(b) Inactive status. A person who has an inactive law~~
23 ~~enforcement officer certification has no law enforcement~~
24 ~~authority.~~

25 ~~(1) A law enforcement officer's certification becomes~~
26 ~~inactive upon termination, resignation, retirement, or~~

1 ~~separation from the employing agency for any reason. The~~
2 ~~Board shall re-activate a certification upon written~~
3 ~~application from the law enforcement officer's employing~~
4 ~~agency that shows the law enforcement officer: (i) has~~
5 ~~accepted a part time law enforcement position with that a~~
6 ~~law enforcement agency, (ii) is not the subject of a~~
7 ~~decertification proceeding, and (iii) meets all other~~
8 ~~criteria for re-activation required by the Board.~~

9 ~~The Board may refuse to re-activate the certification~~
10 ~~of a law enforcement officer who was involuntarily~~
11 ~~terminated for good cause by the officer's employing~~
12 ~~agency for conduct subject to decertification under this~~
13 ~~Act or resigned or retired after receiving notice of a law~~
14 ~~enforcement agency's investigation.~~

15 ~~(2) A law enforcement agency may place an officer who~~
16 ~~is currently certified on inactive status by sending a~~
17 ~~written request to the Board. A law enforcement officer~~
18 ~~whose certificate has been placed on inactive status shall~~
19 ~~not function as a law enforcement officer until the~~
20 ~~officer has completed any requirements for reactivating~~
21 ~~the certificate as required by the Board. A request for~~
22 ~~inactive status in this subsection shall be in writing,~~
23 ~~accompanied by verifying documentation, and shall be~~
24 ~~submitted to the Board by the law enforcement officer's~~
25 ~~employing agency.~~

26 ~~(3) Certification that has become inactive under~~

1 ~~paragraph (2) of this subsection (b), shall be reactivated~~
2 ~~by written notice from the law enforcement officer's law~~
3 ~~enforcement agency upon a showing that the law enforcement~~
4 ~~officer is: (i) employed in a part-time law enforcement~~
5 ~~position with the same law enforcement agency, (ii) not~~
6 ~~the subject of a decertification proceeding, and (iii)~~
7 ~~meets all other criteria for re-activation required by the~~
8 ~~Board. The Board may also establish special training~~
9 ~~requirements to be completed as a condition for~~
10 ~~re-activation.~~

11 ~~The Board shall review a notice for reactivation from~~
12 ~~a law enforcement agency and provide a response within 30~~
13 ~~days. The Board may extend this review. A law enforcement~~
14 ~~officer shall be allowed to be employed as a part-time law~~
15 ~~enforcement officer while the law enforcement officer~~
16 ~~reactivation waiver is under review.~~

17 ~~A law enforcement officer who is refused reactivation~~
18 ~~or an employing agency of a law enforcement officer who is~~
19 ~~refused reactivation under this Section may request a~~
20 ~~hearing in accordance with the hearing procedures as~~
21 ~~outlined in subsection (h) of Section 6.3 of this Act.~~

22 ~~(4) Notwithstanding paragraph (3) of this Section, a~~
23 ~~law enforcement officer whose certification has become~~
24 ~~inactive under paragraph (2) may have the officer's~~
25 ~~employing agency submit a request for a waiver of training~~
26 ~~requirements to the Board in writing and accompanied by~~

1 ~~any verifying documentation. A grant of a waiver is within~~
2 ~~the discretion of the Board. Within 7 days of receiving a~~
3 ~~request for a waiver under this section, the Board shall~~
4 ~~notify the law enforcement officer and the chief~~
5 ~~administrator of the law enforcement officer's employing~~
6 ~~agency, whether the request has been granted, denied, or~~
7 ~~if the Board will take additional time for information. A~~
8 ~~law enforcement agency or law enforcement officer, whose~~
9 ~~request for a waiver under this subsection is denied, is~~
10 ~~entitled to request a review of the denial by the Board.~~
11 ~~The law enforcement agency must request a review within 20~~
12 ~~days after the waiver being denied. The burden of proof~~
13 ~~shall be on the law enforcement agency to show why the law~~
14 ~~enforcement officer is entitled to a waiver of the~~
15 ~~legislatively required training and eligibility~~
16 ~~requirements.~~

17 ~~(c) The part time police training course referred to in~~
18 ~~this Section shall be of similar content and the same number of~~
19 ~~hours as the courses for full time officers and shall be~~
20 ~~provided by Mobile Team In-Service Training Units under the~~
21 ~~Intergovernmental Law Enforcement Officer's In-Service~~
22 ~~Training Act or by another approved program or facility in a~~
23 ~~manner prescribed by the Board.~~

24 ~~(d) Within 14 days, a law enforcement officer shall report~~
25 ~~to the Board: (1) any name change; (2) any change in~~
26 ~~employment; or (3) the filing of any criminal indictment or~~

1 ~~charges against the officer alleging that the officer~~
2 ~~committed any offense as enumerated in Section 6.1 of this~~
3 ~~Act.~~

4 ~~(c) All law enforcement officers must report the~~
5 ~~completion of the training requirements required in this Act~~
6 ~~in compliance with Section 8.4 of this Act.~~

7 ~~(c-1) Each employing agency shall allow and provide an~~
8 ~~opportunity for a law enforcement officer to complete the~~
9 ~~requirements in this Act. All mandated training shall be~~
10 ~~provided for at no cost to the employees. Employees shall be~~
11 ~~paid for all time spent attending mandated training.~~

12 ~~(c-2) Each agency, academy, or training provider shall~~
13 ~~maintain proof of a law enforcement officer's completion of~~
14 ~~legislatively required training in a format designated by the~~
15 ~~Board. The report of training shall be submitted to the Board~~
16 ~~within 30 days following completion of the training. A copy of~~
17 ~~the report shall be submitted to the law enforcement officer.~~
18 ~~Upon receipt of a properly completed report of training, the~~
19 ~~Board will make the appropriate entry into the training~~
20 ~~records of the law enforcement officer.~~

21 ~~(f) For the purposes of this Section, the Board shall~~
22 ~~adopt rules defining what constitutes employment on a~~
23 ~~part-time basis.~~

24 ~~(g) Notwithstanding any provision of law to the contrary,~~
25 ~~the changes made to this Section by this amendatory Act of the~~
26 ~~102nd General Assembly and Public Act 101 652 take effect July~~

1 ~~1, 2022.~~

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

3 (50 ILCS 705/9) (from Ch. 85, par. 509)

4 Sec. 9. A special fund is hereby established in the State
5 Treasury to be known as the Traffic and Criminal Conviction
6 Surcharge Fund. Moneys in this Fund shall be expended as
7 follows:

8 (1) a portion of the total amount deposited in the
9 Fund may be used, as appropriated by the General Assembly,
10 for the ordinary and contingent expenses of the Illinois
11 Law Enforcement Training Standards Board;

12 (2) a portion of the total amount deposited in the
13 Fund shall be appropriated for the reimbursement of local
14 governmental agencies participating in training programs
15 certified by the Board, in an amount equaling 1/2 of the
16 total sum paid by such agencies during the State's
17 previous fiscal year for mandated training for
18 probationary ~~law enforcement~~ police officers or
19 probationary county corrections officers and for optional
20 advanced and specialized law enforcement or county
21 corrections training; these reimbursements may include the
22 costs for tuition at training schools, the salaries of
23 trainees while in schools, and the necessary travel and
24 room and board expenses for each trainee; if the
25 appropriations under this paragraph (2) are not sufficient

1 to fully reimburse the participating local governmental
2 agencies, the available funds shall be apportioned among
3 such agencies, with priority first given to repayment of
4 the costs of mandatory training given to law enforcement
5 officer or county corrections officer recruits, then to
6 repayment of costs of advanced or specialized training for
7 permanent ~~law enforcement~~ police officers or permanent
8 county corrections officers;

9 (3) a portion of the total amount deposited in the
10 Fund may be used to fund the Intergovernmental Law
11 Enforcement Officer's In-Service Training Act, veto
12 overridden October 29, 1981, as now or hereafter amended,
13 at a rate and method to be determined by the board;

14 (4) a portion of the Fund also may be used by the
15 Illinois State Police for expenses incurred in the
16 training of employees from any State, county, or municipal
17 agency whose function includes enforcement of criminal or
18 traffic law;

19 (5) a portion of the Fund may be used by the Board to
20 fund grant-in-aid programs and services for the training
21 of employees from any county or municipal agency whose
22 functions include corrections or the enforcement of
23 criminal or traffic law;

24 (6) for fiscal years 2013 through 2017 only, a portion
25 of the Fund also may be used by the Department of State
26 Police to finance any of its lawful purposes or functions;

1 (7) a portion of the Fund may be used by the Board,
2 subject to appropriation, to administer grants to local
3 law enforcement agencies for the purpose of purchasing
4 bulletproof vests under the Law Enforcement Officer
5 Bulletproof Vest Act; and

6 (8) a portion of the Fund may be used by the Board to
7 create a law enforcement grant program available for units
8 of local government to fund crime prevention programs,
9 training, and interdiction efforts, including enforcement
10 and prevention efforts, relating to the illegal cannabis
11 market and driving under the influence of cannabis.

12 All payments from the Traffic and Criminal Conviction
13 Surcharge Fund shall be made each year from moneys
14 appropriated for the purposes specified in this Section. No
15 more than 50% of any appropriation under this Act shall be
16 spent in any city having a population of more than 500,000. The
17 State Comptroller and the State Treasurer shall from time to
18 time, at the direction of the Governor, transfer from the
19 Traffic and Criminal Conviction Surcharge Fund to the General
20 Revenue Fund in the State Treasury such amounts as the
21 Governor determines are in excess of the amounts required to
22 meet the obligations of the Traffic and Criminal Conviction
23 Surcharge Fund.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
25 102-538, eff. 8-20-21; revised 10-5-21.)

1 (50 ILCS 705/10) (from Ch. 85, par. 510)

2 Sec. 10. The Board may make, amend and rescind such rules
3 and regulations as may be necessary to carry out the
4 provisions of this Act, including those relating to the annual
5 certification of retired law enforcement officers qualified
6 under federal law to carry a concealed weapon. A copy of all
7 rules and regulations and amendments or rescissions thereof
8 shall be filed with the Secretary of State within a reasonable
9 time after their adoption. The schools certified by the Board
10 and participating in the training program may dismiss from the
11 school any trainee prior to ~~the officer's~~ his completion of
12 the course, if in the opinion of the person in charge of the
13 training school, the trainee is unable or unwilling to
14 satisfactorily complete the prescribed course of training.

15 ~~The Board shall adopt emergency rules to administer this~~
16 ~~Act in accordance with Section 5-45 of the Illinois~~
17 ~~Administrative Procedure Act. For the purposes of the Illinois~~
18 ~~Administrative Procedure Act, the General Assembly finds that~~
19 ~~the adoption of rules to implement this Act is deemed an~~
20 ~~emergency and necessary to the public interest, safety, and~~
21 ~~welfare.~~

22 (Source: P.A. 94-103, eff. 7-1-05; 101-652.)

23 (50 ILCS 705/10.1) (from Ch. 85, par. 510.1)

24 Sec. 10.1. Additional training programs. The Board shall
25 initiate, administer, and conduct training programs for

1 permanent ~~law enforcement~~ police officers and permanent county
2 corrections officers in addition to the basic recruit training
3 program. The Board may initiate, administer, and conduct
4 training programs for part-time ~~law enforcement~~ police
5 officers in addition to the basic part-time ~~law enforcement~~
6 police training course. The training for permanent and
7 part-time ~~law enforcement~~ police officers and permanent county
8 corrections officers may be given in any schools selected by
9 the Board. Such training may include all or any part of the
10 subjects enumerated in Sections 7 and 7.4 of this Act.

11 The corporate authorities of all participating local
12 governmental agencies may elect to participate in the advanced
13 training for permanent and part-time ~~law enforcement~~ police
14 officers and permanent county corrections officers but
15 nonparticipation in this program shall not in any way affect
16 the mandatory responsibility of governmental units to
17 participate in the basic recruit training programs for
18 probationary full-time and part-time ~~law enforcement~~ police
19 and permanent county corrections officers. The failure of any
20 permanent or part-time ~~law enforcement~~ police officer or
21 permanent county corrections officer to successfully complete
22 any course authorized under this Section shall not affect the
23 officer's status as a member of the police department or
24 county sheriff's office of any local governmental agency.

25 The Board may initiate, administer, and conduct training
26 programs for clerks of circuit courts. Those training

1 programs, at the Board's discretion, may be the same or
2 variations of training programs for law enforcement officers.

3 The Board shall initiate, administer, and conduct a
4 training program regarding the set up and operation of
5 portable scales for all municipal and county police officers,
6 technicians, and employees who set up and operate portable
7 scales. This training program must include classroom and field
8 training.

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

10 (50 ILCS 705/10.2)

11 Sec. 10.2. Criminal background investigations.

12 (a) On and after March 14, 2002 (the effective date of
13 Public Act 92-533), an applicant for employment as a peace
14 officer, or for annual certification as a retired law
15 enforcement officer qualified under federal law to carry a
16 concealed weapon, shall authorize an investigation to
17 determine if the applicant has been convicted of, or entered a
18 plea of guilty to, any criminal offense that disqualifies the
19 person as a peace officer.

20 (b) No law enforcement agency may knowingly employ a
21 person, or certify a retired law enforcement officer qualified
22 under federal law to carry a concealed weapon, unless (i) a
23 criminal background investigation of that person has been
24 completed and (ii) that investigation reveals no convictions
25 ~~of~~ or pleas of guilty ~~to~~ of offenses specified in subsection

1 (a) of Section 6.1 of this Act.

2 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;
3 102-558, eff. 8-20-21; 102-694, eff. 1-7-22.)

4 (50 ILCS 705/10.3)

5 Sec. 10.3. Training of ~~law enforcement~~ police officers to
6 conduct electronic interrogations.

7 (a) From appropriations made to it for that purpose, the
8 Board shall initiate, administer, and conduct training
9 programs for permanent ~~law enforcement~~ police officers,
10 part-time ~~law enforcement~~ police officers, and recruits on the
11 methods and technical aspects of conducting electronic
12 recordings of interrogations.

13 (b) Subject to appropriation, the Board shall develop
14 technical guidelines for the mandated recording of custodial
15 interrogations in all homicide investigations by law
16 enforcement agencies. These guidelines shall be developed in
17 conjunction with law enforcement agencies and technology
18 accreditation groups to provide guidance for law enforcement
19 agencies in implementing the mandated recording of custodial
20 interrogations in all homicide investigations.

21 (Source: P.A. 95-688, eff. 10-23-07; 101-652.)

22 (50 ILCS 705/10.7)

23 Sec. 10.7. Mandatory training; police chief and deputy
24 police chief. Each police chief and deputy police chief shall

1 obtain at least 20 hours of training each year. The training
2 must be approved by the Illinois Law Enforcement Training
3 Standards Board and must be related to law enforcement,
4 management or executive development, or ethics. This
5 requirement may be satisfied by attending any training portion
6 of a conference held by an association that represents chiefs
7 of police that has been approved by the Illinois Law
8 Enforcement Training Standards Board. Any police chief and any
9 deputy police chief, upon presentation of a certificate of
10 completion from the person or entity conducting the training,
11 shall be reimbursed by the municipality in accordance with the
12 municipal policy regulating the terms of reimbursement, for
13 ~~the officer's~~ his or her reasonable expenses in obtaining the
14 training required under this Section. No police chief or
15 deputy police chief may attend any recognized training
16 offering without the prior approval of ~~the officer's~~ his or
17 her municipal mayor, manager, or immediate supervisor.

18 This Section does not apply to the City of Chicago or the
19 Sheriff's Police Department in Cook County.

20 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21.)

21 (50 ILCS 705/10.11)

22 Sec. 10.11. Training; death and homicide investigation.
23 The Illinois Law Enforcement Training Standards Board shall
24 conduct or approve a training program in death and homicide
25 investigation for the training of law enforcement officers of

1 local law enforcement agencies. Only law enforcement officers
2 who successfully complete the training program may be assigned
3 as lead investigators in death and homicide investigations.
4 Satisfactory completion of the training program shall be
5 evidenced by a certificate issued to the law enforcement
6 officer by the Illinois Law Enforcement Training Standards
7 Board.

8 The Illinois Law Enforcement Training Standards Board
9 shall develop a process for waiver applications sent by a
10 local law enforcement ~~governmental~~ agency administrator for
11 those officers whose prior training and experience as homicide
12 investigators may qualify them for a waiver. The Board may
13 issue a waiver at its discretion, based solely on the prior
14 training and experience of an officer as a homicide
15 investigator. This Section does not affect or impede the
16 powers of the office of the coroner to investigate all deaths
17 as provided in Division 3-3 of the Counties Code and the
18 Coroner Training Board Act.

19 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;
20 102-694, eff. 1-7-22.)

21 (50 ILCS 705/10.18)

22 Sec. 10.18. Training; administration of opioid
23 antagonists. The Board shall conduct or approve an in-service
24 training program for police ~~law enforcement~~ officers in the
25 administration of opioid antagonists as defined in paragraph

1 (1) of subsection (e) of Section 5-23 of the Substance Use
2 Disorder Act that is in accordance with that Section. As used
3 in this Section, the term "police ~~law enforcement~~ officers"
4 includes full-time or part-time probationary police ~~law~~
5 ~~enforcement~~ officers, permanent or part-time police ~~law~~
6 ~~enforcement~~ officers, recruits, permanent or probationary
7 county corrections officers, permanent or probationary county
8 security officers, and court security officers. The term does
9 not include auxiliary police officers as defined in Section
10 3.1-30-20 of the Illinois Municipal Code.

11 (Source: P.A. 101-652, eff. 1-1-22; 102-813, eff. 5-13-22.)

12 (50 ILCS 705/10.19)

13 Sec. 10.19. Training; administration of epinephrine.

14 (a) This Section, along with Section 40 of the Illinois
15 State Police Act, may be referred to as the Annie LeGere Law.

16 (b) For purposes of this Section, "epinephrine
17 auto-injector" means a single-use device used for the
18 automatic injection of a pre-measured dose of epinephrine into
19 the human body prescribed in the name of a local law
20 enforcement agency.

21 (c) The Board shall conduct or approve an optional
22 advanced training program for police ~~law enforcement~~ officers
23 to recognize and respond to anaphylaxis, including the
24 administration of an epinephrine auto-injector. The training
25 must include, but is not limited to:

- 1 (1) how to recognize symptoms of an allergic reaction;
- 2 (2) how to respond to an emergency involving an
3 allergic reaction;
- 4 (3) how to administer an epinephrine auto-injector;
- 5 (4) how to respond to an individual with a known
6 allergy as well as an individual with a previously unknown
7 allergy;
- 8 (5) a test demonstrating competency of the knowledge
9 required to recognize anaphylaxis and administer an
10 epinephrine auto-injector; and
- 11 (6) other criteria as determined in rules adopted by
12 the Board.

13 (d) A local law enforcement agency may authorize a police
14 ~~law enforcement~~ officer who has completed an optional advanced
15 training program under subsection (c) to carry, administer, or
16 assist with the administration of epinephrine auto-injectors
17 provided by the local law enforcement agency whenever he or
18 she ~~the officer~~ is performing official duties.

19 (e) A local law enforcement agency that authorizes its
20 officers to carry and administer epinephrine auto-injectors
21 under subsection (d) must establish a policy to control the
22 acquisition, storage, transportation, administration, and
23 disposal of epinephrine auto-injectors and to provide
24 continued training in the administration of epinephrine
25 auto-injectors.

26 (f) A physician, physician ~~physician's~~ assistant with

1 prescriptive authority, or advanced practice registered nurse
2 with prescriptive authority may provide a standing protocol or
3 prescription for epinephrine auto-injectors in the name of a
4 local law enforcement agency to be maintained for use when
5 necessary.

6 (g) When a police ~~law enforcement~~ officer administers an
7 epinephrine auto-injector in good faith, the police ~~law~~
8 ~~enforcement~~ officer and local law enforcement agency, and its
9 employees and agents, including a physician, physician
10 ~~physician's~~ assistant with prescriptive authority, or advanced
11 practice registered nurse with prescriptive authority who
12 provides a standing order or prescription for an epinephrine
13 auto-injector, incur no civil or professional liability,
14 except for willful and wanton conduct, or as a result of any
15 injury or death arising from the use of an epinephrine
16 auto-injector.

17 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
18 102-694, eff. 1-7-22; revised 2-3-22.)

19 (50 ILCS 705/10.20)

20 Sec. 10.20. Disposal of medications. The Board shall
21 develop rules and minimum standards for local law enforcement
22 agencies that authorize police ~~law enforcement~~ officers to
23 dispose of unused medications under Section 18 of the Safe
24 Pharmaceutical Disposal Act.

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

1 (50 ILCS 705/3.1 rep.)

2 (50 ILCS 705/6.3 rep.)

3 (50 ILCS 705/6.6 rep.)

4 (50 ILCS 705/6.7 rep.)

5 (50 ILCS 705/8.3 rep.)

6 (50 ILCS 705/8.4 rep.)

7 (50 ILCS 705/9.2 rep.)

8 (50 ILCS 705/13 rep.)

9 Section 1-380. The Illinois Police Training Act is amended
10 by repealing Sections 3.1, 6.3, 6.6, 6.7, 8.3, 8.4, 9.2, and
11 13.

12 Section 1-385. The Illinois Police Training Act is amended
13 by reenacting Section 10.5 as follows:

14 (50 ILCS 705/10.5)

15 Sec. 10.5. Conservators of the Peace training course. The
16 Board shall initiate, administer, and conduct a training
17 course for conservators of the peace. The training course may
18 include all or any part of the subjects enumerated in Section
19 7. The Board shall issue a certificate to those persons
20 successfully completing the course.

21 For the purposes of this Section, "conservators of the
22 peace" means those persons designated under Section 3.1-15-25
23 of the Illinois Municipal Code and Section 4-7 of the Park

1 District Code.

2 (Source: P.A. 90-540, eff. 12-1-97.)

3 Section 1-390. The Counties Code is amended by changing
4 Section 3-6001.5 as follows:

5 (55 ILCS 5/3-6001.5)

6 Sec. 3-6001.5. Sheriff qualifications. A person is not
7 eligible to be elected or appointed to the office of sheriff,
8 unless that person meets all of the following requirements:

9 (1) Is a United States citizen.

10 (2) Has been a resident of the county for at least one
11 year.

12 (3) Is not a convicted felon.

13 ~~(4) Has a certificate attesting to his or her~~
14 ~~successful completion of the Minimum Standards Basic Law~~
15 ~~Enforcement Officers Training Course as prescribed by the~~
16 ~~Illinois Law Enforcement Training Standards Board or a~~
17 ~~substantially similar training program of another state or~~
18 ~~the federal government. This paragraph does not apply to a~~
19 ~~sheriff currently serving on the effective date of this~~
20 ~~amendatory Act of the 101st General Assembly.~~

21 (Source: P.A. 98-115, eff. 7-29-13; 101-652.)

22 Article 2.

1 Section 2-1. Short title. This Act may be cited as the
2 Capital Crimes Litigation Act of 2023.

3 Section 2-5. Appointment of trial counsel in death penalty
4 cases. If an indigent defendant is charged with an offense for
5 which a sentence of death is authorized, and the State's
6 Attorney has not, at or before arraignment, filed a
7 certificate indicating he or she will not seek the death
8 penalty or stated on the record in open court that the death
9 penalty will not be sought, the trial court shall immediately
10 appoint the Public Defender, or any other qualified attorney
11 or attorneys as the Illinois Supreme Court shall by rule
12 provide, to represent the defendant as trial counsel. If the
13 Public Defender is appointed, he or she shall immediately
14 assign the attorney or attorneys who are public defenders to
15 represent the defendant. The counsel shall meet the
16 qualifications as the Supreme Court shall by rule provide. At
17 the request of court appointed counsel in a case in which the
18 death penalty is sought, attorneys employed by the State
19 Appellate Defender may enter an appearance for the limited
20 purpose of assisting counsel appointed under this Section.

21 Section 2-10. Court appointed trial counsel; compensation
22 and expenses.

23 (a) This Section applies only to compensation and expenses
24 of trial counsel appointed by the court as set forth in Section

1 5, other than public defenders, for the period after
2 arraignment and so long as the State's Attorney has not, at any
3 time, filed a certificate indicating he or she will not seek
4 the death penalty or stated on the record in open court that
5 the death penalty will not be sought.

6 (a-5) Litigation budget.

7 (1) In a case in which the State has filed a statement
8 of intent to seek the death penalty, the court shall
9 require appointed counsel, including those appointed in
10 Cook County, after counsel has had adequate time to review
11 the case and prior to engaging trial assistance, to submit
12 a proposed estimated litigation budget for court approval,
13 that will be subject to modification in light of facts and
14 developments that emerge as the case proceeds. Case
15 budgets should be submitted ex parte and filed and
16 maintained under seal in order to protect the defendant's
17 right to effective assistance of counsel, right not to
18 incriminate him or herself and all applicable privileges.
19 Case budgets shall be reviewed and approved by the judge
20 assigned to try the case. As provided under subsection (c)
21 of this Section, petitions for compensation shall be
22 reviewed by both the trial judge and the presiding judge
23 or the presiding judge's designee.

24 (2) The litigation budget shall serve purposes
25 comparable to those of private retainer agreements by
26 confirming both the court's and the attorney's

1 expectations regarding fees and expenses. Consideration
2 should be given to employing an ex parte pretrial
3 conference in order to facilitate reaching agreement on a
4 litigation budget at the earliest opportunity.

5 (3) The budget shall be incorporated into a sealed
6 initial pretrial order that reflects the understandings of
7 the court and counsel regarding all matters affecting
8 counsel compensation and reimbursement and payments for
9 investigative, expert and other services, including, but
10 not limited to, the following matters:

11 (A) the hourly rate at which counsel will be
12 compensated;

13 (B) the hourly rate at which private
14 investigators, other than investigators employed by
15 the Office of the State Appellate Defender, will be
16 compensated; and

17 (C) the best preliminary estimate that can be made
18 of the cost of all services, including, but not
19 limited to, counsel, expert, and investigative
20 services that are likely to be needed through the
21 guilt and penalty phases of the trial. The court shall
22 have discretion to require that budgets be prepared
23 for shorter intervals of time.

24 (4) Appointed counsel may obtain, subject to later
25 review, investigative, expert, or other services without
26 prior authorization if necessary for an adequate defense.

1 If the services are obtained, the presiding judge or the
2 presiding judge's designee shall consider in an ex parte
3 proceeding that timely procurement of necessary services
4 could not await prior authorization. If an ex parte
5 hearing is requested by defense counsel or deemed
6 necessary by the trial judge prior to modifying a budget,
7 the ex parte hearing shall be before the presiding judge
8 or the presiding judge's designee. The judge may then
9 authorize the services nunc pro tunc. If the presiding
10 judge or the presiding judge's designee finds that the
11 services were not reasonable, payment may be denied.

12 (5) An approved budget shall guide counsel's use of
13 time and resources by indicating the services for which
14 compensation is authorized. The case budget shall be
15 re-evaluated when justified by changed or unexpected
16 circumstances and shall be modified by the court when
17 reasonable and necessary for an adequate defense. If an ex
18 parte hearing is requested by defense counsel or deemed
19 necessary by the trial judge prior to modifying a budget,
20 the ex parte hearing shall be before the presiding judge
21 or the presiding judge's designee.

22 (b) Appointed trial counsel shall be compensated upon
23 presentment and certification by the circuit court of a claim
24 for services detailing the date, activity, and time duration
25 for which compensation is sought. Compensation for appointed
26 trial counsel may be paid at a reasonable rate not to exceed

1 \$125 per hour. The court shall not authorize payment of bills
2 that are not properly itemized. A request for payment shall be
3 presented under seal and reviewed ex parte with a court
4 reporter present. Every January 20, the statutory rate
5 prescribed in this subsection shall be automatically increased
6 or decreased, as applicable, by a percentage equal to the
7 percentage change in the consumer price index-u during the
8 preceding 12-month calendar year. "Consumer price index-u"
9 means the index published by the Bureau of Labor Statistics of
10 the United States Department of Labor that measures the
11 average change in prices of goods and services purchased by
12 all urban consumers, United States city average, all items,
13 1982-84=100. The new rate resulting from each annual
14 adjustment shall be determined by the State Treasurer and made
15 available to the chief judge of each judicial circuit.

16 (c) Appointed trial counsel may also petition the court
17 for certification of expenses for reasonable and necessary
18 capital litigation expenses including, but not limited to,
19 investigatory and other assistance, expert, forensic, and
20 other witnesses, and mitigation specialists. Each provider of
21 proposed services must specify the best preliminary estimate
22 that can be made in light of information received in the case
23 at that point, and the provider must sign this estimate under
24 the provisions of Section 1-109 of the Code of Civil
25 Procedure. A provider of proposed services must also specify:
26 (1) his or her hourly rate; (2) the hourly rate of anyone else

1 in his or her employ for whom reimbursement is sought; and (3)
2 the hourly rate of any person or entity that may be
3 subcontracted to perform these services. Counsel may not
4 petition for certification of expenses that may have been
5 provided or compensated by the State Appellate Defender under
6 item (c)(5.1) of Section 10 of the State Appellate Defender
7 Act. The petitions shall be filed under seal and considered ex
8 parte but with a court reporter present for all ex parte
9 conferences. If the requests are submitted after services have
10 been rendered, the requests shall be supported by an invoice
11 describing the services rendered, the dates the services were
12 performed and the amount of time spent. These petitions shall
13 be reviewed by both the trial judge and the presiding judge of
14 the circuit court or the presiding judge's designee. The
15 petitions and orders shall be kept under seal and shall be
16 exempt from Freedom of Information requests until the
17 conclusion of the trial, even if the prosecution chooses not
18 to pursue the death penalty prior to trial or sentencing. If an
19 ex parte hearing is requested by defense counsel or deemed
20 necessary by the trial judge, the hearing shall be before the
21 presiding judge or the presiding judge's designee.

22 (d) Appointed trial counsel shall petition the court for
23 certification of compensation and expenses under this Section
24 periodically during the course of counsel's representation.
25 The petitions shall be supported by itemized bills showing the
26 date, the amount of time spent, the work done, and the total

1 being charged for each entry. The court shall not authorize
2 payment of bills that are not properly itemized. The court
3 must certify reasonable and necessary expenses of the
4 petitioner for travel and per diem (lodging, meals, and
5 incidental expenses). These expenses must be paid at the rate
6 as promulgated by the United States General Services
7 Administration for these expenses for the date and location in
8 which they were incurred, unless extraordinary reasons are
9 shown for the difference. The petitions shall be filed under
10 seal and considered ex parte but with a court reporter present
11 for all ex parte conferences. The petitions shall be reviewed
12 by both the trial judge and the presiding judge of the circuit
13 court or the presiding judge's designee. If an ex parte
14 hearing is requested by defense counsel or deemed necessary by
15 the trial judge, the ex parte hearing shall be before the
16 presiding judge or the presiding judge's designee. If the
17 court determines that the compensation and expenses should be
18 paid from the Capital Litigation Trust Fund, the court shall
19 certify, on a form created by the State Treasurer, that all or
20 a designated portion of the amount requested is reasonable,
21 necessary, and appropriate for payment from the Trust Fund.
22 The form must also be signed by lead trial counsel under the
23 provisions of Section 1-109 of the Code of Civil Procedure
24 verifying that the amount requested is reasonable, necessary,
25 and appropriate. Bills submitted for payment by any individual
26 or entity seeking payment from the Capital Litigation Trust

1 Fund must also be accompanied by a form created by the State
2 Treasurer and signed by the individual or responsible agent of
3 the entity under the provisions of Section 1-109 of the Code of
4 Civil Procedure that the amount requested is accurate and
5 truthful and reflects time spent or expenses incurred.
6 Certification of compensation and expenses by a court in any
7 county other than Cook County shall be delivered by the court
8 to the State Treasurer and must be paid by the State Treasurer
9 directly from the Capital Litigation Trust Fund if there are
10 sufficient moneys in the Trust Fund to pay the compensation
11 and expenses. If the State Treasurer finds within 14 days of
12 his or her receipt of a certification that the compensation
13 and expenses to be paid are unreasonable, unnecessary, or
14 inappropriate, he or she may return the certification to the
15 court setting forth in detail the objection or objections with
16 a request for the court to review the objection or objections
17 before resubmitting the certification. The State Treasurer
18 must send the claimant a copy of the objection or objections.
19 The State Treasurer may only seek a review of a specific
20 objection once. The claimant has 7 days from his or her receipt
21 of the objections to file a response with the court. With or
22 without further hearing, the court must promptly rule on the
23 objections. The petitions and orders shall be kept under seal
24 and shall be exempt from Freedom of Information requests until
25 the conclusion of the trial and appeal of the case, even if the
26 prosecution chooses not to pursue the death penalty prior to

1 trial or sentencing. Certification of compensation and
2 expenses by a court in Cook County shall be delivered by the
3 court to the county treasurer and paid by the county treasurer
4 from moneys granted to the county from the Capital Litigation
5 Trust Fund.

6 Section 2-15. Capital Litigation Trust Fund.

7 (a) The Capital Litigation Trust Fund is created as a
8 special fund in the State treasury. The Trust Fund shall be
9 administered by the State Treasurer to provide moneys for the
10 appropriations to be made, grants to be awarded, and
11 compensation and expenses to be paid under this Act. All
12 interest earned from the investment or deposit of moneys
13 accumulated in the Trust Fund shall, under Section 4.1 of the
14 State Finance Act, be deposited into the Trust Fund.

15 (b) Moneys deposited into the Trust Fund shall not be
16 considered general revenue of the State of Illinois.

17 (c) Moneys deposited into the Trust Fund shall be used
18 exclusively for the purposes of providing funding for the
19 prosecution and defense of capital cases and for providing
20 funding for post-conviction proceedings in capital cases under
21 Article 122 of the Code of Criminal Procedure of 1963 and in
22 relation to petitions filed under Section 2-1401 of the Code
23 of Civil Procedure in relation to capital cases as provided in
24 this Act and shall not be appropriated, loaned, or in any
25 manner transferred to the General Revenue Fund of the State of

1 Illinois.

2 (d) Every fiscal year the State Treasurer shall transfer
3 from the General Revenue Fund to the Capital Litigation Trust
4 Fund an amount equal to the full amount of moneys appropriated
5 by the General Assembly (both by original and supplemental
6 appropriation), less any unexpended balance from the previous
7 fiscal year, from the Capital Litigation Trust Fund for the
8 specific purpose of making funding available for the
9 prosecution and defense of capital cases and for the
10 litigation expenses associated with post-conviction
11 proceedings in capital cases under Article 122 of the Code of
12 Criminal Procedure of 1963 and in relation to petitions filed
13 under Section 2-1401 of the Code of Civil Procedure in
14 relation to capital cases. The Public Defender and State's
15 Attorney in Cook County, the State Appellate Defender, the
16 State's Attorneys Appellate Prosecutor, and the Attorney
17 General shall make annual requests for appropriations from the
18 Trust Fund.

19 (1) The Public Defender in Cook County shall request
20 appropriations to the State Treasurer for expenses
21 incurred by the Public Defender and for funding for
22 private appointed defense counsel in Cook County.

23 (2) The State's Attorney in Cook County shall request
24 an appropriation to the State Treasurer for expenses
25 incurred by the State's Attorney.

26 (3) The State Appellate Defender shall request a

1 direct appropriation from the Trust Fund for expenses
2 incurred by the State Appellate Defender in providing
3 assistance to trial attorneys under item (c)(5.1) of
4 Section 10 of the State Appellate Defender Act and for
5 expenses incurred by the State Appellate Defender in
6 representing petitioners in capital cases in
7 post-conviction proceedings under Article 122 of the Code
8 of Criminal Procedure of 1963 and in relation to petitions
9 filed under Section 2-1401 of the Code of Civil Procedure
10 in relation to capital cases and for the representation of
11 those petitioners by attorneys approved by or contracted
12 with the State Appellate Defender and an appropriation to
13 the State Treasurer for payments from the Trust Fund for
14 the defense of cases in counties other than Cook County.

15 (4) The State's Attorneys Appellate Prosecutor shall
16 request a direct appropriation from the Trust Fund to pay
17 expenses incurred by the State's Attorneys Appellate
18 Prosecutor and an appropriation to the State Treasurer for
19 payments from the Trust Fund for expenses incurred by
20 State's Attorneys in counties other than Cook County.

21 (5) The Attorney General shall request a direct
22 appropriation from the Trust Fund to pay expenses incurred
23 by the Attorney General in assisting the State's Attorneys
24 in counties other than Cook County and to pay for expenses
25 incurred by the Attorney General when the Attorney General
26 is ordered by the presiding judge of the Criminal Division

1 of the Circuit Court of Cook County to prosecute or
2 supervise the prosecution of Cook County cases and for
3 expenses incurred by the Attorney General in representing
4 the State in post-conviction proceedings in capital cases
5 under Article 122 of the Code of Criminal Procedure of
6 1963 and in relation to petitions filed under Section
7 2-1401 of the Code of Civil Procedure in relation to
8 capital cases. The Public Defender and State's Attorney in
9 Cook County, the State Appellate Defender, the State's
10 Attorneys Appellate Prosecutor, and the Attorney General
11 may each request supplemental appropriations from the
12 Trust Fund during the fiscal year.

13 (e) Moneys in the Trust Fund shall be expended only as
14 follows:

15 (1) To pay the State Treasurer's costs to administer
16 the Trust Fund. The amount for this purpose may not exceed
17 5% in any one fiscal year of the amount otherwise
18 appropriated from the Trust Fund in the same fiscal year.

19 (2) To pay the capital litigation expenses of trial
20 defense and post-conviction proceedings in capital cases
21 under Article 122 of the Code of Criminal Procedure of
22 1963 and in relation to petitions filed under Section
23 2-1401 of the Code of Civil Procedure in relation to
24 capital cases including, but not limited to, DNA testing,
25 including DNA testing under Section 116-3 of the Code of
26 Criminal Procedure of 1963, analysis, and expert

1 testimony, investigatory and other assistance, expert,
2 forensic, and other witnesses, and mitigation specialists,
3 and grants and aid provided to public defenders, appellate
4 defenders, and any attorney approved by or contracted with
5 the State Appellate Defender representing petitioners in
6 post-conviction proceedings in capital cases under Article
7 122 of the Code of Criminal Procedure of 1963 and in
8 relation to petitions filed under Section 2-1401 of the
9 Code of Civil Procedure in relation to capital cases or
10 assistance to attorneys who have been appointed by the
11 court to represent defendants who are charged with capital
12 crimes. Reasonable and necessary capital litigation
13 expenses include travel and per diem (lodging, meals, and
14 incidental expenses).

15 (3) To pay the compensation of trial attorneys, other
16 than public defenders or appellate defenders, who have
17 been appointed by the court to represent defendants who
18 are charged with capital crimes or attorneys approved by
19 or contracted with the State Appellate Defender to
20 represent petitioners in post-conviction proceedings in
21 capital cases under Article 122 of the Code of Criminal
22 Procedure of 1963 and in relation to petitions filed under
23 Section 2-1401 of the Code of Civil Procedure in relation
24 to capital cases.

25 (4) To provide State's Attorneys with funding for
26 capital litigation expenses and for expenses of

1 representing the State in post-conviction proceedings in
2 capital cases under Article 122 of the Code of Criminal
3 Procedure of 1963 and in relation to petitions filed under
4 Section 2-1401 of the Code of Civil Procedure in relation
5 to capital cases including, but not limited to,
6 investigatory and other assistance and expert, forensic,
7 and other witnesses necessary to prosecute capital cases.
8 State's Attorneys in any county other than Cook County
9 seeking funding for capital litigation expenses and for
10 expenses of representing the State in post-conviction
11 proceedings in capital cases under Article 122 of the Code
12 of Criminal Procedure of 1963 and in relation to petitions
13 filed under Section 2-1401 of the Code of Civil Procedure
14 in relation to capital cases including, but not limited
15 to, investigatory and other assistance and expert,
16 forensic, or other witnesses under this Section may
17 request that the State's Attorneys Appellate Prosecutor or
18 the Attorney General, as the case may be, certify the
19 expenses as reasonable, necessary, and appropriate for
20 payment from the Trust Fund, on a form created by the State
21 Treasurer. Upon certification of the expenses and delivery
22 of the certification to the State Treasurer, the Treasurer
23 shall pay the expenses directly from the Capital
24 Litigation Trust Fund if there are sufficient moneys in
25 the Trust Fund to pay the expenses.

26 (5) To provide financial support through the Attorney

1 General under the Attorney General Act for the several
2 county State's Attorneys outside of Cook County, but shall
3 not be used to increase personnel for the Attorney
4 General's Office, except when the Attorney General is
5 ordered by the presiding judge of the Criminal Division of
6 the Circuit Court of Cook County to prosecute or supervise
7 the prosecution of Cook County cases.

8 (6) To provide financial support through the State's
9 Attorneys Appellate Prosecutor under the State's Attorneys
10 Appellate Prosecutor's Act for the several county State's
11 Attorneys outside of Cook County, but shall not be used to
12 increase personnel for the State's Attorneys Appellate
13 Prosecutor.

14 (7) To provide financial support to the State
15 Appellate Defender under the State Appellate Defender Act.
16 Moneys expended from the Trust Fund shall be in addition
17 to county funding for Public Defenders and State's
18 Attorneys, and shall not be used to supplant or reduce
19 ordinary and customary county funding.

20 (f) Moneys in the Trust Fund shall be appropriated to the
21 State Appellate Defender, the State's Attorneys Appellate
22 Prosecutor, the Attorney General, and the State Treasurer. The
23 State Appellate Defender shall receive an appropriation from
24 the Trust Fund to enable it to provide assistance to appointed
25 defense counsel and attorneys approved by or contracted with
26 the State Appellate Defender to represent petitioners in

1 post-conviction proceedings in capital cases under Article 122
2 of the Code of Criminal Procedure of 1963 and in relation to
3 petitions filed under Section 2-1401 of the Code of Civil
4 Procedure in relation to capital cases throughout the State
5 and to Public Defenders in counties other than Cook. The
6 State's Attorneys Appellate Prosecutor and the Attorney
7 General shall receive appropriations from the Trust Fund to
8 enable them to provide assistance to State's Attorneys in
9 counties other than Cook County and when the Attorney General
10 is ordered by the presiding judge of the Criminal Division of
11 the Circuit Court of Cook County to prosecute or supervise the
12 prosecution of Cook County cases. Moneys shall be appropriated
13 to the State Treasurer to enable the Treasurer: (i) to make
14 grants to Cook County; (ii) to pay the expenses of Public
15 Defenders, the State Appellate Defender, the Attorney General,
16 the Office of the State's Attorneys Appellate Prosecutor, and
17 State's Attorneys in counties other than Cook County; (iii) to
18 pay the expenses and compensation of appointed defense counsel
19 and attorneys approved by or contracted with the State
20 Appellate Defender to represent petitioners in post-conviction
21 proceedings in capital cases under Article 122 of the Code of
22 Criminal Procedure of 1963 and in relation to petitions filed
23 under Section 2-1401 of the Code of Civil Procedure in
24 relation to capital cases in counties other than Cook County;
25 and (iv) to pay the costs of administering the Trust Fund. All
26 expenditures and grants made from the Trust Fund shall be

1 subject to audit by the Auditor General.

2 (g) For Cook County, grants from the Trust Fund shall be
3 made and administered as follows:

4 (1) For each State fiscal year, the State's Attorney
5 and Public Defender must each make a separate application
6 to the State Treasurer for capital litigation grants.

7 (2) The State Treasurer shall establish rules and
8 procedures for grant applications. The rules shall require
9 the Cook County Treasurer as the grant recipient to report
10 on a periodic basis to the State Treasurer how much of the
11 grant has been expended, how much of the grant is
12 remaining, and the purposes for which the grant has been
13 used. The rules may also require the Cook County Treasurer
14 to certify on a periodic basis that expenditures of the
15 funds have been made for expenses that are reasonable,
16 necessary, and appropriate for payment from the Trust
17 Fund.

18 (3) The State Treasurer shall make the grants to the
19 Cook County Treasurer as soon as possible after the
20 beginning of the State fiscal year.

21 (4) The State's Attorney or Public Defender may apply
22 for supplemental grants during the fiscal year.

23 (5) Grant moneys shall be paid to the Cook County
24 Treasurer in block grants and held in separate accounts
25 for the State's Attorney, the Public Defender, and court
26 appointed defense counsel other than the Cook County

1 Public Defender, respectively, for the designated fiscal
2 year, and are not subject to county appropriation.

3 (6) Expenditure of grant moneys under this subsection
4 (g) is subject to audit by the Auditor General.

5 (7) The Cook County Treasurer shall immediately make
6 payment from the appropriate separate account in the
7 county treasury for capital litigation expenses to the
8 State's Attorney, Public Defender, or court appointed
9 defense counsel other than the Public Defender, as the
10 case may be, upon order of the State's Attorney, Public
11 Defender or the court, respectively.

12 (h) If a defendant in a capital case in Cook County is
13 represented by court appointed counsel other than the Cook
14 County Public Defender, the appointed counsel shall petition
15 the court for an order directing the Cook County Treasurer to
16 pay the court appointed counsel's reasonable and necessary
17 compensation and capital litigation expenses from grant moneys
18 provided from the Trust Fund. The petitions shall be supported
19 by itemized bills showing the date, the amount of time spent,
20 the work done, and the total being charged for each entry. The
21 court shall not authorize payment of bills that are not
22 properly itemized. The petitions shall be filed under seal and
23 considered ex parte but with a court reporter present for all
24 ex parte conferences. The petitions shall be reviewed by both
25 the trial judge and the presiding judge of the circuit court or
26 the presiding judge's designee. The petitions and orders shall

1 be kept under seal and shall be exempt from Freedom of
2 Information requests until the conclusion of the trial and
3 appeal of the case, even if the prosecution chooses not to
4 pursue the death penalty prior to trial or sentencing. Orders
5 denying petitions for compensation or expenses are final.
6 Counsel may not petition for expenses that may have been
7 provided or compensated by the State Appellate Defender under
8 item (c)(5.1) of Section 10 of the State Appellate Defender
9 Act.

10 (i) In counties other than Cook County, and when the
11 Attorney General is ordered by the presiding judge of the
12 Criminal Division of the Circuit Court of Cook County to
13 prosecute or supervise the prosecution of Cook County cases,
14 and excluding capital litigation expenses or services that may
15 have been provided by the State Appellate Defender under item
16 (c)(5.1) of Section 10 of the State Appellate Defender Act:

17 (1) Upon certification by the circuit court, on a form
18 created by the State Treasurer, that all or a portion of
19 the expenses are reasonable, necessary, and appropriate
20 for payment from the Trust Fund and the court's delivery
21 of the certification to the Treasurer, the Treasurer shall
22 pay the certified expenses of Public Defenders and the
23 State Appellate Defender from the money appropriated to
24 the Treasurer for capital litigation expenses of Public
25 Defenders and post-conviction proceeding expenses in
26 capital cases of the State Appellate Defender and expenses

1 in relation to petitions filed under Section 2-1401 of the
2 Code of Civil Procedure in relation to capital cases in
3 any county other than Cook County, if there are sufficient
4 moneys in the Trust Fund to pay the expenses.

5 (2) If a defendant in a capital case is represented by
6 court appointed counsel other than the Public Defender,
7 the appointed counsel shall petition the court to certify
8 compensation and capital litigation expenses including,
9 but not limited to, investigatory and other assistance,
10 expert, forensic, and other witnesses, and mitigation
11 specialists as reasonable, necessary, and appropriate for
12 payment from the Trust Fund. If a petitioner in a capital
13 case who has filed a petition for post-conviction relief
14 under Article 122 of the Code of Criminal Procedure of
15 1963 or a petition under Section 2-1401 of the Code of
16 Civil Procedure in relation to capital cases is
17 represented by an attorney approved by or contracted with
18 the State Appellate Defender other than the State
19 Appellate Defender, that attorney shall petition the court
20 to certify compensation and litigation expenses of
21 post-conviction proceedings under Article 122 of the Code
22 of Criminal Procedure of 1963 or in relation to petitions
23 filed under Section 2-1401 of the Code of Civil Procedure
24 in relation to capital cases. Upon certification on a form
25 created by the State Treasurer of all or a portion of the
26 compensation and expenses certified as reasonable,

1 necessary, and appropriate for payment from the Trust Fund
2 and the court's delivery of the certification to the
3 Treasurer, the State Treasurer shall pay the certified
4 compensation and expenses from the money appropriated to
5 the Treasurer for that purpose, if there are sufficient
6 moneys in the Trust Fund to make those payments.

7 (3) A petition for capital litigation expenses or
8 post-conviction proceeding expenses or expenses incurred
9 in filing a petition under Section 2-1401 of the Code of
10 Civil Procedure in relation to capital cases under this
11 subsection shall be considered under seal and reviewed ex
12 parte with a court reporter present. Orders denying
13 petitions for compensation or expenses are final.

14 (j) If the Trust Fund is discontinued or dissolved by an
15 Act of the General Assembly or by operation of law, any balance
16 remaining in the Trust Fund shall be returned to the General
17 Revenue Fund after deduction of administrative costs, any
18 other provision of this Act to the contrary notwithstanding.

19 Section 2-90. The Freedom of Information Act is amended by
20 changing Section 7.5 as follows:

21 (5 ILCS 140/7.5)

22 Sec. 7.5. Statutory exemptions. To the extent provided for
23 by the statutes referenced below, the following shall be
24 exempt from inspection and copying:

1 (a) All information determined to be confidential
2 under Section 4002 of the Technology Advancement and
3 Development Act.

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library
6 Records Confidentiality Act.

7 (c) Applications, related documents, and medical
8 records received by the Experimental Organ Transplantation
9 Procedures Board and any and all documents or other
10 records prepared by the Experimental Organ Transplantation
11 Procedures Board or its staff relating to applications it
12 has received.

13 (d) Information and records held by the Department of
14 Public Health and its authorized representatives relating
15 to known or suspected cases of sexually transmissible
16 disease or any information the disclosure of which is
17 restricted under the Illinois Sexually Transmissible
18 Disease Control Act.

19 (e) Information the disclosure of which is exempted
20 under Section 30 of the Radon Industry Licensing Act.

21 (f) Firm performance evaluations under Section 55 of
22 the Architectural, Engineering, and Land Surveying
23 Qualifications Based Selection Act.

24 (g) Information the disclosure of which is restricted
25 and exempted under Section 50 of the Illinois Prepaid
26 Tuition Act.

1 (h) Information the disclosure of which is exempted
2 under the State Officials and Employees Ethics Act, and
3 records of any lawfully created State or local inspector
4 general's office that would be exempt if created or
5 obtained by an Executive Inspector General's office under
6 that Act.

7 (i) Information contained in a local emergency energy
8 plan submitted to a municipality in accordance with a
9 local emergency energy plan ordinance that is adopted
10 under Section 11-21.5-5 of the Illinois Municipal Code.

11 (j) Information and data concerning the distribution
12 of surcharge moneys collected and remitted by carriers
13 under the Emergency Telephone System Act.

14 (k) Law enforcement officer identification information
15 or driver identification information compiled by a law
16 enforcement agency or the Department of Transportation
17 under Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death
20 review team or the Executive Council under the Abuse
21 Prevention Review Team Act.

22 (m) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial
2 counsel as provided under Sections 10 and 15 of the
3 Capital Crimes Litigation Act or the Capital Crimes
4 Litigation Act of 2023. This subsection (n) shall apply
5 until the conclusion of the trial of the case, even if the
6 prosecution chooses not to pursue the death penalty prior
7 to trial or sentencing.

8 (o) Information that is prohibited from being
9 disclosed under Section 4 of the Illinois Health and
10 Hazardous Substances Registry Act.

11 (p) Security portions of system safety program plans,
12 investigation reports, surveys, schedules, lists, data, or
13 information compiled, collected, or prepared by or for the
14 Department of Transportation under Sections 2705-300 and
15 2705-616 of the Department of Transportation Law of the
16 Civil Administrative Code of Illinois, the Regional
17 Transportation Authority under Section 2.11 of the
18 Regional Transportation Authority Act, or the St. Clair
19 County Transit District under the Bi-State Transit Safety
20 Act.

21 (q) Information prohibited from being disclosed by the
22 Personnel Record Review Act.

23 (r) Information prohibited from being disclosed by the
24 Illinois School Student Records Act.

25 (s) Information the disclosure of which is restricted
26 under Section 5-108 of the Public Utilities Act.

1 (t) All identified or deidentified health information
2 in the form of health data or medical records contained
3 in, stored in, submitted to, transferred by, or released
4 from the Illinois Health Information Exchange, and
5 identified or deidentified health information in the form
6 of health data and medical records of the Illinois Health
7 Information Exchange in the possession of the Illinois
8 Health Information Exchange Office due to its
9 administration of the Illinois Health Information
10 Exchange. The terms "identified" and "deidentified" shall
11 be given the same meaning as in the Health Insurance
12 Portability and Accountability Act of 1996, Public Law
13 104-191, or any subsequent amendments thereto, and any
14 regulations promulgated thereunder.

15 (u) Records and information provided to an independent
16 team of experts under the Developmental Disability and
17 Mental Health Safety Act (also known as Brian's Law).

18 (v) Names and information of people who have applied
19 for or received Firearm Owner's Identification Cards under
20 the Firearm Owners Identification Card Act or applied for
21 or received a concealed carry license under the Firearm
22 Concealed Carry Act, unless otherwise authorized by the
23 Firearm Concealed Carry Act; and databases under the
24 Firearm Concealed Carry Act, records of the Concealed
25 Carry Licensing Review Board under the Firearm Concealed
26 Carry Act, and law enforcement agency objections under the

1 Firearm Concealed Carry Act.

2 (v-5) Records of the Firearm Owner's Identification
3 Card Review Board that are exempted from disclosure under
4 Section 10 of the Firearm Owners Identification Card Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of
17 an eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (oo) Communications, notes, records, and reports
8 arising out of a peer support counseling session
9 prohibited from disclosure under the First Responders
10 Suicide Prevention Act.

11 (pp) Names and all identifying information relating to
12 an employee of an emergency services provider or law
13 enforcement agency under the First Responders Suicide
14 Prevention Act.

15 (qq) Information and records held by the Department of
16 Public Health and its authorized representatives collected
17 under the Reproductive Health Act.

18 (rr) Information that is exempt from disclosure under
19 the Cannabis Regulation and Tax Act.

20 (ss) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (tt) Recordings made under the Children's Advocacy
24 Center Act, except to the extent authorized under that
25 Act.

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

2 (vv) Information that is exempt from disclosure under
3 subsections (f) and (j) of Section 5-36 of the Illinois
4 Public Aid Code.

5 (ww) Information that is exempt from disclosure under
6 Section 16.8 of the State Treasurer Act.

7 (xx) Information that is exempt from disclosure or
8 information that shall not be made public under the
9 Illinois Insurance Code.

10 (yy) Information prohibited from being disclosed under
11 the Illinois Educational Labor Relations Act.

12 (zz) Information prohibited from being disclosed under
13 the Illinois Public Labor Relations Act.

14 (aaa) Information prohibited from being disclosed
15 under Section 1-167 of the Illinois Pension Code.

16 (bbb) Information that is prohibited from disclosure
17 by the Illinois Police Training Act and the Illinois State
18 Police Act.

19 (ccc) Records exempt from disclosure under Section
20 2605-304 of the Illinois State Police Law of the Civil
21 Administrative Code of Illinois.

22 (ddd) Information prohibited from being disclosed
23 under Section 35 of the Address Confidentiality for
24 Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) Information prohibited from being disclosed

1 under subsection (b) of Section 75 of the Domestic
2 Violence Fatality Review Act.

3 (fff) Images from cameras under the Expressway Camera
4 Act. This subsection (fff) is inoperative on and after
5 July 1, 2023.

6 (ggg) Information prohibited from disclosure under
7 paragraph (3) of subsection (a) of Section 14 of the Nurse
8 Agency Licensing Act.

9 (hhh) Information submitted to the Department of State
10 Police in an affidavit or application for an assault
11 weapon endorsement, assault weapon attachment endorsement,
12 .50 caliber rifle endorsement, or .50 caliber cartridge
13 endorsement under the Firearm Owners Identification Card
14 Act.

15 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
16 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
17 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
18 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
19 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
20 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
21 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
22 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
23 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

24 Section 2-95. The State Finance Act is amended by adding
25 Section 5.990 as follows:

1 (30 ILCS 105/5.990 new)

2 Sec. 5.990. The Capital Litigation Trust Fund.

3 (30 ILCS 105/5.790 rep.)

4 Section 2-100. The State Finance Act is amended by
5 repealing Section 5.790.

6 Section 2-105. The Criminal Code of 2012 is amended by
7 changing Section 9-1 as follows:

8 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

9 Sec. 9-1. First degree murder; death penalties;
10 exceptions; separate hearings; proof; findings; appellate
11 procedures; reversals.

12 (a) A person who kills an individual without lawful
13 justification commits first degree murder if, in performing
14 the acts which cause the death:

15 (1) he or she either intends to kill or do great bodily
16 harm to that individual or another, or knows that such
17 acts will cause death to that individual or another; or

18 (2) he or she knows that such acts create a strong
19 probability of death or great bodily harm to that
20 individual or another; or

21 (3) he or she, acting alone or with one or more
22 participants, commits or attempts to commit a forcible

1 felony other than second degree murder, and in the course
2 of or in furtherance of such crime or flight therefrom, he
3 or she or another participant causes the death of a
4 person.

5 (b) Aggravating Factors. A defendant who at the time of
6 the commission of the offense has attained the age of 18 or
7 more and who has been found guilty of first degree murder may
8 be sentenced to death if:

9 (1) the murdered individual was a peace officer,
10 employee of an institution or facility of the Department
11 of Corrections or any similar local correctional agency,
12 or 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 so employed ~~a peace~~
17 ~~officer or fireman; or~~

18 (2) (blank); or ~~the murdered individual was an~~
19 ~~employee of an institution or facility of the Department~~
20 ~~of Corrections, or any similar local correctional agency,~~
21 ~~killed in the course of performing his or her official~~
22 ~~duties, to prevent the performance of his or her official~~
23 ~~duties, or in retaliation for performing his or her~~
24 ~~official duties, or the murdered individual was an inmate~~
25 ~~at such institution or facility and was killed on the~~
26 ~~grounds thereof, or the murdered individual was otherwise~~

1 ~~present in such institution or facility with the knowledge~~
2 ~~and approval of the chief administrative officer thereof;~~

3 ~~or~~

4 (3) the defendant has been convicted of murdering two
5 or more individuals under subsection (a) of this Section
6 or under any law of the United States or of any state which
7 is substantially similar to subsection (a) of this Section
8 regardless of whether the deaths occurred as the result of
9 the same act or of several related or unrelated acts so
10 long as the deaths were the result of either an intent to
11 kill more than one person or of separate acts which the
12 defendant knew would cause death or create a strong
13 probability of death or great bodily harm to the murdered
14 individual or another; or

15 (4) (blank); ~~or the murdered individual was killed as~~
16 ~~a result of the hijacking of an airplane, train, ship,~~
17 ~~bus, or other public conveyance; or~~

18 (5) (blank); ~~or the defendant committed the murder~~
19 ~~pursuant to a contract, agreement, or understanding by~~
20 ~~which he or she was to receive money or anything of value~~
21 ~~in return for committing the murder or procured another to~~
22 ~~commit the murder for money or anything of value; or~~

23 (6) (blank); ~~or the murdered individual was killed in~~
24 ~~the course of another felony if:~~

25 ~~(a) the murdered individual:~~

26 ~~(i) was actually killed by the defendant, or~~

1 ~~(ii) received physical injuries personally~~
2 ~~inflicted by the defendant substantially~~
3 ~~contemporaneously with physical injuries caused by~~
4 ~~one or more persons for whose conduct the~~
5 ~~defendant is legally accountable under Section 5-2~~
6 ~~of this Code, and the physical injuries inflicted~~
7 ~~by either the defendant or the other person or~~
8 ~~persons for whose conduct he is legally~~
9 ~~accountable caused the death of the murdered~~
10 ~~individual; and~~

11 ~~(b) in performing the acts which caused the death~~
12 ~~of the murdered individual or which resulted in~~
13 ~~physical injuries personally inflicted by the~~
14 ~~defendant on the murdered individual under the~~
15 ~~circumstances of subdivision (ii) of subparagraph (a)~~
16 ~~of paragraph (6) of subsection (b) of this Section,~~
17 ~~the defendant acted with the intent to kill the~~
18 ~~murdered individual or with the knowledge that his~~
19 ~~acts created a strong probability of death or great~~
20 ~~bodily harm to the murdered individual or another; and~~

21 ~~(c) the other felony was an inherently violent~~
22 ~~crime or the attempt to commit an inherently violent~~
23 ~~crime. In this subparagraph (c), "inherently violent~~
24 ~~crime" includes, but is not limited to, armed robbery,~~
25 ~~robbery, predatory criminal sexual assault of a child,~~
26 ~~aggravated criminal sexual assault, aggravated~~

1 ~~kidnapping, aggravated vehicular hijacking, aggravated~~
2 ~~arson, aggravated stalking, residential burglary, and~~
3 ~~home invasion; or~~

4 (7) the murdered individual was under 12 years of age
5 and the death resulted from exceptionally brutal or
6 heinous behavior indicative of wanton cruelty; or

7 (8) (blank); or ~~the defendant committed the murder~~
8 ~~with intent to prevent the murdered individual from~~
9 ~~testifying or participating in any criminal investigation~~
10 ~~or prosecution or giving material assistance to the State~~
11 ~~in any investigation or prosecution, either against the~~
12 ~~defendant or another; or the defendant committed the~~
13 ~~murder because the murdered individual was a witness in~~
14 ~~any prosecution or gave material assistance to the State~~
15 ~~in any investigation or prosecution, either against the~~
16 ~~defendant or another; for purposes of this paragraph (8),~~
17 ~~"participating in any criminal investigation or~~
18 ~~prosecution" is intended to include those appearing in the~~
19 ~~proceedings in any capacity such as trial judges,~~
20 ~~prosecutors, defense attorneys, investigators, witnesses,~~
21 ~~or jurors; or~~

22 (9) (blank); or ~~the defendant, while committing an~~
23 ~~offense punishable under Sections 401, 401.1, 401.2, 405,~~
24 ~~405.2, 407 or 407.1 or subsection (b) of Section 404 of the~~
25 ~~Illinois Controlled Substances Act, or while engaged in a~~
26 ~~conspiracy or solicitation to commit such offense,~~

1 ~~intentionally killed an individual or counseled,~~
2 ~~commanded, induced, procured or caused the intentional~~
3 ~~killing of the murdered individual; or~~

4 (10) (blank); or ~~the defendant was incarcerated in an~~
5 ~~institution or facility of the Department of Corrections~~
6 ~~at the time of the murder, and while committing an offense~~
7 ~~punishable as a felony under Illinois law, or while~~
8 ~~engaged in a conspiracy or solicitation to commit such~~
9 ~~offense, intentionally killed an individual or counseled,~~
10 ~~commanded, induced, procured or caused the intentional~~
11 ~~killing of the murdered individual; or~~

12 (11) (blank); or ~~the murder was committed in a cold,~~
13 ~~calculated and premeditated manner pursuant to a~~
14 ~~preconceived plan, scheme or design to take a human life~~
15 ~~by unlawful means, and the conduct of the defendant~~
16 ~~created a reasonable expectation that the death of a human~~
17 ~~being would result therefrom; or~~

18 (12) (blank); or ~~the murdered individual was an~~
19 ~~emergency medical technician ambulance, emergency~~
20 ~~medical technician intermediate, emergency medical~~
21 ~~technician paramedic, ambulance driver, or other medical~~
22 ~~assistance or first aid personnel, employed by a~~
23 ~~municipality or other governmental unit, killed in the~~
24 ~~course of performing his official duties, to prevent the~~
25 ~~performance of his official duties, or in retaliation for~~
26 ~~performing his official duties, and the defendant knew or~~

1 ~~should have known that the murdered individual was an~~
2 ~~emergency medical technician — ambulance, emergency~~
3 ~~medical technician — intermediate, emergency medical~~
4 ~~technician — paramedic, ambulance driver, or other medical~~
5 ~~assistance or first aid personnel; or~~

6 (13) (blank); or ~~the defendant was a principal~~
7 ~~administrator, organizer, or leader of a calculated~~
8 ~~criminal drug conspiracy consisting of a hierarchical~~
9 ~~position of authority superior to that of all other~~
10 ~~members of the conspiracy, and the defendant counseled,~~
11 ~~commanded, induced, procured, or caused the intentional~~
12 ~~killing of the murdered person; or~~

13 (14) (blank); or ~~the murder was intentional and~~
14 ~~involved the infliction of torture. For the purpose of~~
15 ~~this Section torture means the infliction of or subjection~~
16 ~~to extreme physical pain, motivated by an intent to~~
17 ~~increase or prolong the pain, suffering or agony of the~~
18 ~~victim; or~~

19 (15) (blank); or ~~the murder was committed as a result~~
20 ~~of the intentional discharge of a firearm by the defendant~~
21 ~~from a motor vehicle and the victim was not present within~~
22 ~~the motor vehicle; or~~

23 (16) (blank); or ~~the murdered individual was 60 years~~
24 ~~of age or older and the death resulted from exceptionally~~
25 ~~brutal or heinous behavior indicative of wanton cruelty;~~
26 ~~or~~

1 (17) (blank); or ~~the murdered individual was a person~~
2 ~~with a disability and the defendant knew or should have~~
3 ~~known that the murdered individual was a person with a~~
4 ~~disability. For purposes of this paragraph (17), "person~~
5 ~~with a disability" means a person who suffers from a~~
6 ~~permanent physical or mental impairment resulting from~~
7 ~~disease, an injury, a functional disorder, or a congenital~~
8 ~~condition that renders the person incapable of adequately~~
9 ~~providing for his or her own health or personal care; or~~

10 (18) (blank); or ~~the murder was committed by reason of~~
11 ~~any person's activity as a community policing volunteer or~~
12 ~~to prevent any person from engaging in activity as a~~
13 ~~community policing volunteer; or~~

14 (19) (blank); or ~~the murdered individual was subject~~
15 ~~to an order of protection and the murder was committed by a~~
16 ~~person against whom the same order of protection was~~
17 ~~issued under the Illinois Domestic Violence Act of 1986;~~
18 ~~or~~

19 (20) murder was committed by the defendant ~~the~~
20 ~~murdered individual was known by the defendant to be a~~
21 ~~teacher or other person employed in any school and the~~
22 ~~teacher or other employee is upon the grounds of a school~~
23 ~~or grounds adjacent to a school, or is in any part of a~~
24 ~~building used for school purposes; or~~

25 (21) the murder was committed by the defendant in
26 connection with or as a result of the offense of terrorism

1 as defined in Section 29D-14.9 of this Code; or

2 (22) the murdered individual was a member of a
3 congregation engaged in prayer or other religious
4 activities at a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

6 (b-5) Aggravating Factor; Natural Life Imprisonment. A
7 defendant who has been found guilty of first degree murder and
8 who at the time of the commission of the offense had attained
9 the age of 18 years or more may be sentenced to natural life
10 imprisonment if (i) the murdered individual was a physician,
11 physician assistant, psychologist, nurse, or advanced practice
12 registered nurse, (ii) the defendant knew or should have known
13 that the murdered individual was a physician, physician
14 assistant, psychologist, nurse, or advanced practice
15 registered nurse, and (iii) the murdered individual was killed
16 in the course of acting in his or her capacity as a physician,
17 physician assistant, psychologist, nurse, or advanced practice
18 registered nurse, or to prevent him or her from acting in that
19 capacity, or in retaliation for his or her acting in that
20 capacity.

21 (c) Consideration of factors in Aggravation and
22 Mitigation.

23 The court shall consider, or shall instruct the jury to
24 consider any aggravating and any mitigating factors which are
25 relevant to the imposition of the death penalty. Aggravating
26 factors may include but need not be limited to those factors

1 set forth in subsection (b). Mitigating factors may include
2 but need not be limited to the following:

3 (1) the defendant has no significant history of prior
4 criminal activity;

5 (2) the murder was committed while the defendant was
6 under the influence of extreme mental or emotional
7 disturbance, although not such as to constitute a defense
8 to prosecution;

9 (3) the murdered individual was a participant in the
10 defendant's homicidal conduct or consented to the
11 homicidal act;

12 (4) the defendant acted under the compulsion of threat
13 or menace of the imminent infliction of death or great
14 bodily harm;

15 (5) the defendant was not personally present during
16 commission of the act or acts causing death;

17 (6) the defendant's background includes a history of
18 extreme emotional or physical abuse;

19 (7) the defendant suffers from a reduced mental
20 capacity.

21 Provided, however, that an action that does not otherwise
22 mitigate first degree murder cannot qualify as a mitigating
23 factor for first degree murder because of the discovery,
24 knowledge, or disclosure of the victim's sexual orientation as
25 defined in Section 1-103 of the Illinois Human Rights Act.

26 (d) Separate sentencing hearing.

1 Where requested by the State, the court shall conduct a
2 separate sentencing proceeding to determine the existence of
3 factors set forth in subsection (b) and to consider any
4 aggravating or mitigating factors as indicated in subsection
5 (c). The proceeding shall be conducted:

6 (1) before the jury that determined the defendant's
7 guilt; or

8 (2) before a jury impanelled for the purpose of the
9 proceeding if:

10 A. the defendant was convicted upon a plea of
11 guilty; or

12 B. the defendant was convicted after a trial
13 before the court sitting without a jury; or

14 C. the court for good cause shown discharges the
15 jury that determined the defendant's guilt; or

16 (3) before the court alone if the defendant waives a
17 jury for the separate proceeding.

18 (e) Evidence and Argument.

19 During the proceeding any information relevant to any of
20 the factors set forth in subsection (b) may be presented by
21 either the State or the defendant under the rules governing
22 the admission of evidence at criminal trials. Any information
23 relevant to any additional aggravating factors or any
24 mitigating factors indicated in subsection (c) may be
25 presented by the State or defendant regardless of its
26 admissibility under the rules governing the admission of

1 evidence at criminal trials. The State and the defendant shall
2 be given fair opportunity to rebut any information received at
3 the hearing.

4 (f) Proof.

5 The burden of proof of establishing the existence of any
6 of the factors set forth in subsection (b) is on the State and
7 shall not be satisfied unless established beyond a reasonable
8 doubt.

9 (g) Procedure - Jury.

10 If at the separate sentencing proceeding the jury finds
11 that none of the factors set forth in subsection (b) exists,
12 the court shall sentence the defendant to a term of
13 imprisonment under Chapter V of the Unified Code of
14 Corrections. If there is a unanimous finding by the jury that
15 one or more of the factors set forth in subsection (b) exist,
16 the jury shall consider aggravating and mitigating factors as
17 instructed by the court and shall determine whether the
18 sentence of death shall be imposed. If the jury determines
19 unanimously, after weighing the factors in aggravation and
20 mitigation, that death is the appropriate sentence, the court
21 shall sentence the defendant to death. If the court does not
22 concur with the jury determination that death is the
23 appropriate sentence, the court shall set forth reasons in
24 writing including what facts or circumstances the court relied
25 upon, along with any relevant documents, that compelled the
26 court to non-concur with the sentence. This document and any

1 attachments shall be part of the record for appellate review.
2 The court shall be bound by the jury's sentencing
3 determination.

4 If after weighing the factors in aggravation and
5 mitigation, one or more jurors determines that death is not
6 the appropriate sentence, the court shall sentence the
7 defendant to a term of imprisonment under Chapter V of the
8 Unified Code of Corrections.

9 (h) Procedure - No Jury.

10 In a proceeding before the court alone, if the court finds
11 that none of the factors found in subsection (b) exists, the
12 court shall sentence the defendant to a term of imprisonment
13 under Chapter V of the Unified Code of Corrections.

14 If the Court determines that one or more of the factors set
15 forth in subsection (b) exists, the Court shall consider any
16 aggravating and mitigating factors as indicated in subsection
17 (c). If the Court determines, after weighing the factors in
18 aggravation and mitigation, that death is the appropriate
19 sentence, the Court shall sentence the defendant to death.

20 If the court finds that death is not the appropriate
21 sentence, the court shall sentence the defendant to a term of
22 imprisonment under Chapter V of the Unified Code of
23 Corrections.

24 (h-5) Decertification as a capital case.

25 In a case in which the defendant has been found guilty of
26 first degree murder by a judge or jury, or a case on remand for

1 resentencing, and the State seeks the death penalty as an
2 appropriate sentence, on the court's own motion or the written
3 motion of the defendant, the court may decertify the case as a
4 death penalty case if the court finds that the only evidence
5 supporting the defendant's conviction is the uncorroborated
6 testimony of an informant witness, as defined in Section
7 115-21 of the Code of Criminal Procedure of 1963, concerning
8 the confession or admission of the defendant or that the sole
9 evidence against the defendant is a single eyewitness or
10 single accomplice without any other corroborating evidence. If
11 the court decertifies the case as a capital case under either
12 of the grounds set forth above, the court shall issue a written
13 finding. The State may pursue its right to appeal the
14 decertification pursuant to Supreme Court Rule 604(a)(1). If
15 the court does not decertify the case as a capital case, the
16 matter shall proceed to the eligibility phase of the
17 sentencing hearing.

18 (i) Appellate Procedure.

19 The conviction and sentence of death shall be subject to
20 automatic review by the Supreme Court. Such review shall be in
21 accordance with rules promulgated by the Supreme Court. The
22 Illinois Supreme Court may overturn the death sentence, and
23 order the imposition of imprisonment under Chapter V of the
24 Unified Code of Corrections if the court finds that the death
25 sentence is fundamentally unjust as applied to the particular
26 case. If the Illinois Supreme Court finds that the death

1 sentence is fundamentally unjust as applied to the particular
2 case, independent of any procedural grounds for relief, the
3 Illinois Supreme Court shall issue a written opinion
4 explaining this finding.

5 (j) Disposition of reversed death sentence.

6 In the event that the death penalty in this Act is held to
7 be unconstitutional by the Supreme Court of the United States
8 or of the State of Illinois, any person convicted of first
9 degree murder shall be sentenced by the court to a term of
10 imprisonment under Chapter V of the Unified Code of
11 Corrections.

12 In the event that any death sentence pursuant to the
13 sentencing provisions of this Section is declared
14 unconstitutional by the Supreme Court of the United States or
15 of the State of Illinois, the court having jurisdiction over a
16 person previously sentenced to death shall cause the defendant
17 to be brought before the court, and the court shall sentence
18 the defendant to a term of imprisonment under Chapter V of the
19 Unified Code of Corrections.

20 (k) Guidelines for seeking the death penalty.

21 The Attorney General and State's Attorneys Association
22 shall consult on voluntary guidelines for procedures governing
23 whether or not to seek the death penalty. The guidelines do not
24 have the force of law and are only advisory in nature.

25 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
26 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652, eff.

1 7-1-21.)

2 Section 2-110. The Code of Criminal Procedure of 1963 is
3 amended by changing Sections 113-3 and 119-1 as follows:

4 (725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

5 Sec. 113-3. (a) Every person charged with an offense shall
6 be allowed counsel before pleading to the charge. If the
7 defendant desires counsel and has been unable to obtain same
8 before arraignment the court shall recess court or continue
9 the cause for a reasonable time to permit defendant to obtain
10 counsel and consult with him before pleading to the charge. If
11 the accused is a dissolved corporation, and is not represented
12 by counsel, the court may, in the interest of justice, appoint
13 as counsel a licensed attorney of this State.

14 (b) In all cases, except where the penalty is a fine only,
15 if the court determines that the defendant is indigent and
16 desires counsel, the Public Defender shall be appointed as
17 counsel. If there is no Public Defender in the county or if the
18 defendant requests counsel other than the Public Defender and
19 the court finds that the rights of the defendant will be
20 prejudiced by the appointment of the Public Defender, the
21 court shall appoint as counsel a licensed attorney at law of
22 this State, except that in a county having a population of
23 2,000,000 or more the Public Defender shall be appointed as
24 counsel in all misdemeanor cases where the defendant is

1 indigent and desires counsel unless the case involves multiple
2 defendants, in which case the court may appoint counsel other
3 than the Public Defender for the additional defendants. The
4 court shall require an affidavit signed by any defendant who
5 requests court-appointed counsel. Such affidavit shall be in
6 the form established by the Supreme Court containing
7 sufficient information to ascertain the assets and liabilities
8 of that defendant. The Court may direct the Clerk of the
9 Circuit Court to assist the defendant in the completion of the
10 affidavit. Any person who knowingly files such affidavit
11 containing false information concerning his assets and
12 liabilities shall be liable to the county where the case, in
13 which such false affidavit is filed, is pending for the
14 reasonable value of the services rendered by the public
15 defender or other court-appointed counsel in the case to the
16 extent that such services were unjustly or falsely procured.

17 (c) Upon the filing with the court of a verified statement
18 of services rendered the court shall order the county
19 treasurer of the county of trial to pay counsel other than the
20 Public Defender a reasonable fee. The court shall consider all
21 relevant circumstances, including but not limited to the time
22 spent while court is in session, other time spent in
23 representing the defendant, and expenses reasonably incurred
24 by counsel. In counties with a population greater than
25 2,000,000, the court shall order the county treasurer of the
26 county of trial to pay counsel other than the Public Defender a

1 reasonable fee stated in the order and based upon a rate of
2 compensation of not more than \$40 for each hour spent while
3 court is in session and not more than \$30 for each hour
4 otherwise spent representing a defendant, and such
5 compensation shall not exceed \$150 for each defendant
6 represented in misdemeanor cases and \$1250 in felony cases, in
7 addition to expenses reasonably incurred as hereinafter in
8 this Section provided, except that, in extraordinary
9 circumstances, payment in excess of the limits herein stated
10 may be made if the trial court certifies that such payment is
11 necessary to provide fair compensation for protracted
12 representation. A trial court may entertain the filing of this
13 verified statement before the termination of the cause, and
14 may order the provisional payment of sums during the pendency
15 of the cause.

16 (d) In capital cases, in addition to counsel, if the court
17 determines that the defendant is indigent the court may, upon
18 the filing with the court of a verified statement of services
19 rendered, order the county Treasurer of the county of trial to
20 pay necessary expert witnesses for defendant reasonable
21 compensation stated in the order not to exceed \$250 for each
22 defendant.

23 (e) If the court in any county having a population greater
24 than 2,000,000 determines that the defendant is indigent the
25 court may, upon the filing with the court of a verified
26 statement of such expenses, order the county treasurer of the

1 county of trial, in such counties having a population greater
2 than 2,000,000 to pay the general expenses of the trial
3 incurred by the defendant not to exceed \$50 for each
4 defendant.

5 (f) The provisions of this Section relating to appointment
6 of counsel, compensation of counsel, and payment of expenses
7 in capital cases apply except when the compensation and
8 expenses are being provided under the Capital Crimes
9 Litigation Act of 2023.

10 (Source: P.A. 91-589, eff. 1-1-00.)

11 (725 ILCS 5/119-1)

12 Sec. 119-1. Death penalty restored ~~abolished~~.

13 (a) (Blank). ~~Beginning on the effective date of this~~
14 ~~amendatory Act of the 96th General Assembly, notwithstanding~~
15 ~~any other law to the contrary, the death penalty is abolished~~
16 ~~and a sentence to death may not be imposed.~~

17 (b) All unobligated and unexpended moneys remaining in ~~the~~
18 ~~Capital Litigation Trust Fund on the effective date of this~~
19 ~~amendatory Act of the 96th General Assembly shall be~~
20 ~~transferred into~~ the Death Penalty Abolition Fund on the
21 effective date of this amendatory Act of the 103rd General
22 Assembly shall be transferred into the Capital Litigation
23 Trust Fund , ~~a special fund in the State treasury, to be~~
24 ~~expended by the Illinois Criminal Justice Information~~
25 ~~Authority, for services for families of victims of homicide or~~

1 ~~murder and for training of law enforcement personnel.~~

2 (Source: P.A. 96-1543, eff. 7-1-11.)

3 Section 2-115. The State Appellate Defender Act is amended
4 by changing Section 10 as follows:

5 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

6 Sec. 10. Powers and duties of State Appellate Defender.

7 (a) The State Appellate Defender shall represent indigent
8 persons on appeal in criminal and delinquent minor
9 proceedings, when appointed to do so by a court under a Supreme
10 Court Rule or law of this State.

11 (b) The State Appellate Defender shall submit a budget for
12 the approval of the State Appellate Defender Commission.

13 (c) The State Appellate Defender may:

14 (1) maintain a panel of private attorneys available to
15 serve as counsel on a case basis;

16 (2) establish programs, alone or in conjunction with
17 law schools, for the purpose of utilizing volunteer law
18 students as legal assistants;

19 (3) cooperate and consult with state agencies,
20 professional associations, and other groups concerning the
21 causes of criminal conduct, the rehabilitation and
22 correction of persons charged with and convicted of crime,
23 the administration of criminal justice, and, in counties
24 of less than 1,000,000 population, study, design, develop

1 and implement model systems for the delivery of trial
2 level defender services, and make an annual report to the
3 General Assembly;

4 (4) hire investigators to provide investigative
5 services to appointed counsel and county public defenders;

6 (5) (blank);

7 (5.1) in cases in which a death sentence is an
8 authorized disposition, provide trial counsel with legal
9 assistance and the assistance of expert witnesses,
10 investigators, and mitigation specialists from funds
11 appropriated to the State Appellate Defender specifically
12 for that purpose by the General Assembly. The Office of
13 State Appellate Defender shall not be appointed to serve
14 as trial counsel in capital cases;

15 (5.5) provide training to county public defenders;

16 (5.7) provide county public defenders with the
17 assistance of expert witnesses and investigators from
18 funds appropriated to the State Appellate Defender
19 specifically for that purpose by the General Assembly. The
20 Office of the State Appellate Defender shall not be
21 appointed to act as trial counsel;

22 (6) develop a Juvenile Defender Resource Center to:

23 (i) study, design, develop, and implement model systems
24 for the delivery of trial level defender services for
25 juveniles in the justice system; (ii) in cases in which a
26 sentence of incarceration or an adult sentence, or both,

1 is an authorized disposition, provide trial counsel with
2 legal advice and the assistance of expert witnesses and
3 investigators from funds appropriated to the Office of the
4 State Appellate Defender by the General Assembly
5 specifically for that purpose; (iii) develop and provide
6 training to public defenders on juvenile justice issues,
7 utilizing resources including the State and local bar
8 associations, the Illinois Public Defender Association,
9 law schools, the Midwest Juvenile Defender Center, and pro
10 bono efforts by law firms; and (iv) make an annual report
11 to the General Assembly.

12 Investigators employed by the Capital Trial Assistance
13 Unit and Capital Post Conviction Unit of the State Appellate
14 Defender shall be authorized to inquire through the Illinois
15 State Police or local law enforcement with the Law Enforcement
16 Agencies Data System (LEADS) under Section 2605-375 of the
17 Illinois State Police Law of the Civil Administrative Code of
18 Illinois to ascertain whether their potential witnesses have a
19 criminal background, including, but not limited to: (i)
20 warrants; (ii) arrests; (iii) convictions; and (iv) officer
21 safety information. This authorization applies only to
22 information held on the State level and shall be used only to
23 protect the personal safety of the investigators. Any
24 information that is obtained through this inquiry may not be
25 disclosed by the investigators.

26 (c-5) For each State fiscal year, the State Appellate

1 Defender shall request a direct appropriation from the Capital
2 Litigation Trust Fund for expenses incurred by the State
3 Appellate Defender in providing assistance to trial attorneys
4 under paragraph (5.1) of subsection (c) of this Section and
5 for expenses incurred by the State Appellate Defender in
6 representing petitioners in capital cases in post-conviction
7 proceedings under Article 122 of the Code of Criminal
8 Procedure of 1963 and in relation to petitions filed under
9 Section 2-1401 of the Code of Civil Procedure in relation to
10 capital cases and for the representation of those petitioners
11 by attorneys approved by or contracted with the State
12 Appellate Defender and an appropriation to the State Treasurer
13 for payments from the Trust Fund for the defense of cases in
14 counties other than Cook County. The State Appellate Defender
15 may appear before the General Assembly at other times during
16 the State's fiscal year to request supplemental appropriations
17 from the Trust Fund to the State Treasurer.

18 (d) (Blank).

19 (e) The requirement for reporting to the General Assembly
20 shall be satisfied by filing copies of the report as required
21 by Section 3.1 of the General Assembly Organization Act and
22 filing such additional copies with the State Government Report
23 Distribution Center for the General Assembly as is required
24 under paragraph (t) of Section 7 of the State Library Act.

25 (Source: P.A. 99-78, eff. 7-20-15; 100-1148, eff. 12-10-18.)

1 Article 3.

2 Section 3-5. The Illinois Pension Code is amended by
3 changing Sections 3-111, 3-111.1, 3-112, 4-109, 4-109.1, and
4 4-114 and by adding Sections 3-148.5 and 4-138.15 as follows:

5 (40 ILCS 5/3-111) (from Ch. 108 1/2, par. 3-111)

6 Sec. 3-111. Pension.

7 (a) A police officer age 50 or more with 20 or more years
8 of creditable service, who is not a participant in the
9 self-managed plan under Section 3-109.3 and who is no longer
10 in service as a police officer, shall receive a pension of 1/2
11 of the salary attached to the rank held by the officer on the
12 police force for one year immediately prior to retirement or,
13 beginning July 1, 1987 for persons terminating service on or
14 after that date, the salary attached to the rank held on the
15 last day of service or for one year prior to the last day,
16 whichever is greater. The pension shall be increased by 2.5%
17 of such salary for each additional year of service over 20
18 years of service through 30 years of service, to a maximum of
19 75% of such salary.

20 The changes made to this subsection (a) by this amendatory
21 Act of the 91st General Assembly apply to all pensions that
22 become payable under this subsection on or after January 1,
23 1999. All pensions payable under this subsection that began on
24 or after January 1, 1999 and before the effective date of this

1 amendatory Act shall be recalculated, and the amount of the
2 increase accruing for that period shall be payable to the
3 pensioner in a lump sum.

4 (a-5) No pension in effect on or granted after June 30,
5 1973 shall be less than \$200 per month. Beginning July 1, 1987,
6 the minimum retirement pension for a police officer having at
7 least 20 years of creditable service shall be \$400 per month,
8 without regard to whether or not retirement occurred prior to
9 that date. If the minimum pension established in Section
10 3-113.1 is greater than the minimum provided in this
11 subsection, the Section 3-113.1 minimum controls.

12 (b) A police officer mandatorily retired from service due
13 to age by operation of law, having at least 8 but less than 20
14 years of creditable service, shall receive a pension equal to
15 2 1/2% of the salary attached to the rank he or she held on the
16 police force for one year immediately prior to retirement or,
17 beginning July 1, 1987 for persons terminating service on or
18 after that date, the salary attached to the rank held on the
19 last day of service or for one year prior to the last day,
20 whichever is greater, for each year of creditable service.

21 A police officer who retires or is separated from service
22 having at least 8 years but less than 20 years of creditable
23 service, who is not mandatorily retired due to age by
24 operation of law, and who does not apply for a refund of
25 contributions at his or her last separation from police
26 service, shall receive a pension upon attaining age 60 equal

1 to 2.5% of the salary attached to the rank held by the police
2 officer on the police force for one year immediately prior to
3 retirement or, beginning July 1, 1987 for persons terminating
4 service on or after that date, the salary attached to the rank
5 held on the last day of service or for one year prior to the
6 last day, whichever is greater, for each year of creditable
7 service.

8 (c) A police officer no longer in service who has at least
9 one but less than 8 years of creditable service in a police
10 pension fund but meets the requirements of this subsection (c)
11 shall be eligible to receive a pension from that fund equal to
12 2.5% of the salary attached to the rank held on the last day of
13 service under that fund or for one year prior to that last day,
14 whichever is greater, for each year of creditable service in
15 that fund. The pension shall begin no earlier than upon
16 attainment of age 60 (or upon mandatory retirement from the
17 fund by operation of law due to age, if that occurs before age
18 60) and in no event before the effective date of this
19 amendatory Act of 1997.

20 In order to be eligible for a pension under this
21 subsection (c), the police officer must have at least 8 years
22 of creditable service in a second police pension fund under
23 this Article and be receiving a pension under subsection (a)
24 or (b) of this Section from that second fund. The police
25 officer need not be in service on or after the effective date
26 of this amendatory Act of 1997.

1 (d) (Blank). ~~Notwithstanding any other provision of this~~
2 ~~Article, the provisions of this subsection (d) apply to a~~
3 ~~person who is not a participant in the self-managed plan under~~
4 ~~Section 3-109.3 and who first becomes a police officer under~~
5 ~~this Article on or after January 1, 2011.~~

6 ~~A police officer age 55 or more who has 10 or more years of~~
7 ~~service in that capacity shall be entitled at his option to~~
8 ~~receive a monthly pension for his service as a police officer~~
9 ~~computed by multiplying 2.5% for each year of such service by~~
10 ~~his or her final average salary.~~

11 ~~The pension of a police officer who is retiring after~~
12 ~~attaining age 50 with 10 or more years of creditable service~~
13 ~~shall be reduced by one-half of 1% for each month that the~~
14 ~~police officer's age is under age 55.~~

15 ~~The maximum pension under this subsection (d) shall be 75%~~
16 ~~of final average salary.~~

17 ~~For the purposes of this subsection (d), "final average~~
18 ~~salary" means the greater of: (i) the average monthly salary~~
19 ~~obtained by dividing the total salary of the police officer~~
20 ~~during the 48 consecutive months of service within the last 60~~
21 ~~months of service in which the total salary was the highest by~~
22 ~~the number of months of service in that period; or (ii) the~~
23 ~~average monthly salary obtained by dividing the total salary~~
24 ~~of the police officer during the 96 consecutive months of~~
25 ~~service within the last 120 months of service in which the~~
26 ~~total salary was the highest by the number of months of service~~

1 ~~in that period.~~

2 ~~Beginning on January 1, 2011, for all purposes under this~~
3 ~~Code (including without limitation the calculation of benefits~~
4 ~~and employee contributions), the annual salary based on the~~
5 ~~plan year of a member or participant to whom this Section~~
6 ~~applies shall not exceed \$106,800; however, that amount shall~~
7 ~~annually thereafter be increased by the lesser of (i) 3% of~~
8 ~~that amount, including all previous adjustments, or (ii) the~~
9 ~~annual unadjusted percentage increase (but not less than zero)~~
10 ~~in the consumer price index u for the 12 months ending with the~~
11 ~~September preceding each November 1, including all previous~~
12 ~~adjustments.~~

13 ~~Nothing in this amendatory Act of the 101st General~~
14 ~~Assembly shall cause or otherwise result in any retroactive~~
15 ~~adjustment of any employee contributions.~~

16 (Source: P.A. 101-610, eff. 1-1-20.)

17 (40 ILCS 5/3-111.1) (from Ch. 108 1/2, par. 3-111.1)

18 Sec. 3-111.1. Increase in pension.

19 (a) Except as provided in subsection (e), the monthly
20 pension of a police officer who retires after July 1, 1971, and
21 prior to January 1, 1986, shall be increased, upon either the
22 first of the month following the first anniversary of the date
23 of retirement if the officer is 60 years of age or over at
24 retirement date, or upon the first day of the month following
25 attainment of age 60 if it occurs after the first anniversary

1 of retirement, by 3% of the originally granted pension and by
2 an additional 3% of the originally granted pension in January
3 of each year thereafter.

4 (b) The monthly pension of a police officer who retired
5 from service with 20 or more years of service, on or before
6 July 1, 1971, shall be increased in January of the year
7 following the year of attaining age 65 or in January of 1972,
8 if then over age 65, by 3% of the originally granted pension
9 for each year the police officer received pension payments. In
10 each January thereafter, he or she shall receive an additional
11 increase of 3% of the original pension.

12 (c) The monthly pension of a police officer who retires on
13 disability or is retired for disability shall be increased in
14 January of the year following the year of attaining age 60, by
15 3% of the original grant of pension for each year he or she
16 received pension payments. In each January thereafter, the
17 police officer shall receive an additional increase of 3% of
18 the original pension.

19 (d) The monthly pension of a police officer who retires
20 after January 1, 1986, shall be increased, upon either the
21 first of the month following the first anniversary of the date
22 of retirement if the officer is 55 years of age or over, or
23 upon the first day of the month following attainment of age 55
24 if it occurs after the first anniversary of retirement, by
25 1/12 of 3% of the originally granted pension for each full
26 month that has elapsed since the pension began, and by an

1 additional 3% of the originally granted pension in January of
2 each year thereafter.

3 The changes made to this subsection (d) by this amendatory
4 Act of the 91st General Assembly apply to all initial
5 increases that become payable under this subsection on or
6 after January 1, 1999. All initial increases that became
7 payable under this subsection on or after January 1, 1999 and
8 before the effective date of this amendatory Act shall be
9 recalculated and the additional amount accruing for that
10 period, if any, shall be payable to the pensioner in a lump
11 sum.

12 (e) Notwithstanding the provisions of subsection (a), upon
13 the first day of the month following (1) the first anniversary
14 of the date of retirement, or (2) the attainment of age 55, or
15 (3) July 1, 1987, whichever occurs latest, the monthly pension
16 of a police officer who retired on or after January 1, 1977 and
17 on or before January 1, 1986, and did not receive an increase
18 under subsection (a) before July 1, 1987, shall be increased
19 by 3% of the originally granted monthly pension for each full
20 year that has elapsed since the pension began, and by an
21 additional 3% of the originally granted pension in each
22 January thereafter. The increases provided under this
23 subsection are in lieu of the increases provided in subsection
24 (a).

25 (f) Notwithstanding the other provisions of this Section,
26 beginning with increases granted on or after July 1, 1993, the

1 second and all subsequent automatic annual increases granted
2 under subsection (a), (b), (d), or (e) of this Section shall be
3 calculated as 3% of the amount of pension payable at the time
4 of the increase, including any increases previously granted
5 under this Section, rather than 3% of the originally granted
6 pension amount. Section 1-103.1 does not apply to this
7 subsection (f).

8 (g) Notwithstanding any other provision of this Article,
9 the monthly pension of a person who first becomes a police
10 officer under this Article on or after January 1, 2011 shall be
11 increased on the January 1 occurring either on or after the
12 attainment of age 60 or the first anniversary of the pension
13 start date, whichever is later; except that, beginning on the
14 effective date of this amendatory Act of the 103rd General
15 Assembly, eligibility for and the amount of the automatic
16 increase in the monthly pension of such a person shall be
17 calculated as otherwise provided in this Section. Each annual
18 increase shall be calculated at 3% or one-half the annual
19 unadjusted percentage increase (but not less than zero) in the
20 consumer price index-u for the 12 months ending with the
21 September preceding each November 1, whichever is less, of the
22 originally granted pension. If the annual unadjusted
23 percentage change in the consumer price index-u for a 12-month
24 period ending in September is zero or, when compared with the
25 preceding period, decreases, then the pension shall not be
26 increased.

1 For the purposes of this subsection (g), "consumer price
2 index-u" means the index published by the Bureau of Labor
3 Statistics of the United States Department of Labor that
4 measures the average change in prices of goods and services
5 purchased by all urban consumers, United States city average,
6 all items, 1982-84 = 100. The new amount resulting from each
7 annual adjustment shall be determined by the Public Pension
8 Division of the Department of Insurance and made available to
9 the boards of the pension funds.

10 (Source: P.A. 96-1495, eff. 1-1-11.)

11 (40 ILCS 5/3-112) (from Ch. 108 1/2, par. 3-112)

12 Sec. 3-112. Pension to survivors.

13 (a) Upon the death of a police officer entitled to a
14 pension under Section 3-111, the surviving spouse shall be
15 entitled to the pension to which the police officer was then
16 entitled. Upon the death of the surviving spouse, or upon the
17 remarriage of the surviving spouse if that remarriage
18 terminates the surviving spouse's eligibility under Section
19 3-121, the police officer's unmarried children who are under
20 age 18 or who are dependent because of physical or mental
21 disability shall be entitled to equal shares of such pension.
22 If there is no eligible surviving spouse and no eligible
23 child, the dependent parent or parents of the officer shall be
24 entitled to receive or share such pension until their death or
25 marriage or remarriage after the death of the police officer.

1 Notwithstanding any other provision of this Article, for a
2 person who first becomes a police officer under this Article
3 on or after January 1, 2011, the pension to which the surviving
4 spouse, children, or parents are entitled under this
5 subsection (a) shall be in an amount equal to the greater of
6 (i) 54% of the police officer's monthly salary at the date of
7 death, or (ii) 66 2/3% of the police officer's earned pension
8 at the date of death, and, if there is a surviving spouse, 12%
9 of such monthly salary shall be granted to the guardian of any
10 minor child or children, including a child who has been
11 conceived but not yet born, for each such child until
12 attainment of age 18. Upon the death of the surviving spouse
13 leaving one or more minor children, or upon the death of a
14 police officer leaving one or more minor children but no
15 surviving spouse, a monthly pension of 20% of the monthly
16 salary shall be granted to the duly appointed guardian of each
17 such child for the support and maintenance of each such child
18 until the child reaches age 18. The total pension provided
19 under this paragraph shall not exceed 75% of the monthly
20 salary of the deceased police officer (1) when paid to the
21 survivor of a police officer who has attained 20 or more years
22 of service credit and who receives or is eligible to receive a
23 retirement pension under this Article, (2) when paid to the
24 survivor of a police officer who dies as a result of illness or
25 accident, (3) when paid to the survivor of a police officer who
26 dies from any cause while in receipt of a disability pension

1 under this Article, or (4) when paid to the survivor of a
2 deferred pensioner. Nothing in this subsection (a) shall act
3 to diminish the survivor's benefits described in subsection
4 (e) of this Section.

5 Notwithstanding Section 1-103.1, the changes made to this
6 subsection apply without regard to whether the deceased police
7 officer was in service on or after the effective date of this
8 amendatory Act of the 101st General Assembly.

9 Notwithstanding any other provision of this Article, the
10 monthly pension of a survivor of a person who first becomes a
11 police officer under this Article on or after January 1, 2011
12 shall be increased on the January 1 after attainment of age 60
13 by the recipient of the survivor's pension and each January 1
14 thereafter by 3% or one-half the annual unadjusted percentage
15 increase (but not less than zero) in the consumer price
16 index-u for the 12 months ending with the September preceding
17 each November 1, whichever is less, of the originally granted
18 survivor's pension; except that, beginning on the effective
19 date of this amendatory Act of the 103rd General Assembly,
20 eligibility for and the amount of the automatic increase in
21 the monthly pension of such a survivor shall be calculated as
22 otherwise provided in this Section. If the annual unadjusted
23 percentage change in the consumer price index-u for a 12-month
24 period ending in September is zero or, when compared with the
25 preceding period, decreases, then the survivor's pension shall
26 not be increased.

1 For the purposes of this subsection (a), "consumer price
2 index-u" means the index published by the Bureau of Labor
3 Statistics of the United States Department of Labor that
4 measures the average change in prices of goods and services
5 purchased by all urban consumers, United States city average,
6 all items, 1982-84 = 100. The new amount resulting from each
7 annual adjustment shall be determined by the Public Pension
8 Division of the Department of Insurance and made available to
9 the boards of the pension funds.

10 (b) Upon the death of a police officer while in service,
11 having at least 20 years of creditable service, or upon the
12 death of a police officer who retired from service with at
13 least 20 years of creditable service, whether death occurs
14 before or after attainment of age 50, the pension earned by the
15 police officer as of the date of death as provided in Section
16 3-111 shall be paid to the survivors in the sequence provided
17 in subsection (a) of this Section.

18 (c) Upon the death of a police officer while in service,
19 having at least 10 but less than 20 years of service, a pension
20 of 1/2 of the salary attached to the rank or ranks held by the
21 officer for one year immediately prior to death shall be
22 payable to the survivors in the sequence provided in
23 subsection (a) of this Section. If death occurs as a result of
24 the performance of duty, the 10 year requirement shall not
25 apply and the pension to survivors shall be payable after any
26 period of service.

1 (d) Beginning July 1, 1987, a minimum pension of \$400 per
2 month shall be paid to all surviving spouses, without regard
3 to the fact that the death of the police officer occurred prior
4 to that date. If the minimum pension established in Section
5 3-113.1 is greater than the minimum provided in this
6 subsection, the Section 3-113.1 minimum controls.

7 (e) The pension of the surviving spouse of a police
8 officer who dies (i) on or after January 1, 2001, (ii) without
9 having begun to receive either a retirement pension payable
10 under Section 3-111 or a disability pension payable under
11 Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a
12 result of sickness, accident, or injury incurred in or
13 resulting from the performance of an act of duty shall not be
14 less than 100% of the salary attached to the rank held by the
15 deceased police officer on the last day of service,
16 notwithstanding any provision in this Article to the contrary.
17 (Source: P.A. 101-610, eff. 1-1-20.)

18 (40 ILCS 5/3-148.5 new)

19 Sec. 3-148.5. Application of this amendatory Act of the
20 103rd General Assembly. It is the intent of this amendatory
21 Act of the 103rd General Assembly to provide to police
22 officers who first became police officers on or after January
23 1, 2011 the same level of benefits and eligibility criteria
24 for benefits as those who first became police officers before
25 January 1, 2011. The changes made to this Article by this

1 amendatory Act of the 103rd General Assembly that provide
2 benefit increases for police officers apply without regard to
3 whether the police officer was in service on or after the
4 effective date of this amendatory Act of the 103rd General
5 Assembly, notwithstanding the provisions of Section 1-103.1.
6 The benefit increases are intended to apply prospectively and
7 do not entitle a police officer to retroactive benefit
8 payments or increases. The changes made to this Article by
9 this amendatory Act of the 103rd General Assembly shall not
10 cause or otherwise result in any retroactive adjustment of any
11 employee contributions.

12 (40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)

13 Sec. 4-109. Pension.

14 (a) A firefighter age 50 or more with 20 or more years of
15 creditable service, who is no longer in service as a
16 firefighter, shall receive a monthly pension of 1/2 the
17 monthly salary attached to the rank held by him or her in the
18 fire service at the date of retirement.

19 The monthly pension shall be increased by 1/12 of 2.5% of
20 such monthly salary for each additional month over 20 years of
21 service through 30 years of service, to a maximum of 75% of
22 such monthly salary.

23 The changes made to this subsection (a) by this amendatory
24 Act of the 91st General Assembly apply to all pensions that
25 become payable under this subsection on or after January 1,

1 1999. All pensions payable under this subsection that began on
2 or after January 1, 1999 and before the effective date of this
3 amendatory Act shall be recalculated, and the amount of the
4 increase accruing for that period shall be payable to the
5 pensioner in a lump sum.

6 (b) A firefighter who retires or is separated from service
7 having at least 10 but less than 20 years of creditable
8 service, who is not entitled to receive a disability pension,
9 and who did not apply for a refund of contributions at his or
10 her last separation from service shall receive a monthly
11 pension upon attainment of age 60 based on the monthly salary
12 attached to his or her rank in the fire service on the date of
13 retirement or separation from service according to the
14 following schedule:

15 For 10 years of service, 15% of salary;
16 For 11 years of service, 17.6% of salary;
17 For 12 years of service, 20.4% of salary;
18 For 13 years of service, 23.4% of salary;
19 For 14 years of service, 26.6% of salary;
20 For 15 years of service, 30% of salary;
21 For 16 years of service, 33.6% of salary;
22 For 17 years of service, 37.4% of salary;
23 For 18 years of service, 41.4% of salary;
24 For 19 years of service, 45.6% of salary.

25 (c) (Blank). ~~Notwithstanding any other provision of this~~
26 ~~Article, the provisions of this subsection (c) apply to a~~

1 ~~person who first becomes a firefighter under this Article on~~
2 ~~or after January 1, 2011.~~

3 ~~A firefighter age 55 or more who has 10 or more years of~~
4 ~~service in that capacity shall be entitled at his option to~~
5 ~~receive a monthly pension for his service as a firefighter~~
6 ~~computed by multiplying 2.5% for each year of such service by~~
7 ~~his or her final average salary.~~

8 ~~The pension of a firefighter who is retiring after~~
9 ~~attaining age 50 with 10 or more years of creditable service~~
10 ~~shall be reduced by one half of 1% for each month that the~~
11 ~~firefighter's age is under age 55.~~

12 ~~The maximum pension under this subsection (c) shall be 75%~~
13 ~~of final average salary.~~

14 ~~For the purposes of this subsection (c), "final average~~
15 ~~salary" means the greater of: (i) the average monthly salary~~
16 ~~obtained by dividing the total salary of the firefighter~~
17 ~~during the 48 consecutive months of service within the last 60~~
18 ~~months of service in which the total salary was the highest by~~
19 ~~the number of months of service in that period; or (ii) the~~
20 ~~average monthly salary obtained by dividing the total salary~~
21 ~~of the firefighter during the 96 consecutive months of service~~
22 ~~within the last 120 months of service in which the total salary~~
23 ~~was the highest by the number of months of service in that~~
24 ~~period.~~

25 ~~Beginning on January 1, 2011, for all purposes under this~~
26 ~~Code (including without limitation the calculation of benefits~~

1 ~~and employee contributions), the annual salary based on the~~
2 ~~plan year of a member or participant to whom this Section~~
3 ~~applies shall not exceed \$106,800; however, that amount shall~~
4 ~~annually thereafter be increased by the lesser of (i) 3% of~~
5 ~~that amount, including all previous adjustments, or (ii) the~~
6 ~~annual unadjusted percentage increase (but not less than zero)~~
7 ~~in the consumer price index u for the 12 months ending with the~~
8 ~~September preceding each November 1, including all previous~~
9 ~~adjustments.~~

10 ~~Nothing in this amendatory Act of the 101st General~~
11 ~~Assembly shall cause or otherwise result in any retroactive~~
12 ~~adjustment of any employee contributions.~~

13 (Source: P.A. 101-610, eff. 1-1-20.)

14 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

15 Sec. 4-109.1. Increase in pension.

16 (a) Except as provided in subsection (e), the monthly
17 pension of a firefighter who retires after July 1, 1971 and
18 prior to January 1, 1986, shall, upon either the first of the
19 month following the first anniversary of the date of
20 retirement if 60 years of age or over at retirement date, or
21 upon the first day of the month following attainment of age 60
22 if it occurs after the first anniversary of retirement, be
23 increased by 2% of the originally granted monthly pension and
24 by an additional 2% in each January thereafter. Effective
25 January 1976, the rate of the annual increase shall be 3% of

1 the originally granted monthly pension.

2 (b) The monthly pension of a firefighter who retired from
3 service with 20 or more years of service, on or before July 1,
4 1971, shall be increased, in January of the year following the
5 year of attaining age 65 or in January 1972, if then over age
6 65, by 2% of the originally granted monthly pension, for each
7 year the firefighter received pension payments. In each
8 January thereafter, he or she shall receive an additional
9 increase of 2% of the original monthly pension. Effective
10 January 1976, the rate of the annual increase shall be 3%.

11 (c) The monthly pension of a firefighter who is receiving
12 a disability pension under this Article shall be increased, in
13 January of the year following the year the firefighter attains
14 age 60, or in January 1974, if then over age 60, by 2% of the
15 originally granted monthly pension for each year he or she
16 received pension payments. In each January thereafter, the
17 firefighter shall receive an additional increase of 2% of the
18 original monthly pension. Effective January 1976, the rate of
19 the annual increase shall be 3%.

20 (c-1) On January 1, 1998, every child's disability benefit
21 payable on that date under Section 4-110 or 4-110.1 shall be
22 increased by an amount equal to 1/12 of 3% of the amount of the
23 benefit, multiplied by the number of months for which the
24 benefit has been payable. On each January 1 thereafter, every
25 child's disability benefit payable under Section 4-110 or
26 4-110.1 shall be increased by 3% of the amount of the benefit

1 then being paid, including any previous increases received
2 under this Article. These increases are not subject to any
3 limitation on the maximum benefit amount included in Section
4 4-110 or 4-110.1.

5 (c-2) On July 1, 2004, every pension payable to or on
6 behalf of a minor or disabled surviving child that is payable
7 on that date under Section 4-114 shall be increased by an
8 amount equal to $1/12$ of 3% of the amount of the pension,
9 multiplied by the number of months for which the benefit has
10 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
11 July 1, 2008, every pension payable to or on behalf of a minor
12 or disabled surviving child that is payable under Section
13 4-114 shall be increased by 3% of the amount of the pension
14 then being paid, including any previous increases received
15 under this Article. These increases are not subject to any
16 limitation on the maximum benefit amount included in Section
17 4-114.

18 (d) The monthly pension of a firefighter who retires after
19 January 1, 1986, shall, upon either the first of the month
20 following the first anniversary of the date of retirement if
21 55 years of age or over, or upon the first day of the month
22 following attainment of age 55 if it occurs after the first
23 anniversary of retirement, be increased by $1/12$ of 3% of the
24 originally granted monthly pension for each full month that
25 has elapsed since the pension began, and by an additional 3% in
26 each January thereafter.

1 The changes made to this subsection (d) by this amendatory
2 Act of the 91st General Assembly apply to all initial
3 increases that become payable under this subsection on or
4 after January 1, 1999. All initial increases that became
5 payable under this subsection on or after January 1, 1999 and
6 before the effective date of this amendatory Act shall be
7 recalculated and the additional amount accruing for that
8 period, if any, shall be payable to the pensioner in a lump
9 sum.

10 (e) Notwithstanding the provisions of subsection (a), upon
11 the first day of the month following (1) the first anniversary
12 of the date of retirement, or (2) the attainment of age 55, or
13 (3) July 1, 1987, whichever occurs latest, the monthly pension
14 of a firefighter who retired on or after January 1, 1977 and on
15 or before January 1, 1986 and did not receive an increase under
16 subsection (a) before July 1, 1987, shall be increased by 3% of
17 the originally granted monthly pension for each full year that
18 has elapsed since the pension began, and by an additional 3% in
19 each January thereafter. The increases provided under this
20 subsection are in lieu of the increases provided in subsection
21 (a).

22 (f) In July 2009, the monthly pension of a firefighter who
23 retired before July 1, 1977 shall be recalculated and
24 increased to reflect the amount that the firefighter would
25 have received in July 2009 had the firefighter been receiving
26 a 3% compounded increase for each year he or she received

1 pension payments after January 1, 1986, plus any increases in
2 pension received for each year prior to January 1, 1986. In
3 each January thereafter, he or she shall receive an additional
4 increase of 3% of the amount of the pension then being paid.
5 The changes made to this Section by this amendatory Act of the
6 96th General Assembly apply without regard to whether the
7 firefighter was in service on or after its effective date.

8 (g) Notwithstanding any other provision of this Article,
9 the monthly pension of a person who first becomes a
10 firefighter under this Article on or after January 1, 2011
11 shall be increased on the January 1 occurring either on or
12 after the attainment of age 60 or the first anniversary of the
13 pension start date, whichever is later; except that, beginning
14 on the effective date of this amendatory Act of the 103rd
15 General Assembly, eligibility for and the amount of the
16 automatic increase in the monthly pension of such a person
17 shall be calculated as otherwise provided in this Section.

18 Each annual increase shall be calculated at 3% or one-half the
19 annual unadjusted percentage increase (but not less than zero)
20 in the consumer price index-u for the 12 months ending with the
21 September preceding each November 1, whichever is less, of the
22 originally granted pension. If the annual unadjusted
23 percentage change in the consumer price index-u for a 12-month
24 period ending in September is zero or, when compared with the
25 preceding period, decreases, then the pension shall not be
26 increased.

1 For the purposes of this subsection (g), "consumer price
2 index-u" means the index published by the Bureau of Labor
3 Statistics of the United States Department of Labor that
4 measures the average change in prices of goods and services
5 purchased by all urban consumers, United States city average,
6 all items, 1982-84 = 100. The new amount resulting from each
7 annual adjustment shall be determined by the Public Pension
8 Division of the Department of Insurance and made available to
9 the boards of the pension funds.

10 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

11 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

12 Sec. 4-114. Pension to survivors. If a firefighter who is
13 not receiving a disability pension under Section 4-110 or
14 4-110.1 dies (1) as a result of any illness or accident, or (2)
15 from any cause while in receipt of a disability pension under
16 this Article, or (3) during retirement after 20 years service,
17 or (4) while vested for or in receipt of a pension payable
18 under subsection (b) of Section 4-109, or (5) while a deferred
19 pensioner, having made all required contributions, a pension
20 shall be paid to his or her survivors, based on the monthly
21 salary attached to the firefighter's rank on the last day of
22 service in the fire department, as follows:

23 (a) (1) To the surviving spouse, a monthly pension of
24 40% of the monthly salary, and if there is a surviving
25 spouse, to the guardian of any minor child or children

1 including a child which has been conceived but not yet
2 born, 12% of such monthly salary for each such child until
3 attainment of age 18 or until the child's marriage,
4 whichever occurs first. Beginning July 1, 1993, the
5 monthly pension to the surviving spouse shall be 54% of
6 the monthly salary for all persons receiving a surviving
7 spouse pension under this Article, regardless of whether
8 the deceased firefighter was in service on or after the
9 effective date of this amendatory Act of 1993.

10 (2) Beginning July 1, 2004, unless the amount provided
11 under paragraph (1) of this subsection (a) is greater, the
12 total monthly pension payable under this paragraph (a),
13 including any amount payable on account of children, to
14 the surviving spouse of a firefighter who died (i) while
15 receiving a retirement pension, (ii) while he or she was a
16 deferred pensioner with at least 20 years of creditable
17 service, or (iii) while he or she was in active service
18 having at least 20 years of creditable service, regardless
19 of age, shall be no less than 100% of the monthly
20 retirement pension earned by the deceased firefighter at
21 the time of death, regardless of whether death occurs
22 before or after attainment of age 50, including any
23 increases under Section 4-109.1. This minimum applies to
24 all such surviving spouses who are eligible to receive a
25 surviving spouse pension, regardless of whether the
26 deceased firefighter was in service on or after the

1 effective date of this amendatory Act of the 93rd General
2 Assembly, and notwithstanding any limitation on maximum
3 pension under paragraph (d) or any other provision of this
4 Article.

5 (3) If the pension paid on and after July 1, 2004 to
6 the surviving spouse of a firefighter who died on or after
7 July 1, 2004 and before the effective date of this
8 amendatory Act of the 93rd General Assembly was less than
9 the minimum pension payable under paragraph (1) or (2) of
10 this subsection (a), the fund shall pay a lump sum equal to
11 the difference within 90 days after the effective date of
12 this amendatory Act of the 93rd General Assembly.

13 The pension to the surviving spouse shall terminate in
14 the event of the surviving spouse's remarriage prior to
15 July 1, 1993; remarriage on or after that date does not
16 affect the surviving spouse's pension, regardless of
17 whether the deceased firefighter was in service on or
18 after the effective date of this amendatory Act of 1993.

19 The surviving spouse's pension shall be subject to the
20 minimum established in Section 4-109.2.

21 (b) Upon the death of the surviving spouse leaving one
22 or more minor children, or upon the death of a firefighter
23 leaving one or more minor children but no surviving
24 spouse, to the duly appointed guardian of each such child,
25 for support and maintenance of each such child until the
26 child reaches age 18 or marries, whichever occurs first, a

1 monthly pension of 20% of the monthly salary.

2 In a case where the deceased firefighter left one or
3 more minor children but no surviving spouse and the
4 guardian of a child is receiving a pension of 12% of the
5 monthly salary on August 16, 2013 (the effective date of
6 Public Act 98-391), the pension is increased by Public Act
7 98-391 to 20% of the monthly salary for each such child,
8 beginning on the pension payment date occurring on or next
9 following August 16, 2013. The changes to this Section
10 made by Public Act 98-391 apply without regard to whether
11 the deceased firefighter was in service on or after August
12 16, 2013.

13 (c) If a deceased firefighter leaves no surviving
14 spouse or unmarried minor children under age 18, but
15 leaves a dependent father or mother, to each dependent
16 parent a monthly pension of 18% of the monthly salary. To
17 qualify for the pension, a dependent parent must furnish
18 satisfactory proof that the deceased firefighter was at
19 the time of his or her death the sole supporter of the
20 parent or that the parent was the deceased's dependent for
21 federal income tax purposes.

22 (d) The total pension provided under paragraphs (a),
23 (b) and (c) of this Section shall not exceed 75% of the
24 monthly salary of the deceased firefighter (1) when paid
25 to the survivor of a firefighter who has attained 20 or
26 more years of service credit and who receives or is

1 eligible to receive a retirement pension under this
2 Article, or (2) when paid to the survivor of a firefighter
3 who dies as a result of illness or accident, or (3) when
4 paid to the survivor of a firefighter who dies from any
5 cause while in receipt of a disability pension under this
6 Article, or (4) when paid to the survivor of a deferred
7 pensioner. For all other survivors of deceased
8 firefighters, the total pension provided under paragraphs
9 (a), (b) and (c) of this Section shall not exceed 50% of
10 the retirement annuity the firefighter would have received
11 on the date of death.

12 The maximum pension limitations in this paragraph (d)
13 do not control over any contrary provision of this Article
14 explicitly establishing a minimum amount of pension or
15 granting a one-time or annual increase in pension.

16 (e) If a firefighter leaves no eligible survivors
17 under paragraphs (a), (b) and (c), the board shall refund
18 to the firefighter's estate the amount of his or her
19 accumulated contributions, less the amount of pension
20 payments, if any, made to the firefighter while living.

21 (f) (Blank).

22 (g) If a judgment of dissolution of marriage between a
23 firefighter and spouse is judicially set aside subsequent
24 to the firefighter's death, the surviving spouse is
25 eligible for the pension provided in paragraph (a) only if
26 the judicial proceedings are filed within 2 years after

1 the date of the dissolution of marriage and within one
2 year after the firefighter's death and the board is made a
3 party to the proceedings. In such case the pension shall
4 be payable only from the date of the court's order setting
5 aside the judgment of dissolution of marriage.

6 (h) Benefits payable on account of a child under this
7 Section shall not be reduced or terminated by reason of
8 the child's attainment of age 18 if he or she is then
9 dependent by reason of a physical or mental disability but
10 shall continue to be paid as long as such dependency
11 continues. Individuals over the age of 18 and adjudged as
12 a disabled person pursuant to Article XIa of the Probate
13 Act of 1975, except for persons receiving benefits under
14 Article III of the Illinois Public Aid Code, shall be
15 eligible to receive benefits under this Act.

16 (i) Beginning January 1, 2000, the pension of the
17 surviving spouse of a firefighter who dies on or after
18 January 1, 1994 as a result of sickness, accident, or
19 injury incurred in or resulting from the performance of an
20 act of duty or from the cumulative effects of acts of duty
21 shall not be less than 100% of the salary attached to the
22 rank held by the deceased firefighter on the last day of
23 service, notwithstanding subsection (d) or any other
24 provision of this Article.

25 (j) Beginning July 1, 2004, the pension of the
26 surviving spouse of a firefighter who dies on or after

1 January 1, 1988 as a result of sickness, accident, or
2 injury incurred in or resulting from the performance of an
3 act of duty or from the cumulative effects of acts of duty
4 shall not be less than 100% of the salary attached to the
5 rank held by the deceased firefighter on the last day of
6 service, notwithstanding subsection (d) or any other
7 provision of this Article.

8 Notwithstanding any other provision of this Article, if a
9 person who first becomes a firefighter under this Article on
10 or after January 1, 2011 and who is not receiving a disability
11 pension under Section 4-110 or 4-110.1 dies (1) as a result of
12 any illness or accident, (2) from any cause while in receipt of
13 a disability pension under this Article, (3) during retirement
14 after 20 years service, (4) while vested for or in receipt of a
15 pension payable under subsection (b) of Section 4-109, or (5)
16 while a deferred pensioner, having made all required
17 contributions, then a pension shall be paid to his or her
18 survivors in an amount equal to the greater of (i) 54% of the
19 firefighter's monthly salary at the date of death, or (ii) 66
20 2/3% of the firefighter's earned pension at the date of death,
21 and, if there is a surviving spouse, 12% of such monthly salary
22 shall be granted to the guardian of any minor child or
23 children, including a child who has been conceived but not yet
24 born, for each such child until attainment of age 18. Upon the
25 death of the surviving spouse leaving one or more minor
26 children, or upon the death of a firefighter leaving one or

1 more minor children but no surviving spouse, a monthly pension
2 of 20% of the monthly salary shall be granted to the duly
3 appointed guardian of each such child for the support and
4 maintenance of each such child until the child reaches age 18.
5 The total pension provided under this paragraph shall not
6 exceed 75% of the monthly salary of the deceased firefighter
7 (1) when paid to the survivor of a firefighter who has attained
8 20 or more years of service credit and who receives or is
9 eligible to receive a retirement pension under this Article,
10 (2) when paid to the survivor of a firefighter who dies as a
11 result of illness or accident, (3) when paid to the survivor of
12 a firefighter who dies from any cause while in receipt of a
13 disability pension under this Article, or (4) when paid to the
14 survivor of a deferred pensioner. Nothing in this Section
15 shall act to diminish the survivor's benefits described in
16 subsection (j) of this Section.

17 Notwithstanding Section 1-103.1, the changes made to this
18 subsection apply without regard to whether the deceased
19 firefighter was in service on or after the effective date of
20 this amendatory Act of the 101st General Assembly.

21 Notwithstanding any other provision of this Article, the
22 monthly pension of a survivor of a person who first becomes a
23 firefighter under this Article on or after January 1, 2011
24 shall be increased on the January 1 after attainment of age 60
25 by the recipient of the survivor's pension and each January 1
26 thereafter by 3% or one-half the annual unadjusted percentage

1 increase in the consumer price index-u for the 12 months
2 ending with the September preceding each November 1, whichever
3 is less, of the originally granted survivor's pension; except
4 that, beginning on the effective date of this amendatory Act
5 of the 103rd General Assembly, eligibility for and the amount
6 of the automatic increase in the monthly pension of such a
7 survivor shall be calculated as otherwise provided in this
8 Section. If the annual unadjusted percentage change in the
9 consumer price index-u for a 12-month period ending in
10 September is zero or, when compared with the preceding period,
11 decreases, then the survivor's pension shall not be increased.

12 For the purposes of this Section, "consumer price index-u"
13 means the index published by the Bureau of Labor Statistics of
14 the United States Department of Labor that measures the
15 average change in prices of goods and services purchased by
16 all urban consumers, United States city average, all items,
17 1982-84 = 100. The new amount resulting from each annual
18 adjustment shall be determined by the Public Pension Division
19 of the Department of Insurance and made available to the
20 boards of the pension funds.

21 (Source: P.A. 101-610, eff. 1-1-20.)

22 (40 ILCS 5/4-138.15 new)

23 Sec. 4-138.15. Application of this amendatory Act of the
24 103rd General Assembly. It is the intent of this amendatory
25 Act of the 103rd General Assembly to provide to firefighters

1 who first became firefighters on or after January 1, 2011 the
2 same level of benefits and eligibility criteria for benefits
3 as those who first became firefighters before January 1, 2011.
4 The changes made to this Article by this amendatory Act of the
5 103rd General Assembly that provide benefit increases for
6 firefighters apply without regard to whether the firefighter
7 was in service on or after the effective date of this
8 amendatory Act of the 103rd General Assembly, notwithstanding
9 the provisions of Section 1-103.1. The benefit increases are
10 intended to apply prospectively and do not entitle a
11 firefighter to retroactive benefit payments or increases. The
12 changes made to this Article by this amendatory Act of the
13 103rd General Assembly shall not cause or otherwise result in
14 any retroactive adjustment of any employee contributions.

15 Section 3-90. The State Mandates Act is amended by adding
16 Section 8.47 as follows:

17 (30 ILCS 805/8.47 new)

18 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
19 8 of this Act, no reimbursement by the State is required for
20 the implementation of any mandate created by this amendatory
21 Act of the 103rd General Assembly.

22 Article 4.

1 Section 4-5. The Illinois Municipal Code is amended by
2 adding Section 10-4-2.9 as follows:

3 (65 ILCS 5/10-4-2.9 new)

4 Sec. 10-4-2.9. Retired police officers and firefighters. A
5 municipality that provides health insurance to police officers
6 and firefighters shall maintain the health insurance plans of
7 these employees after retirement and shall pay the cost of the
8 health insurance premiums for each retiree who has completed
9 20 years of service.

10 Article 99.

11 Section 99-995. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 99-999. Effective date. This Act takes effect upon
19 becoming law.

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6 730 ILCS 210/Act rep.

7 5 ILCS 70/1.43 rep.

8 5 ILCS 100/5-45.35 rep.

9 5 ILCS 140/2.15

10 5 ILCS 160/4a

11 5 ILCS 315/14 from Ch. 48, par. 1614

12 5 ILCS 820/1

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15 5 ILCS 820/15

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17 5 ILCS 820/30

18 5 ILCS 820/35

19 5 ILCS 820/21 rep.

20 15 ILCS 205/10 rep.

21 20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part

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

23 20 ILCS 2610/17c rep.

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22	50 ILCS 705/10	from Ch. 85, par. 510
23	50 ILCS 705/10.1	from Ch. 85, par. 510.1
24	50 ILCS 705/10.2	
25	50 ILCS 705/10.3	
26	50 ILCS 705/10.7	

1	50 ILCS 705/10.11	
2	50 ILCS 705/10.18	
3	50 ILCS 705/10.19	
4	50 ILCS 705/10.20	
5	50 ILCS 705/3.1 rep.	
6	50 ILCS 705/6.3 rep.	
7	50 ILCS 705/6.6 rep.	
8	50 ILCS 705/6.7 rep.	
9	50 ILCS 705/8.3 rep.	
10	50 ILCS 705/8.4 rep.	
11	50 ILCS 705/9.2 rep.	
12	50 ILCS 705/13 rep.	
13	50 ILCS 705/10.5	
14	55 ILCS 5/3-6001.5	
15	5 ILCS 140/7.5	
16	30 ILCS 105/5.990 new	
17	30 ILCS 105/5.790 rep.	
18	720 ILCS 5/9-1	from Ch. 38, par. 9-1
19	725 ILCS 5/113-3	from Ch. 38, par. 113-3
20	725 ILCS 5/119-1	
21	725 ILCS 105/10	from Ch. 38, par. 208-10
22	40 ILCS 5/3-111	from Ch. 108 1/2, par. 3-111
23	40 ILCS 5/3-111.1	from Ch. 108 1/2, par. 3-111.1
24	40 ILCS 5/3-112	from Ch. 108 1/2, par. 3-112
25	40 ILCS 5/3-148.5 new	
26	40 ILCS 5/4-109	from Ch. 108 1/2, par. 4-109

- 1 40 ILCS 5/4-109.1 from Ch. 108 1/2, par. 4-109.1
- 2 40 ILCS 5/4-114 from Ch. 108 1/2, par. 4-114
- 3 40 ILCS 5/4-138.15 new
- 4 30 ILCS 805/8.47 new
- 5 65 ILCS 5/10-4-2.9 new